UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

STEPHEN HARTMAN	§	
	§	
VS.	§	
	§	CASE NO. 1:12-CV-00355
JUDGE LAYNE WALKER, INDIVIDUALLY,	§	
THE COUNTY OF JEFFERSON, TEXAS,	§	
THE STATE OF TEXAS, SHERIFF MITCH	§	
WOODS, SHERIFF DEPUTY STEVEN	§	
BROUSSARD, SHERIFF DEPUTY SHARON	§	
LEWIS, SHERIFF CAPTAIN CARR,	§	
SHERIFF DEPUTY ANTHONY BARKER,	§	
AND ANN LANDRY, COURT	§	
COORDINATOR	§	

PLAINTIFF'S SECOND AMENDED COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, STEPHEN HARTMAN, files Plaintiff's Second Amended Complaint, complaining of JUDGE LAYNE WALKER, INDIVIDUALLY, THE COUNTY OF JEFFERSON, TEXAS, SHERIFF MITCH WOODS, SHERIFF DEPUTY STEVEN BROUSSARD, SHERIFF DEPUTY SHARON LEWIS, SHERIFF CAPTAIN CARR, SHERIFF DEPUTY ANTHONY BARKER, AND ANN LANDRY, COURT COORDINATOR, LINDSEY SCOTT, CLINT WOODS, ARTHUR LOUIS, JR., JOEL W. VASQUEZ, JAMES MAKIN, RIFE KIMLER, JODEE ROACH, TISH JONES, E. PERRY THOMAS, TIFFANI DECUIR, KIM CARTER, MISTY CRAVER, DIANE

MARIE ROJAS, TOM MANESS, ED SHETTLE, SGT. KOLANDER AND JOE ALFORD, Defendants, and for a cause of action would show the following.

PARTIES

1. Plaintiff STEPHEN HARTMAN, is an individual residing in Jefferson County, Texas and is appearing in court through his attorney of record.

2. Defendant JUDGE LAYNE WALKER can be served through his attorney of record.

3. Defendant THE COUNTY OF JEFFERSON, TEXAS can be served through its attorney of record.

4. Defendant SHERIFF MITCH WOODS can be served through his attorney of record.

5. Defendant SHERIFF DEPUTY STEVEN BROUSSARD can be served through his attorney of record.

6. Defendant SHERIFF DEPUTY SHARON LEWIS can be served through her attorney of record.

7. Defendant SHERIFF CAPTAIN CARR can be served through his attorney of record.

8. Defendant SHERIFF DEPUTY ANTHONY BARKER can be served through his attorney of record.

9. Defendant COURT COORDINATOR ANN LANDRY can be served through her attorney of record.

10. Defendant LINDSEY SCOTT, Assistant District Attorney, can be served at her place of employment, Jefferson County Courthouse, 1001 Pearl Street, 3rd Floor, Beaumont, Texas 77701.

11. Defendant CLINT WOODS, Assistant District Attorney, can be served at his place of employment, Jefferson County Courthouse, 1001 Pearl Street, 3rd Floor, Beaumont, Texas 77701.

12. Defendant ARTHUR LOUIS, JR. can be served at 1785 Rafes Way, Beaumont, Texas, 77706.

13. Defendant JOEL W. VASQUEZ, Assistant District Attorney, can be served at his place of employment, Jefferson County Courthouse, 1001 Pearl Street, 3rd Floor, Beaumont, Texas 77701.

14. Defendant JAMES MAKIN can be served at his place of employment, 1900 Broadway Street, Beaumont, Texas 77701.

15. Defendant RIFE KIMLER can be served at his place of employment, 4823 Hwy 69, Ste. 100, Beaumont, Texas 77705-1261.

16. Defendant JODEE ROACH can be served at the Jefferson County Community Supervision and Corrections Department, 820 Neches Street,

Beaumont, Texas 77701.

17. Defendant TISH JONES can be served at her place of employment at the Jefferson County Community Supervision and Corrections Department, 820 Neches Street, Beaumont, Texas 77701.

18. Defendant E. PERRY THOMAS, Assistant District Attorney, can be served at his place of employment, Jefferson County Courthouse, 1001 Pearl Street, 3rd Floor, Beaumont, Texas 77701.

19. Defendant TIFFANI DECUIR, Court Coordinator for Judge Layne Walker, can be served at her place of employment, Jefferson County Courthouse, 1001 Pearl Street, 252nd District Court, Beaumont, Texas 77701.

20. Defendant KIM CARTER, Court Coordinator for Judge Layne Walker, can be served at her place of employment, Jefferson County Courthouse, 1001 Pearl Street, 252nd District Court, Beaumont, Texas 77701.

21. Defendant MISTY CRAVER can be served at the Jefferson County Victims Assistance Center, 215 Franklin Street, 2nd Floor, Beaumont, Texas 77701.

22. Defendant DIANE MARIE ROJAS can be served at Allied Bail Bonds,

4909 U.S. 69, Beaumont, Texas 77705.

23. Defendant TOM MANESS, Criminal District Attorney for Jefferson County Texas, can be served at 1001 Pearl Street, 3rd Floor, Beaumont, Texas 77701.

24. Defendant ED SHETTLE, First Assistant to the Criminal District Attorney, can be served at 1001 Pearl Street, 3rd Floor, Beaumont, Texas 77701.

25. Defendant SGT. KOLANDER, Jefferson County Sheriff's Deputy can be served at 1001 Pearl Street, 1st Floor, Beaumont, Texas 77701.

26. Defendant JOE ALFORD, District Attorney Pro Tem, can be served at 105 Market Street, Orange, Texas 77630.

JURISDICTION AND VENUE

27. This Court has jurisdiction over the Parties, the subject matter and the causes of action pursuant to federal question jurisdiction. 28 U.S.C. § 1331. This Court also has jurisdiction over the pendent Texas state law claims. Venue is appropriate in this District and Division of Federal Court.

BACKGROUND FACTS

28. Stephen Hartman is a licensed civil process server since 2008. He currently holds the following professional licenses: (1) Commissioned Security Guard Certification from the Texas Department of Public Safety, Private Security Bureau, Registration No. A-09257; (2) Private Investigator License from the Texas Department of Public Safety, Texas DPS No. A09257; (3) Personal Protection Officer from the Texas Department of Public Safety, Texas DPS No. A09257; and (4) Texas Supreme Court Process Server, License No. SCH-00005563. From 2008 to the present, Mr. Hartman has been employed in these professional capacities by Klein Investigation and Consulting, a division of Klein Investments, Inc. Mr. Hartman has successfully served countless summons and citations, and he has never been subject to arrest or confinement until he tried to serve Judge Layne Walker with a federal Summons in Civil Action No. 1;13-CV-00327; Stella Morrison v. Judge Layne Walker, the County of Jefferson, Texas, and the State of Texas; In the United States District Court for the Eastern District of Texas, Beaumont Division. Mr. Hartman previously served Judge Layne Walker

with a Records Subpoena at his home, and in response Judge Layne Walker brandished a handgun and had his son chest-bump Mr. Hartman in willful violation of Texas Penal Code Section 38.16. Further, Judge Layne Walker refused to comply with the lawful Records Subpoena. Mr. Hartman reported Judge Layne Walker's threatening misconduct to the Texas State Commission on Judicial Conduct, and his affidavit to the Texas State Commission on Judicial Conduct is attached to the Original Complaint as Exhibit '1." For safety reasons, therefore, Mr. Hartman decided to serve Judge Layne Walker in his place of employment, as the Judge of the 252nd Judicial District Court, Jefferson County Courthouse.

29. On May 28, 2013, Mr. Hartman entered the courtroom of the 252nd Judicial District Court, Judge Layne Walker presiding. Mr. Hartman sat on the left-hand side, toward the back row, and he sat quietly in that location for almost an hour. Mr. Hartman arrived at 8:45 a.m. Judge Layne Walker took the bench about 9:30 a.m. The courtroom was full of people, and Judge Walker handled his typical Monday docket, including hearing various motions to revoke probation.

30. At approximately 9:45 a.m., Mr. Hartman walked toward the bar in

the courtroom, but he did not cross it. Mr. Hartman motioned for the Bailiff, Sheriff Deputy Sharon Lewis, to come toward, which she did. Mr. Hartman whispered to her that when there would be sufficient time or a break in the courtroom proceedings, Mr. Hartman needed to serve Judge Layne Walker with a federal Summons in the Stella Morrison litigation against Judge Layne Walker. Deputy Sharon Lewis did not respond or say anything to Mr. Hartman, but instead she went immediately to Sheriff Deputy Broussard. Deputy Sharon Lewis did not admonish Mr. Hartman, Deputy Lewis did not inform Mr. Hartman that he was in an unauthorized portion of the courtroom, and Deputy Lewis did not attempt to move or restrain Mr. Hartman in any way.

31. Then, Deputy Broussard in a stern and loud voice told Mr. Hartman that he must leave the courtroom immediately. Mr. Hartman explained calmly that he needed to serve a federal Summons. Immediately, Deputy Broussard rushed over to Mr. Hartman, and Deputy Broussard began pushing Mr. Hartman physically toward the Exit Door. Mr. Hartman identified himself as a licensed federal process server and Mr. Hartman asked Deputy Broussard to cease his excessive and needless physical

force. In response, Deputy Broussard wrongfully placed Mr. Hartman under arrest. This misconduct violated Mr. Hartman's Fifth Amendment Due Process Rights, Fourth Amendment Rights against False Arrest and the use of excessive force, and his First Amendment Right to Freedom of Association, because Mr. Hartman is associated with Mr. Klein, whom Judge Walker hates vehemently. This wrongful arrest was motivated in part because Judge Layne Walker hates Philip Klein because Mr. Klein has consistently reported the illegal conduct of Judge Layne Walker and that Judge Layne Walker has misappropriated funds from the Texas Indigent Defense Fund.

32. Mr. Hartman asked Deputy Broussard if there any charge for the arrest, and the Deputy responded by stating words to the effect of "We will tell you later." This misconduct by the Deputy violated Mr. Hartman's Fourth and Fifth Amendment Rights. The Deputy then forcefully hand-cuffed Mr. Hartman and obtained the assistance of Deputies Anthony Barker and Lewis, even though Mr. Hartman offered no resistance. All three deputies put their hands on Mr. Hartman for no reason. Sheriff Deputy Broussard continued to use excessive force upon Ms. Hartman by

pushing him, and also by twisting and bending his arm. Mr. Hartman stated he would cooperate and asked these Deputies to cease using excessive force, but these Deputies refused to cease and desist, thereby violating Hartman's constitutional rights identified above. See Affidavit of Stephen Hartman, Exhibit "2" to the Original Complaint. See also the Official Oppression Complaint prepared by Mr. Philip Klein addressed to the Jefferson County Criminal District Attorney Judge Tom Maness, the United States Department of Justice, and the Texas State Commission on Judicial Conduct, Exhibit "3" to the Original Complaint.

33. The Deputies then took Mr. Hartman into custody and placed him in the Bailiff's Office, where they patted him down and took from him his wallet, his credentials, sunglasses, his undercover surveillance pen, keys to his car, and his iphone. This was an illegal search and seizure in violation of Mr. Hartman's Fourth Amendment Rights, his Fifth Amendment Rights to Due Process, and his Fourteenth Amendment Rights to Equal Protection Under the Laws. These Deputies did not advise Mr. Hartman of any criminal charges. These Deputies did not read Mr. Hartman his Miranda rights, in violation of his Fifth and Fourteenth

Amendment Rights. Mr. Hartman witnessed Deputy Barker placing Mr. Hartman's property into a sealed envelope. Mr. Hartman then requested a phone call, which the Deputies wrongfully denied in violation of Mr. Hartman's Fifth, Sixth and Fourteenth Amendment Rights. Mr. Hartman then requested to speak to a supervisor. A few minutes later, Sheriff Captain Carr came to the scene. Captain Carr confirmed there were no criminal charges, and that Judge Layne Walker ordered an illegal arrest and the Jefferson County Sheriff's Office does not follow the laws or Constitution of the United States and the State of Texas, but instead only follows the repetitively illegal directives of Judge Layne Walker. Captain Carr stated to Mr. Hartman in words to the effect that Mr. Hartman "tried to serve the wrong person at the wrong time," and then Captain Carr immediately left but he took no action to remedy the situation. Mr. Hartman requested again to make a phone call, but this request was wrongfully denied, violating Mr. Hartman's constitutional rights identified above.

34. Thereafter, the Deputies placed Mr. Hartman, with his hands continually cuffed behind his back, in the holding cell with the rest of the

inmates. Mr. Hartman was placed there for thirty (30) minutes. The Deputies pulled him out to exchange his handcuffs, and the Deputies put him back into the holding cell again handcuffed behind his back. At about 11:00 a.m., the Deputies took Mr. Hartman out of the holding cell, and the Deputies permitted Mr. Hartman to serve the federal Summons upon Judge Layne Walker. The Deputies then placed Mr. Hartman back into handcuffs behind his back, and put him again in the holding cell until about 3:50 p.m. Mr. Hartman was handcuffed the whole time (even when he was given food to eat by being hand-fed by the Defendant Deputies). In this regard, the Deputies' continuing actions violated Mr. Hartman's Fourth, Fifth, and Fourteenth Amendment Rights.

35. At about 4:15 p.m., the Deputies transferred Mr. Hartman (still handcuffed behind his back) to the Jefferson County Jail. The Deputies who transported him told him that the criminal charges against Mr. Hartman were (1) Interfering with Public Duties and (2) Disrupting a Public Meeting. Sheriff Deputy Broussard's Probable Cause Affidavit is attached as Exhibit "4" to the Original Complaint.

36. While Mr. Hartman was still unlawfully incarcerated at the

courthouse holding cell, Klein Investigations and Consulting retained attorney Sonja Coffman to represent Mr. Hartman. Ms. Coffman went into the 252nd Judicial District Court and requested the right to see and talk to her client, but Judge Layne Walker denied Mr. Hartman his right to counsel, in clear and willful violation of the Sixth Amendment to the United States Constitution.

37. Sometime before 7:00 p.m., Mr. Hartman's employer bailed him out of the Jefferson County jail. The conduct of Judge Walker, Sheriff Woods and the other Deputy Defendants, as described in detail above, constituted the crimes of Abuse of Official Capacity in violation of Tex. Penal Code § 39.02, Violation of the Civil Rights of a Person in Custody in violation of Texas Penal Code § 39.04, and Official Oppression in violation of Tex. Penal Code § 39.03.

38. Many witnesses verified that Mr. Hartman did nothing disruptive, and he never crossed over the bar into the restricted area of the court. The Sheriff's Deputies, however, have made up false charges and false allegations against Mr. Hartman, in the process defaming Mr. Hartman per se. Mr. Hartman was wearing a video recording pen which recorded

the entire event, but the Sheriff's Deputies confiscated it. As described infra, Sheriff Mitch Woods first claimed this surveillance pen did not exist after numerous unlawful attempts to download and tamper with this evidence, and thereby all Defendants (except Ann Landry) willfully participate in obstruction of justice and the unlawful destruction of evidence, all in violation of Texas Penal Code §37.09 and in violation of Mr. Hartman's Fifth Amendment rights. In addition to all the unlawful conduct perpetrated against Mr. Hartman described above, the Sheriff's Deputies and Judge Layne Walker did their usual tactic of conducting an illegal search and seizure (without a warrant and without probable cause) of Mr. Hartman's iphone in violation of his Fourth Amendment Rights. Judge Layne Walker and the Sheriff's Deputies took apart Mr. Hartman's iphone, and read all his emails and read his text messages without a warrant or probable cause to do so, in violation of Mr. Hartman's Fourth and Fifth Amendment Rights. Further, the Defendants downloaded the contents of Mr. Hartman's iphone and called his contacts to try to intimidate people, which is not only an unconstitutional and unlawful search and seizure, but also unlawful tampering with witnesses in

violation of Texas Penal Code Section 36.05. When the cell phone was returned to Mr. Hartman, it had clearly been opened and tampered with, which is the usual practice of Judge Layne Walker, Sheriff Mitch Woods and his Deputies that carry out Walker's illegal activities. Further, the Defendants replaced Mr. Hartman's recording pen with a pocket screwdriver as part of their scheme to hide this evidence, thereby unlawfully concealing evidence, fabricating evidence, and obstructing justice in violation of Texas Penal Code §37.09. See Exhibit "5", Mr. Klein's correspondence to Sheriff Mitch Woods, dated May 28, 2013, complaining about the unlawful search and seizure and destruction of evidence willfully perpetrated by Defendants, attached to the Original Complaint. See also Exhibit "6," correspondence from Mr. Klein to Sheriff Mitch Woods, requesting an Internal Affairs Investigation, attached to the Original Complaint.

39. After all this unlawful conduct, Judge Layne Walker acting through his Court Coordinator, Ann Landry, continued with this unlawful vendetta against Mr. Hartman. Judge Layne Walker and Ann Landry maliciously sought and continue to seek to revoke Mr. Hartman's

professional licenses. Judge Layne Walker and Ms. Landry maliciously filed formal complaints against Mr. Hartman with: (1) the Texas Department of Public Safety, Private Security Bureau; (2) the Texas Process Server Review Board; and (3) the Texas Association of Licensed Investigators, a trade association. This Trade Association expressed concern about the Defendants' willful, negligent per se and unlawful release of the Plaintiff's personal information, in violation of the privacy provisions of the Texas Open Records Act, codified in the Texas Gov't Code Sections 552.101and 552.352(2), and also potentially in violation of the Federal Privacy Act, 5 U.S.C. Section 552a. See Exhibit "7" to the Original Complaint. Mr. Klein's correspondence to Ann Landry, dated May 31, 2013, advising of his intent to file suit and Ms. Landry's potentially criminal actions by willfully violating Mr. Hartman's privacy rights. Further, Judge Walker and Ann Landry worked together to have Mr. Hartman's concealed handgun license suspended. Further, Walker and Landry succeeded in having Hartman's private investigator license, personal protection officer license, and commissioned security guard license suspended for about three (3) months. These licenses have only

been conditionally reinstated pending the outcome of the fraudulent criminal case against Hartman. Walker's and Landry's actions constitute the criminal offenses of Official Oppression in violation of Tex. Penal Code Section 39.03, and also their actions violate Hartman's Fifth Amendment Due Process Rights and his Fourteenth Amendment Equal Protection Rights.

40. As mentioned above, when Hartman was arrested he was wearing an audio video recording pen. This pen was taken from him and was placed in the evidence locker in the basement of the courthouse. A short time later, Judge Walker instructed Deputy Broussard to retrieve the pen, and Deputy Broussard brought it to Judge Walker's chambers. The pen was examined in Judge Walker's chambers by Judge Walker, Sheriff Deputy Broussard, Sheriff Deputy Baker, and Sheriff Captain Carr. These persons attempted to download the contents of the pen illegally, but were unable to figure out how to do it. Judge Walker, Carr and Woods then instructed Deputy Broussard to take the pen home with him, where he attempted to download it onto his computer, but he was unsuccessful until he obtained the help of his wife. Broussard's wife was able to figure

out how to download this evidence on the pen, and she did so, downloading the evidence onto a CD. At this time, both Deputy Broussard and his wife assumed that the evidence had been removed from the recording pen due to their attempt to press the "delete" function on the recording pen. Deputy Broussard's and his wife's belief that they deleted all this evidence, however, was erroneous. All the misconduct described in this paragraph constitutes illegal tampering with evidence and obstruction of justice, in violation of Tex. Penal Code Section 37.09.

41. The next day, Deputy Broussard brought the CD containing the recording pen's evidence into Judge Walker's office. By this time, Judge Walker, Mitch Woods, Captain Carr and Detective Kolander had already begun a massive perjury campaign to cover up all these crimes. These Defendants had already instructed the Sheriff Deputies to provide falsified arrest reports. These Defendants also instructed the individual Defendants added as Defendants in this Complaint, many of them attorneys, to provide perjured affidavits to support this illegal arrest.

42. Then, Judge Walker, Tiffani Decuir, Ann Landry, Summer Tanner, Deputies Broussard and Barker, and Captain Carr watched the recording

pen's evidence on Judge Walker's computer. All these Defendants knew it was illegal to view this evidence. Judge Walker and Captain Carr asked these other Defendants who were watching the evidence, if this evidence still could be retrieved by Hartman or his attorneys from the recording pen. Deputy Broussard smugly stated in front of these Defendants that he had "taken care of it" (or words to that effect) – meaning Deputy Broussard told every one in this room that the recording pen's evidence had been erased from the recording pen.

43. Lt. Walston then asked Deputy Broussard to hurry up with the arrest report. Broussard complied and produced his perjured and falsified report. The recording pen was then entered into evidence and placed in a sealed bag in the evidence locker in the Sheriff's Department. Then, Judge Walker and Mitch Woods instructed Sgt. Kolander to take the recording pen to the Beaumont Police Department, for the ostensible purpose of having the Beaumont Police Department (Beaumont PD) verify that there was no evidence remaining on the recording pen. The Beaumont PD refused to get involved, however, because the Beaumont PD knew it would be illegal to search the recording pen without a search

warrant.

44. Accordingly, Walker and Woods decided to obtain a search warrant. They called Tom Maness, the Criminal District Attorney. Walker and Woods explained the entire situation to Maness. Maness, Woods and Walker agreed that Sgt. Kolander should come to the Jefferson County District Attorneys' Office. Kolander complied, and Maness and Shettle wrote a falsified affidavit for Kolander to sign under oath, in order to obtain a search warrant. Both Maness and Shettle knew the entire history of this illegal arrest and the downloading of the recording pen's contents and attempted erasing of the recording pen's evidence. Woods and Walker both personally told Maness and Shettle the entire history of the events regarding the arrest and its aftermath. Therefore, Maness and Shettle both knowingly drafted a false and perjured affidavit to support a search warrant. Sgt. Kolander signed this perjured affidavit under oath, and then Kolander took his perjured affidavit and the search warrant request, all drafted by Maness and Shettle, to the Honorable Judge Robert Wortham.

45. These Defendants did not inform Judge Robert Wortham that

Kolander's affidavit was perjury or that the Sheriff's Department, through all the officers identified above, had violated its own policies and procedures regarding the chain of custody of material evidence, and also that Judge Walker, Sheriff Mitch Woods, Maness, Shettle, Decuir and Tanner were actively involved in the unlawful tampering with material evidence, in violation of Tex. Penal Code § 37.09, as well as tampering with a governmental record by providing falsified governmental records to obtain a search warrant from Judge Robert Wortham, in violation of Tex. Penal Code § 37.10. These same actions by these same persons identified in this paragraph constitute a criminal conspiracy in violation of Texas Penal Code § 15.02, as well as unlawful Abuse of Official Capacity and Official Oppression in violation of Texas Penal Code §§ 39.02 and 39.03. These same actions also violate Hartman's Fourth, Fifth and Fourteenth Amendment rights under the U. S. Constitution. Judge Layne Walker was personally involved in these attempts to download this evidence, violate the chain of custody for this evidence, and potentially destroy it. These same persons identified in this paragraph, acting on Judge Layne Walker's orders, intentionally did not inform Judge Robert

Wortham that Sgt. Kolander's affidavit and evidence that Judge Wortham viewed in order to issue the search warrant was perjured and fabricated. Judge Wortham signed the search warrant without any knowledge of this extensive tampering with evidence, attempted destruction of evidence, falsified arrest reports and perjury.

46. Then, Sgt. Kolander took the recording pen (still in the evidence bag) and the search warrant back to the Beaumont PD for a second time. The Beaumont PD relied upon the search warrant, and then the Beaumont PD forensically examined the recording pen and determined that the evidence still existed on the recording pen's hard drive. The Beaumont PD then downloaded the evidence it retrieved through its forensic examination onto a CD and also onto its own computer system, to safeguard the evidence.

47. When Sgt. Kolander informed Sheriff Woods that the evidence still existed and now was safeguarded on the Beaumont PD's computer system, Sheriff Woods called Judge Walker. Walker then called Maness. The next day, these Defendants met and discussed their strategy on hiding this critical evidence. Upon information and belief, Woods, Maness and Walker

all tried pulling strings at the Beaumont PD to implore them to erase and destroy this critical evidence in their possession, but the Beaumont PD refused to participate in this crime spree. Out of options, therefore, to either destroy this evidence or prevent its eventual disclosure to Hartman, these three Defendants agreed to do whatever they could to delay production of the recording pen's evidence for as long as possible to try to force Hartman to accept a plea deal on the fabricated criminal charges.

48. The efforts to delay or stop the release of the recording pen's evidence consisted of both ignoring lawful public information requests and providing inconsistent and downright absurd answers about the existence and nature of the recording pen. Woods officially claimed the recording pen (1) did not exist, (2) was a screwdriver, (3) then was a regular ball point pen, (4) then a tazer, and (5) ultimately the recording pen became the recording pen once again. For example, Sheriff Mitch Woods and the Sheriff Deputies told the Deputies in the Jefferson County jail that there was no recording pen included with Hartman's property that was inventoried when Walker ordered Hartman's arrest. In fact, Woods had instructed Broussard to replace the recording pen with a screwdriver.

Further, the Sheriff's Dept. continued to deny the existence of the recording pen for several days, even though Hartman's employer verified that Hartman was carrying this recording pen and that he always has this recording pen whenever he serves a summons or a citation. Sheriff Mitch Woods, however, finally begrudgingly admitted that the recording pen existed, after (1) it became public knowledge that the Beaumont PD had the evidence from the recording pen, and (2) the Beaumont PD refused to give into demands from Walker, Woods and Maness to destroy this critical evidence. After Sheriff Woods admitted that the recording pen existed, the Sheriff Dept. finally put the recording pen in the evidence locker. Prior to that time, Walker, Woods, Broussard, Carr and Kolander had unfettered access to the recording pen. The persons who participated in this pattern of denials and obfuscations about the recording pen's existence include Sheriff Mitch Woods (through his inconsistent responses to multiple requests for the recording pen's evidence from Mr. Philip Klein, owner of the employer of Hartman), and Tom Maness and Tom Rugg (by refusing to timely respond to Public Information Requests).

All this was done on the express orders of Judge Walker and most

probably also by Tom Maness, who knew by this time he and his office would be implicated in illegal activities.

49. The efforts to hide critical and exculpatory evidence did not stop there. Summer Tanner is the court reporter in Judge Walker's court. She recording via an audiotape the proceedings in the court at the time of Hartman's arrest and also after Hartman was taken into custody. Tanner as a court reporter necessarily keeps an audiotape of court proceedings, for the ostensible purpose of being able to refer to it to verify the accuracy of written reporter's record or written transcript. Tanner produced a written reporter's record and provided it to the District Attorney Pro Tem, Joe Alford. Mr. Alford then produced it to Hartman's attorney in the criminal case. This written reporter's record or transcript also belies the multiple perjured witness affidavits and the falsified arrest reports. Walker ordered Ms. Tanner not to produce her audiotape which recorded the day's events. Further, upon information and good faith belief, Walker instructed Tanner to "edit" the written reporter's record prior to preparing it, but notably even the edited version still belies all the perjured arrest records and affidavits. Further, Walker ordered Ms. Tanner to ignore a

lawful subpoena issued for this audiotape in the criminal case against Hartman, even the refusal to disclose it in the criminal case violates Hartman's Fifth Amendment Due Process rights.

50. Further, District Attorney Pro Tem Joe Alford refuses to produce the audiotape in the criminal proceedings against Hartman, even though the audiotape is critical exculpatory evidence, which the State is required to produced in accordance with the United States Supreme Court's ruling in Brady v. Maryland. Joe Alford also refuses to produce additional exculpatory and probative evidence in the criminal case – namely, the evidence required under Giglio v. United States, 405 U.S. 150 (1972). This evidence consists of the employee and personnel files of the Jefferson County and State of Texas employees, that include Judge Layne Walker, Mitch Woods, all the Deputy Defendants, Maness, Shettle, the court coordinators, the assistant District Attorneys who perjured themselves, etc. These files might provide a basis for Hartman's attorney to impeach these witnesses in the criminal case, and the disclosure of this information is mandatory. Joe Alford's refusal to produce all this exculpatory evidence is based on the direct orders of Judge Walker and Tom Maness.

Joe Alford is fully aware that he has an absolute duty to produce all this exculpatory evidence, and his refusal to do is a blatant denial of Hartman's Fifth Amendment Due Process Rights. Further, Joe Alford has an independent duty to follow the law, despite any "pressure" from Judge Walker, Tom Maness or anyone else to act illegally. Joe Alford's refusal to follow the law and the U.S. Constitution constitutes a direct violation of his ethical duties as an attorney under Tex. R. Prof. Conduct 8.04 (a) (1), (2), (3), (4) & (6). Further, Joe Alford has directly participated in conduct that is in violation of the following Texas Penal Codes: (1) Official Oppression – Tex. Penal Code Section 39.03; (2) Abuse of Official Capacity – Tex. Penal Code Section 39.02; (3) Obstruction of Justice – Tex. Penal Code Section 37.09; and (4) Criminal Conspiracy with all the other Defendants – Tex. Penal Code Section 15.02. The misconduct of Joe Alford is objectively and intentionally unreasonable, because as a District Attorney Pro Tem he is fully knowledgeable about (1) his ethical obligations, (2) the Constitutional requirements for the mandatory disclosure and production of exculpatory evidence, (3) Hartman's constitutional rights, and (4) the Texas Penal Codes. Alford is knowingly

violating all these well-known and established constitutional and statutory standards.

51. Based upon information and good faith belief, Summer Tanner's audiotape contains statements made by Judge Walker after Hartman was taken into custody in which he purportedly admitted that Hartman's arrest was illegal and was ordered by Walker for improper purposes. Hartman asserts that is why Judge Walker and Tom Maness ordered Joe Alford to illegally and unconstitutionally by Alford's refusal to produce this critical evidence. This is objectively unreasonable on the part of Joe Alford, because it is blatantly illegal and unconstitutional.

52. Then, the Jefferson County Sheriff's Department conducted its own Internal Affairs Investigation. The summary report of Lt. Walston is attached as Exhibit "1." This summary report verifies and corroborates Hartman's allegations regarding all the illegal conduct pertaining to the recording pen. Deputy Broussard gave a statement under oath during this Internal Affairs Investigation. In this statement under oath, Broussard admits that he lied in his arrest reports and his affidavits, on the orders of Judge Walker. The Sheriff's Department, through Mitch

Woods, recommended the termination of Deputy Broussard, but this recommendation was transformed into permitting Deputy Broussard to retire, which he did. Although Mitch Woods expressly and overtly participated in all this misconduct, Woods has now scapegoated Broussard and Barker as the only alleged wrongdoers.

53. Deputy Barker also confessed and recanted to the IAD investigation, and he stated that in fact he never heard Hartman making any noise, and he never saw Hartman cross the bar or attempt to physically get to Judge Walker on the bench. Exhibit "2" is Barker's recantation. In response to admitting to perjury, the IAD recommended termination for both Broussard and Barker. In order to prevent Broussard and Barker from turning State's evidence against Walker, Woods and Maness, Woods declined to recommend termination, and instead Woods recommended that Broussard be permitted to resign and keep all his benefits, and for Barker to receive a five (5) day unpaid suspension. The Sheriff's Department implemented Woods' recommendations.

54. Furthermore, while Judge Walker and the other Defendants

identified above were tampering with evidence and lying about it, Judge Walker and Sheriff Deputy Broussard personally examined and downloaded the contents from Hartman's iphone. Walker has a clear policy of ordering the seizure of cell phones and examination of their contents. This violated Hartman's Fourth, Fifth and Fourteenth Amendment Rights under the U. S. Constitution.

55. Although the evidence from Hartman's recording pen has been officially examined and downloaded, the Jefferson County District Attorney's office refused to respond to any correspondence regarding the status of this critical evidence, and despite a formal public information request to Jefferson County, the Defendants refuses to provide a duplicate copy of the evidence that is on this recording pen. To make matters worse, Walker and Maness ordered Summer Tanner not to produce the audiotape of the proceedings in Judge Walker's court to the investigator Mr. Philip Klein, Hartman's employee, who made a lawful Public Information Request and two follow up phone calls to obtain both the court reporter's transcript and the audiotape of the proceedings. All attempts under the law to obtain this information by Hartman's employer were ignored, on

the orders of Walker and Maness. By violating lawful public information requests, these Defendants have participated in expressly violating clear statutory standards under state law, and also federal and state constitutional standards. These actions also violate Hartman's Fourth, Fifth and Fourteenth Amendment rights guaranteed by the United States Constitution.

56. Further, since Judge Walker and the Deputy Defendants did not want the evidence on the recording pen released, Judge Walker attempted to seal this evidence and to prevent any of this evidence to be used in the defense of Hartman in the criminal case against him. Walker has a sordid history of "sealing" evidence in order to prevent disclosure of evidence that would demonstrate Walker's criminal conduct.

57. Plaintiff also sues, as Defendants, the persons who provided perjured affidavits at the request of Judge Walker, Woods and Maness, in order to support the illegal arrest of Hartman, and also to support wholesale continued violations of Hartman's civil and constitutional rights, discussed above. Hartman shall identify each new Defendant separately, below. These Defendants who provided perjured affidavits did not know that

Hartman had an audio/video recording pen on at the time of his arrest, and this audio/video recording pen clearly recorded the scene of his arrest. All of these Defendants wrote and signed grossly perjured affidavits, that have virtually the same content that is in the deliberately false and perjured statements provided by the Sheriff Deputies in support of this wrongful arrest.

58. Defendant attorney James Makin provided an affidavit (Exhibit "3"), that was completely belied by (1) the audio/video evidence on Hartman's recording pen, and (2) the court reporter's transcript. Specifically, without limitation, (1) Harman never crossed the bar to serve papers, (2) Hartman never pushed or tried to push pass Deputy Broussard to try to serve Judge Walker, (3) Hartman never made a disturbance via "noise," (4) Hartman never approached or attempted to approach Judge Walker, etc.

59. Makin's misconduct was intentional and particularly egregious, since he is an attorney and a specialist in criminal law, representing defendants in criminal court. Mr. Makin, therefore, was negligent and also grossly negligent per se when he wrote and signed his sworn affidavit, in violation of: (1) Tex. Penal Code § 37.02, by committing

perjury; (2) Tex. Penal Code § 37.03, by committing aggravated perjury; (3) Tex. Penal Code § 37.04, by making perjured statements that meet the definition of materiality; (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint; (5) Tex. Disciplinary Rules of Professional Conduct 4.01, by violating the attorney duty of making truthful statements to others; (6) Tex. Disciplinary Rules of Professional Conduct 4.04, by violating the attorney duty of respect for the rights of third persons; (7) Tex. Disciplinary Rules of Professional Conduct 8.04(a)(1), (2), (3), (4) & (6), by violating the Texas Disciplinary Rules, assisting others in violating these rules, committing criminal acts, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, engaging in obstruction of justice, and knowingly assisting a judge in conduct that is a violation of applicable rules of judicial conduct or other law. Defendant Makin's negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Makin engaged in misconduct that is extreme and outrageous,

particularly for a licenced attorney, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Makin committed the tort of intentional infliction of emotional distress against Hartman, and Makin's misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Makin provided this false information in his affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Makin's misconduct, therefore, knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Further, since Defendant Makin acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Makin and to deter any further misconduct by Makin.

60. Defendant attorney Rife Kimler provided an affidavit (Exhibit "4"),

that was completely belied by (1) the audio/video evidence on Hartman's recording pen, and (2) the court reporter's transcript. Specifically, without limitation, (1) Harman never crossed the bar to serve papers, (2) Hartman never pushed or tried to push pass Deputy Broussard to try to serve Judge Walker, (3) Hartman never made a disturbance via "noise," (4) Hartman never approached or attempted to approach Judge Walker, etc.

61. Kimler's misconduct was intentional and particularly egregious, since he is an attorney and a specialist in criminal law, representing defendants in criminal court. Mr. Kimler, therefore, was negligent and also grossly negligent per se when he wrote and signed his sworn affidavit, in violation of: (1) Tex. Penal Code § 37.02, by committing perjury; (2) Tex. Penal Code § 37.03, by committing aggravated perjury; (3) Tex. Penal Code § 37.04, by making perjured statements that meet the definition of materiality; (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint; (5) Tex. Disciplinary Rules of Professional Conduct 4.01, by violating the attorney duty of making

truthful statements to others; (6) Tex. Disciplinary Rules of Professional Conduct 4.04, by violating the attorney duty of respect for the rights of third persons; (7) Tex. Disciplinary Rules of Professional Conduct 8.04(a)(1), (2), (3), (4) & (6), by violating the Texas Disciplinary Rules, assisting others in violating these rules, committing criminal acts, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, engaging in obstruction of justice, and knowingly assisting a judge in conduct that is a violation of applicable rules of judicial conduct or other law. Defendant Kimler's negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Kimler engaged in misconduct that is extreme and outrageous, particularly for a licenced attorney, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Kimler committed the tort of intentional infliction of emotional distress against Hartman, and Kimler's misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Kimler provided this false information in his affidavit knowingly, willingly, with deliberate disregard for the rights

and welfare of Hartman. Defendant Kimler's misconduct, therefore, knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Further, since Defendant Kimler acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Makin and to deter any further misconduct by Kimler.

62. Defendant attorney Arthur Louis, Jr. provided an affidavit (Exhibit "5"), that was completely belied by (1) the audio/video evidence on Hartman's recording pen, and (2) the court reporter's transcript. Specifically, without limitation, (1) Harman never crossed the bar to serve papers, (2) Hartman never pushed or tried to push pass Deputy Broussard to try to serve Judge Walker, (3) Hartman never made a disturbance via "noise," (4) Hartman never approached or attempted to approach Judge Walker, etc.

63. Louis' misconduct was intentional and particularly egregious, since he is an attorney and a specialist in criminal law, representing defendants in criminal court. Mr. Louis, therefore, was negligent and also grossly negligent per se when he wrote and signed his sworn affidavit, in violation of: (1) Tex. Penal Code § 37.02, by committing perjury; (2) Tex. Penal Code § 37.03, by committing aggravated perjury; (3) Tex. Penal Code § 37.04, by making perjured statements that meet the definition of materiality; (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint; (5) Tex. Disciplinary Rules of Professional Conduct 4.01, by violating the attorney duty of making truthful statements to others; (6) Tex. Disciplinary Rules of Professional Conduct 4.04, by violating the attorney duty of respect for the rights of third persons; (7) Tex. Disciplinary Rules of Professional Conduct 8.04(a) (1), (2), (3), (4) & (6), by violating the Texas Disciplinary Rules, assisting others in violating these rules, committing criminal acts, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, engaging in obstruction of justice, and

knowingly assisting a judge in conduct that is a violation of applicable rules of judicial conduct or other law. Defendant Louis' negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Louis engaged in misconduct that is extreme and outrageous, particularly for a licenced attorney, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Louis committed the tort of intentional infliction of emotional distress against Hartman, and Louis' misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Louis provided this false information in his affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Louis' misconduct, therefore, knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Further, since Defendant Louis acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to

cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Louis and to deter any further misconduct by Louis.

64. Defendant attorney Joel W. Vasquez, Assistant District Attorney, provided an affidavit (Exhibit "6"), that was completely belied by (1) the audio/video evidence on Hartman's recording pen, and (2) the court reporter's transcript. Specifically, without limitation, (1) Harman never crossed the bar to serve papers, (2) Hartman never pushed or tried to push pass Deputy Broussard to try to serve Judge Walker, (3) Hartman never made a disturbance via "noise," (4) Hartman never approached or attempted to approach Judge Walker, etc.

65. Vasquez's misconduct was intentional and particularly egregious, since he is an attorney and an Assistant District Attorney in charge of criminal prosecutions, with a sworn oath to respect and obey the Constitutions and laws of the United States and the State of Texas. Vasquez, as an Assistant District Attorney and a criminal prosecutor, knows intimately all the Texas Penal Code provisions that he violated, as well as the Rules of Professional Conduct that he violated. These laws

and rules were very well-established at the time Vasquez committed his misconduct, and Vasquez is charged with full knowledge of them. Vasquez's misconduct is objectively unreasonable, particularly for a licensed attorney and an assistant district attorney in charge of criminal prosecutions. Accordingly, at no time did Vasquez act in good faith, and therefore he is not entitled to a defense of official or qualified immunity. Mr. Vasquez, therefore, was negligent and also grossly negligent per se when he wrote and signed his sworn affidavit, in violation of: (1) Tex. Penal Code § 37.02, by committing perjury; (2) Tex. Penal Code § 37.03, by committing aggravated perjury; (3) Tex. Penal Code § 37.04, by making perjured statements that meet the definition of materiality; (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint; (5) Tex. Disciplinary Rules of Professional Conduct 4.01, by violating the attorney duty of making truthful statements to others; (6) Tex. Disciplinary Rules of Professional Conduct 4.04, by violating the attorney duty of respect for the rights of third persons; (7) Tex.

Disciplinary Rules of Professional Conduct 8.04(a) (1), (2), (3), (4) & (6), by violating the Texas Disciplinary Rules, assisting others in violating these rules, committing criminal acts, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, engaging in obstruction of justice, and knowingly assisting a judge in conduct that is a violation of applicable rules of judicial conduct or other law. Further, Defendant Vasquez personally violated Tex. Disciplinary Rules of Professional Conduct 8.02 by reportedly making statements impugning the integrity of the Federal Judge presiding over this case by claiming to have knowledge of the Court's future rulings. Defendant Vasquez's negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Vasquez engaged in misconduct that is extreme and outrageous, particularly for a licenced attorney and an assistant district attorney handling criminal prosecutions, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Vasquez committed the tort of intentional infliction of emotional distress against Hartman, and Vasquez's misconduct in this regard proximately caused

Hartman substantial actual or compensatory damages. Further, Defendant Vasquez provided this false information in his affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Vasquez's misconduct, therefore, knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Further, since Defendant Vasquez acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Vasquez and to deter any further misconduct by Vasquez.

66. Defendant attorney E. Perry Thomas, Assistant District Attorney and Chief Prosecutor for the 252nd District Court presided over by Judge Walker, provided an affidavit (Exhibit "7"), that was completely belied by (1) the audio/video evidence on Hartman's recording pen, and (2) the court reporter's transcript. Specifically, without limitation, (1) Harman never

crossed the bar to serve papers, (2) Hartman never pushed or tried to push pass Deputy Broussard to try to serve Judge Walker, (3) Hartman never made a disturbance via "noise," (4) Hartman never approached or attempted to approach Judge Walker, etc.

67. Thomas' misconduct was intentional and particularly egregious, since he is an attorney, an Assistant District Attorney in charge of criminal prosecutions and the Chief Prosecutor in the 252nd Judicial District Court, with a sworn oath to respect and obey the Constitutions and laws of the United States and the State of Texas. Thomas, as an Assistant District Attorney and a criminal prosecutor, knows intimately all the Texas Penal Code provisions that he violated, as well as the Rules of Professional Conduct that he violated. These laws and rules were very well-established at the time Thomas committed his misconduct, and Thomas is charged with full knowledge of them. Thomas' misconduct is objectively unreasonable, particularly for a licensed attorney and an assistant district attorney in charge of criminal prosecutions. Accordingly, at no time did Thomas act in good faith, and therefore he is not entitled to a defense of official or qualified immunity. Mr. Thomas, therefore, was

negligent and also grossly negligent per se when he wrote and signed his sworn affidavit, in violation of: (1) Tex. Penal Code § 37.02, by committing perjury; (2) Tex. Penal Code § 37.03, by committing aggravated perjury; (3) Tex. Penal Code § 37.04, by making perjured statements that meet the definition of materiality; (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint; (5) Tex. Disciplinary Rules of Professional Conduct 4.01, by violating the attorney duty of making truthful statements to others; (6) Tex. Disciplinary Rules of Professional Conduct 4.04, by violating the attorney duty of respect for the rights of third persons; (7) Tex. Disciplinary Rules of Professional Conduct 8.04(a) (1), (2), (3), (4) & (6), by violating the Texas Disciplinary Rules, assisting others in violating these rules, committing criminal acts, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, engaging in obstruction of justice, and knowingly assisting a judge in conduct that is a violation of applicable rules of judicial conduct or other law. Defendant Thomas' negligence and gross negligence have proximately

caused Hartman substantial actual or compensatory damages. Further, Defendant Thomas engaged in misconduct that is extreme and outrageous, particularly for a licenced attorney and an assistant district attorney handling criminal prosecutions, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Thomas committed the tort of intentional infliction of emotional distress against Hartman, and Thomas' misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Thomas provided this false information in his affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Thomas' misconduct, therefore, knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Further, since Defendant Thomas acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as much harm and damage as possible, Hartman requests

the imposition of punitive or exemplary damages in the discretion of the jury to punish Thomas and to deter any further misconduct by Thomas.

68. Defendant attorney Clint Woods, Assistant District Attorney and son of Sheriff Mitch Woods, provided an affidavit (Exhibit "8"), that was completely belied by (1) the audio/video evidence on Hartman's recording pen, and (2) the court reporter's transcript. Specifically, without limitation, (1) Harman never crossed the bar to serve papers, (2) Hartman never pushed or tried to push pass Deputy Broussard to try to serve Judge Walker, (3) Hartman never made a disturbance via "noise," (4) Hartman never approached or attempted to approach Judge Walker, etc.

69. Woods' misconduct was intentional and particularly egregious, since he is an attorney and an Assistant District Attorney and the son of Defendant Sheriff Mitch Woods, with a sworn oath to respect and obey the Constitutions and laws of the United States and the State of Texas. Woods, as an Assistant District Attorney and a criminal prosecutor, knows intimately all the Texas Penal Code provisions that he violated, as well as the Rules of Professional Conduct that he violated. These laws and rules were very well-established at the time Woods committed his misconduct,

and Woods is charged with full knowledge of them. Woods' misconduct is objectively unreasonable, particularly for a licensed attorney and an assistant district attorney in charge of criminal prosecutions. Accordingly, at no time did Woods act in good faith, and therefore he is not entitled to a defense of official or qualified immunity. Mr. Woods, therefore, was negligent and also grossly negligent per se when he wrote and signed his sworn affidavit, in violation of: (1) Tex. Penal Code § 37.02, by committing perjury; (2) Tex. Penal Code § 37.03, by committing aggravated perjury; (3) Tex. Penal Code § 37.04, by making perjured statements that meet the definition of materiality; (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint; (5) Tex. Disciplinary Rules of Professional Conduct 4.01, by violating the attorney duty of making truthful statements to others; (6) Tex. Disciplinary Rules of Professional Conduct 4.04, by violating the attorney duty of respect for the rights of third persons; (7) Tex. Disciplinary Rules of Professional Conduct 8.04(a)(1), (2), (3), (4) & (6), by violating the Texas Disciplinary Rules, assisting

others in violating these rules, committing criminal acts, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, engaging in obstruction of justice, and knowingly assisting a judge in conduct that is a violation of applicable rules of judicial conduct or other law. Defendant Woods' negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Woods engaged in misconduct that is extreme and outrageous, particularly for a licenced attorney and an assistant district attorney handling criminal prosecutions, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Woods committed the tort of intentional infliction of emotional distress against Hartman, and Woods' misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Woods provided this false information in his affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Woods' misconduct, therefore, knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process

Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Further, since Defendant Woods acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Woods and to deter any further misconduct by Woods.

70. Defendant attorney Lindsey Scott, Assistant District Attorney, provided an affidavit (Exhibit "9"), that was completely belied by (1) the audio/video evidence on Hartman's recording pen, and (2) the court reporter's transcript. Specifically, without limitation, (1) Harman never crossed the bar to serve papers, (2) Hartman never pushed or tried to push pass Deputy Broussard to try to serve Judge Walker, (3) Hartman never made a disturbance via "noise," (4) Hartman never approached or attempted to approach Judge Walker, etc.

71. Scott's misconduct was intentional and particularly egregious, since she is an attorney and an Assistant District Attorney, with a sworn oath to respect and obey the Constitutions and laws of the United States and

the State of Texas. Scott, as an Assistant District Attorney and a criminal prosecutor, knows intimately all the Texas Penal Code provisions that she violated, as well as the Rules of Professional Conduct that he violated. These laws and rules were very well-established at the time Scott committed his misconduct, and Scott is charged with full knowledge of them. Scott's misconduct is objectively unreasonable, particularly for a licensed attorney and an assistant district attorney in charge of criminal prosecutions. Accordingly, at no time did Scott act in good faith, and therefore she is not entitled to a defense of official or qualified immunity. Ms. Scott, therefore, was negligent and also grossly negligent per se when she wrote and signed her sworn affidavit, in violation of: (1) Tex. Penal Code § 37.02, by committing perjury; (2) Tex. Penal Code § 37.03, by committing aggravated perjury; (3) Tex. Penal Code § 37.04, by making perjured statements that meet the definition of materiality; (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint; (5) Tex. Disciplinary Rules of Professional Conduct 4.01, by violating the

attorney duty of making truthful statements to others; (6) Tex. Disciplinary Rules of Professional Conduct 4.04, by violating the attorney duty of respect for the rights of third persons; (7) Tex. Disciplinary Rules of Professional Conduct 8.04(a) (1), (2), (3), (4) & (6), by violating the Texas Disciplinary Rules, assisting others in violating these rules, committing criminal acts, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, engaging in obstruction of justice, and knowingly assisting a judge in conduct that is a violation of applicable rules of judicial conduct or other law. Defendant Scott's negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Scott engaged in misconduct that is extreme and outrageous, particularly for a licenced attorney and an assistant district attorney handling criminal prosecutions, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Scott committed the tort of intentional infliction of emotional distress against Hartman, and Scott's misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Scott provided this false

information in her affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Scott's misconduct, therefore, knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Further, since Defendant Scott acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Scott and to deter any further misconduct by Scott.

72. Defendant Jodee Roach, a Jefferson County employee in the Community Supervision and Corrections Department, provided an affidavit (Exhibit "10"), that was completely belied by (1) the audio/video evidence on Hartman's recording pen, and (2) the court reporter's transcript. Specifically, without limitation, (1) Harman never crossed the bar to serve papers, (2) Hartman never pushed or tried to push pass

Deputy Broussard to try to serve Judge Walker, (3) Hartman never made a disturbance via "noise," (4) Hartman never approached or attempted to approach Judge Walker, etc.

73. Roach's misconduct was intentional and particularly egregious, since she is employed in the Jefferson County Community Supervision and Corrections Department, and has extensive experience in the criminal justice system and the procedures and operations of criminal district courts. Roach's job capacity necessarily requires her to respect and obey the Constitutions and laws of the United States and the State of Texas. Roach knows intimately all the Texas Penal Code provisions that she violated. These laws were very well-established at the time Roach committed her misconduct, and Roach is charged with full knowledge of them. Roach's misconduct is objectively unreasonable, particularly for a Jefferson County employee professionally immersed in the justice system and in the procedures and operations of criminal district court. Accordingly, at no time did Roach act in good faith, and therefore she is not entitled to a defense of official or qualified immunity. Ms. Roach, therefore, was negligent and also grossly negligent per se when she wrote

and signed her sworn affidavit, in violation of: (1) Tex. Penal Code § 37.02, by committing perjury; (2) Tex. Penal Code § 37.03, by committing aggravated perjury; (3) Tex. Penal Code § 37.04, by making perjured statements that meet the definition of materiality; and (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint. Defendant Roach's negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Roach engaged in misconduct that is extreme and outrageous, particularly considering her job capacity, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Roach committed the tort of intentional infliction of emotional distress against Hartman, and Roach's misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Roach provided this false information in her affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Roach's misconduct, therefore,

knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Further, since Defendant Roach acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Roach and to deter any further misconduct by Roach.

74. Defendant Tiffani DeCuir, a Jefferson County employee and the Court Coordinator for the 252nd District Court presided over by Judge Walker, provided an affidavit (Exhibit "11") that was completely belied by (1) the audio/video evidence on Hartman's recording pen, and (2) the court reporter's transcript. Specifically, without limitation, (1) Harman never crossed the bar to serve papers, (2) Hartman never pushed or tried to push pass Deputy Broussard to try to serve Judge Walker, (3) Hartman never made a disturbance via "noise," (4) Hartman never approached or attempted to approach Judge Walker, etc.

75. Decuir's misconduct was intentional and particularly egregious, since she is employed as the Court Coordinator for Judge Walker's court, and she has extensive knowledge, training and experience in the criminal justice system, the Texas Penal Code felonies that are adjudicated in Judge Walker's courtroom, and in the procedures and operations of criminal district courts. Decuir's job capacity necessarily requires her to respect and obey the Constitutions and laws of the United States and the State of Texas. DeCuir knows intimately all the Texas Penal Code provisions that she violated, because she is court coordinator for a felony criminal district court in Jefferson County, Texas. These laws were very well-established at the time DeCuir committed her misconduct, and DeCuir is charged with full knowledge of them. DeCuir's misconduct is objectively unreasonable, particularly for a Jefferson County employee professionally immersed in the justice system, the Texas Penal Code, and in the procedures and operations of a felony criminal district court. Accordingly, at no time did DeCuir act in good faith, and therefore she is not entitled to a defense of official or qualified immunity. Ms. DeCuir, therefore, was negligent and also grossly negligent per se when she wrote

and signed her sworn affidavit, in violation of: (1) Tex. Penal Code § 37.02, by committing perjury; (2) Tex. Penal Code § 37.03, by committing aggravated perjury; (3) Tex. Penal Code § 37.04, by making perjured statements that meet the definition of materiality; and (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint. Defendant DeCuir's negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Decuir engaged in misconduct that is extreme and outrageous, particularly considering her job capacity, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant DeCuir committed the tort of intentional infliction of emotional distress against Hartman, and DeCuir's misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant DeCuir provided this false information in her affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant DeCuir's misconduct, therefore,

knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Further, since Defendant DeCuir acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish DeCuir and to deter any further misconduct by DeCuir.

76. Defendant Kim Carter, a Jefferson County employee and the Court Coordinator for the 252nd District Court presided over by Judge Walker, provided an affidavit (Exhibit "12") that was completely belied by (1) the audio/video evidence on Hartman's recording pen, and (2) the court reporter's transcript. Specifically, without limitation, (1) Harman never crossed the bar to serve papers, (2) Hartman never pushed or tried to push pass Deputy Broussard to try to serve Judge Walker, (3) Hartman never made a disturbance via "noise," (4) Hartman never approached or attempted to approach Judge Walker, etc.

77. Carter's misconduct was intentional and particularly egregious, since she is employed as the Court Coordinator for Judge Walker's court, and she has extensive knowledge, training and experience in the criminal justice system, the Texas Penal Code felonies that are adjudicated in Judge Walker's courtroom, and in the procedures and operations of criminal district courts. Carter's job capacity necessarily requires her to respect and obey the Constitutions and laws of the United States and the State of Texas. Carter knows intimately all the Texas Penal Code provisions that she violated, because she is court coordinator for a felony criminal district court in Jefferson County, Texas. These laws were very well-established at the time Carter committed her misconduct, and Carter is charged with full knowledge of them. Carter's misconduct is objectively unreasonable, particularly for a Jefferson County employee professionally immersed in the justice system, the Texas Penal Code, and in the procedures and operations of a felony criminal district court. Accordingly, at no time did Carter act in good faith, and therefore she is not entitled to a defense of official or qualified immunity. Ms. Carter, therefore, was negligent and also grossly negligent per se when she wrote and signed her

sworn affidavit, in violation of: (1) Tex. Penal Code § 37.02, by committing perjury; (2) Tex. Penal Code § 37.03, by committing aggravated perjury; (3) Tex. Penal Code § 37.04, by making perjured statements that meet the definition of materiality; and (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint. Defendant Carter's negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Carter engaged in misconduct that is extreme and outrageous, particularly considering her job capacity, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Carter committed the tort of intentional infliction of emotional distress against Hartman, and DeCuir's misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Carter provided this false information in her affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Carter's misconduct, therefore,

knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Further, since Defendant Carter acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Carter and to deter any further misconduct by Carter.

78. Defendant Tish Jones, a Jefferson County employee in the Community Supervision and Corrections Department, provided an affidavit (Exhibit "13"), that was completely belied by (1) the audio/video evidence on Hartman's recording pen, and (2) the court reporter's transcript. Specifically, without limitation, (1) Harman never crossed the bar to serve papers, (2) Hartman never pushed or tried to push pass Deputy Broussard to try to serve Judge Walker, (3) Hartman never made a disturbance via "noise," (4) Hartman never approached or attempted to approach Judge Walker, etc.

79. Jones' misconduct was intentional and particularly egregious, since she is employed in the Jefferson County Community Supervision and Corrections Department, and has extensive experience in the criminal justice system and the procedures and operations of criminal district courts. Jones' job capacity necessarily requires her to respect and obey the Constitutions and laws of the United States and the State of Texas. Jones knows intimately all the Texas Penal Code provisions that she violated. These laws were very well-established at the time Jones committed her misconduct, and Jones is charged with full knowledge of them. Jones' misconduct is objectively unreasonable, particularly for a Jefferson County employee professionally immersed in the justice system and in the procedures and operations of criminal district court. Accordingly, at no time did Jones act in good faith, and therefore she is not entitled to a defense of official or qualified immunity. Ms. Jones, therefore, was negligent and also grossly negligent per se when she wrote and signed her sworn affidavit, in violation of: (1) Tex. Penal Code § 37.02, by committing perjury; (2) Tex. Penal Code § 37.03, by committing aggravated perjury; (3) Tex. Penal Code § 37.04, by making perjured

statements that meet the definition of materiality; and (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint. Defendant Jones' negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Jones engaged in misconduct that is extreme and outrageous, particularly considering her job capacity, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Jones committed the tort of intentional infliction of emotional distress against Hartman, and Jones' misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Jones provided this false information in her affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Jones' misconduct, therefore, knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's

First Amendment rights to freedom of association. Further, since Defendant Jones acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Jones and to deter any further misconduct by Jones.

80. Defendant Diane Rojas, office manager for Allied Bail Bonds, provided a witness statement (Exhibit "14"), that was completely belied by (1) the audio/video evidence on Hartman's recording pen, and (2) the court reporter's transcript. Specifically, without limitation, (1) Harman never crossed the bar to serve papers, (2) Hartman never pushed or tried to push pass Deputy Broussard to try to serve Judge Walker, (3) Hartman never made a disturbance via "noise," (4) Hartman never approached or attempted to approach Judge Walker, etc. The Rojas statement falsely claims that Hartman "intended to cause a disruption" in the 252nd District Court, when Hartman went into court to serve the Stella Morrison suit papers. Rojas contends to have personal knowledge of Hartman's state of mind, but Rojas provides no basis in her statement to substantiate her

alleged knowledge of Hartman's state of mind prior to his arrest. Notably, Rojas uses the specific terms that have been used to frame false criminal charges against Hartman – specifically the allegation that Hartman allegedly intended to disrupt the proceedings in the 252nd District Court on the day in question. No rationale person, when considering all the egregious misconduct at issue in this case and all the perjured affidavits and falsified offense reports, could believe that Rojas' use of this phrase ("intended to cause a disruption") could be a coincidence.

81. Rojas' misconduct was intentional and particularly egregious, since she is employed as the office manager for a prosperous and well-known bail bond company, and thus she has extensive experience in the criminal justice system and the procedures and operations of criminal district courts. Rojas' job capacity necessarily requires her to understand the Constitutions and laws of the United States and the State of Texas. Ms. Rojas, therefore was negligent and also grossly negligent per se when she wrote and signed her witness affidavit, in violation of: (1) Tex. Penal Code § 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other

Defendants, which such crimes are identified throughout this Complaint. Defendant Rojas' negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Rojas engaged in misconduct that is extreme and outrageous, particularly considering her job capacity, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Rojas committed the tort of intentional infliction of emotional distress against Hartman, and Rojas' misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Rojas provided this false information in her statement knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Rojas' misconduct, therefore, knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Further, since Defendant Rojas acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as

much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Rojas and to deter any further misconduct by Rojas.

82. Defendant Tom Maness is the Criminal District Attorney for Jefferson County, Texas. Defendant Tom Maness has been implicated in wrongdoing and Texas Penal Code violations by the records from the results of the Internal Affairs Department Investigation of the Jefferson County Sheriff's Department (IAD Investigation), as well as from other sources of information. According to the IAD Investigation records, Defendants Maness and Ed Shettle knowingly and willingly helped to draft a falsified and perjured search warrant affidavit that was signed by Sgt. Chad Kolander, to present to the Honorable Judge Robert Wortham in order to obtain an official search warrant to cover-up that the Sheriff's Department through its Deputies, Woods, and also with the over participation and approval of Judge Walker, and others, had already violated the chain of custody for the recording pen and its audio/video contents, had already downloaded this evidence unlawfully, and had already viewed this evidence. Defendant Maness engaged in other

misconduct, set forth in detail above. Maness is an employee of Jefferson County, Texas. He is a policy-maker as the elected District Attorney for Jefferson County. Maness acted in violation of 42 U.S.C. Section 1983 by intentionally participating in a plethora of unlawful conduct, and also by acting negligently and also grossly negligently per se, in violation of: (1) Tex. Penal Code § 37.02, by intentionally and knowingly drafting a perjured affidavit; (2) Tex. Penal Code § 37.03, by intentionally and knowingly drafting a perjured affidavit that is aggravated perjury; (3) Tex. Penal Code § 37.04, by intentionally and knowingly drafting a perjured affidavit which contents meet the definition of materiality; (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint; (5) Tex. Disciplinary Rules of Professional Conduct 4.01, by violating the attorney duty of making truthful statements to others; (6) Tex. Disciplinary Rules of Professional Conduct 4.04, by violating the attorney duty of respect for the rights of third persons; (7) Tex. Disciplinary Rules of Professional Conduct 8.04(a) (1), (2), (3), (4) & (6), by violating the

Texas Disciplinary Rules, assisting others in violating these rules, committing criminal acts, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, engaging in obstruction of justice, and knowingly assisting a judge in conduct that is a violation of applicable rules of judicial conduct or other law. Maness' misconduct was intentional and particularly egregious since he is an attorney, the Jefferson County's Criminal District Attorney, and a policy-maker, with a sworn oath to respect and obey the Constitutions and laws of the United States and the State of Texas. Maness knows intimately all the Texas Penal Code provisions that he willingly violated and assisted others in violating, as well as all the Rules of Professional Conduct that he violated. These laws and rules were very well-established at the time Maness committed his misconduct, and Maness is charged with full knowledge of them. Maness' misconduct is objectively unreasonable, particularly for a licensed attorney and as the Criminal District Attorney in Jefferson County, Texas. Accordingly, at no time did Maness act in good faith, and therefore he is not entitled to a defense of official or qualified immunity. Defendant Maness' negligence and gross negligence have proximately caused

Hartman substantial actual or compensatory damages. Further, Defendant Maness engaged in misconduct that is extreme and outrageous, particularly for a licenced attorney and a Criminal District Attorney, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Maness committed the tort of intentional infliction of emotional distress against Hartman, and Maness' misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Maness drafted this false affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Maness' misconduct, therefore, knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Maness supported and facilitated the unconstitutional policy and practice of Jefferson County, Texas, to fully support and facilitate all of Judge Walker's intentionally illegal misconduct that for ten years has habitually violated the constitutional and legal rights of many innocent citizens, like Hartman.

Maness views his role to engage in political corruption, using his office as an offensive weapon to support unconstitutional and criminal misconduct all throughout the Jefferson County legal system. Further, since Defendant Maness acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Maness and to deter any further misconduct by Maness.

83. Defendant Ed Shettle is the First Assistant Criminal District Attorney for Jefferson County, Texas. Defendant Shettle has been implicated in wrongdoing and Texas Penal Code violations by the IAD Investigation. According to these records, Defendants Shettle and Maness knowingly and willingly helped to draft a falsified and perjured search warrant affidavit that was signed by Sgt. Kolander, to present to the Honorable Judge Robert Wortham in order to obtain an official search warrant to cover-up that the Sheriff's Department through its Deputies and Sheriff Woods, with the overt participation and approval of Judge Walker and others had already violated the chain of custody for the

recording pen and its audio/video contents, had already downloaded this evidence unlawfully, and had already viewed this evidence. Defendant Shettle is an employee of Jefferson County, Texas. He is a policy-maker as the First Assistant to the Criminal District Attorney for Jefferson County. Shettle acted in violation of 42 U.S.C. Section 1983 by intentionally participating in a plethora of unlawful conduct, and also by acting negligently and also grossly negligently per se, in violation of: (1) Tex. Penal Code § 37.02, by intentionally and knowingly drafting a perjured affidavit; (2) Tex. Penal Code § 37.03, by intentionally and knowingly drafting a perjured affidavit that is aggravated perjury; (3) Tex. Penal Code § 37.04, by intentionally and knowingly drafting a perjured affidavit which contents meet the definition of materiality; (4) Tex. Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint; (5) Tex. Disciplinary Rules of Professional Conduct 4.01, by violating the attorney duty of making truthful statements to others; (6) Tex. Disciplinary Rules of Professional Conduct 4.04, by violating the attorney

duty of respect for the rights of third persons; (7) Tex. Disciplinary Rules of Professional Conduct 8.04(a) (1), (2), (3), (4) & (6), by violating the Texas Disciplinary Rules, assisting others in violating these rules, committing criminal acts, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, engaging in obstruction of justice, and knowingly assisting a judge in conduct that is a violation of applicable rules of judicial conduct or other law. Shettle's misconduct was intentional and particularly egregious since he is an attorney, the First Assistant Criminal District Attorney, and a policy-maker, with a sworn oath to respect and obey the Constitutions and laws of the United States and the State of Texas. Shettle knows intimately all the Texas Penal Code provisions that he willfully violated and assisted others in violating, as well as the Rules of Professional Conduct that he violated. These laws and rules were very well-established at the time Shettle committed his misconduct, and Shettle is charged with full knowledge of them. Shettle's misconduct is objectively unreasonable, particularly for a licensed attorney and as the First Assistant Criminal District Attorney in Jefferson County, Texas. Accordingly, at no time did Shettle act in good

faith, and therefore Shettle is not entitled to a defense of official or qualified immunity. Defendant Shettle's negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Shettle engaged in misconduct that is extreme and outrageous, particularly for a licenced attorney and a First Assistant to the Criminal District Attorney, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Shettle committed the tort of intentional infliction of emotional distress against Hartman, and Shettle's misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Shettle drafted this false affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Shettle's misconduct, therefore, knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Shettle supported and facilitated the unconstitutional policy and practice of Jefferson County,

Texas, to fully support and facilitate all of Judge Walker's intentionally illegal misconduct that for ten years has habitually violated the constitutional and legal rights of many innocent citizens, like Hartman. Shettle views his role to engage in corruption, using his office as an offensive weapon to support unconstitutional and criminal misconduct all throughout the Jefferson County legal system. Further, since Defendant Shettle acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the intent to cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Shettle and to deter any further misconduct by Shettle.

84. Defendant Sgt. Kolander is a high ranking employee of the Jefferson County Sheriff's Department. Kolander has been directly implicated in wrongdoing and Texas Penal Code violations by the IAD Investigation. According to these records, Defendants Shettle and Maness knowingly and willingly helped to draft a falsified and perjured search warrant affidavit that was signed by Sgt. Kolander, to present to the Honorable Judge Robert Wortham in order to obtain an official search warrant to cover-up

that the Sheriff's Department through its Deputies and Woods, with the active participation and approval of Judge Layne Walker and others, had already violated the chain of custody for the recording pen and its audio/video contents, had already downloaded this evidence unlawfully, and had already viewed this evidence. Kolander knew the affidavit he drafted was perjured, but he signed it anyway and therefore overtly lied to a tribunal to obtain a search warrant for evidence that had already been unlawfully searched. Defendant Kolander is an employee of Jefferson County, Texas. He is a policy-maker as a high ranking Deputy in the Jefferson County Sheriff's Department. Kolander acted in violation of 42 U.S.C. Section 1983 by intentionally participating in a plethora of unlawful conduct, and also by acting negligently and also grossly negligently per se, in violation of: (1) Tex. Penal Code § 37.02, by intentionally and knowingly signing a perjured affidavit and presenting it to Judge Wortham; (2) Tex. Penal Code § 37.03, by intentionally and knowingly signing a perjured affidavit that is aggravated perjury; (3) Tex. Penal Code § 37.04, by intentionally and knowingly signing a perjured affidavit which contents meet the definition of materiality; and (4) Tex.

Penal Code Section 15.02, by entering into a criminal conspiracy to commit all the crimes (i.e., Texas Penal Code violations) perpetrated by all the other Defendants, which such crimes are identified throughout this Complaint. Kolander's misconduct was intentional and particularly egregious since he is a high ranking Sheriff Deputy, a law enforcement officer, and a policy-maker with a sworn oath to respect and obey the Constitutions and laws of the United States and the State of Texas. Kolander knows intimately all the Texas Penal Code provisions that he violated and assisted others in violating. These laws and rules were very well-established at the time Kolander committed his misconduct, and Kolander is charged with full knowledge of them. Kolander's misconduct is objectively unreasonable, particularly for a licensed law enforcement officer in Jefferson County, Texas. Accordingly, at no time did Kolander act in good faith, and therefore Kolander is not entitled to a defense of official or qualified immunity. Defendant Kolander's negligence and gross negligence have proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Kolander engaged in misconduct that is extreme and outrageous, particularly for a licenced law

enforcement officer with policy-making authority, for the express purpose of causing Hartman substantial and severe emotional or mental anguish. Accordingly, Defendant Kolander committed the tort of intentional infliction of emotional distress against Hartman, and Kolander's misconduct in this regard proximately caused Hartman substantial actual or compensatory damages. Further, Defendant Kolander signed his false affidavit knowingly, willingly, with deliberate disregard for the rights and welfare of Hartman. Defendant Kolander's misconduct, therefore, knowingly assisted and facilitated the County, Judge Walker and the individual Defendants to violate Hartman's Fifth Amendment Due Process Rights, Fourteenth Amendment Equal Protection Rights, and also Hartman's First Amendment rights to freedom of association. Kolander supported and facilitated the unconstitutional policy and practice of Jefferson County, Texas, to fully support and facilitate all of Judge Walker's intentionally illegal misconduct that for ten years has habitually violated the constitutional and legal rights of many innocent citizens, like Hartman. Further, since Defendant Kolander acted maliciously, with conscience disregard for the rights and welfare of Hartman, and with the

intent to cause Hartman as much harm and damage as possible, Hartman requests the imposition of punitive or exemplary damages in the discretion of the jury to punish Kolander and to deter any further misconduct by Kolander.

LIABILITY OF THE COUNTY OF JEFFERSON AND THE STATE ACTORS UNDER 42 U. S. C. § 1983

85. Pursuant to 42 U.S.C. § 1983, Mr. Hartman has pled facts demonstrating that he is the victim of (1) intentional, repetitive violations of his Constitutional rights, (2) numerous statutory violations, and (3) multiple Texas penal violations perpetrated by Judge Layne Walker, Sheriff Mitch Woods and all the named Deputy Defendants, Tom Maness, Ed Shettle, Alford, the court coordinators Ann Landry, Tiffani DeCuir and Kim Carter, Jodee Roach, Tish Jones and Misty Craver, and all the Assistant District Attorneys identified in this Complaint. All of these governmental employee Defendants were acting under color of state law. Further, Hartman has pled facts demonstrating that he is the victim of retaliation, official oppression and other crimes by policy-makers, including Judge Layne Walker, Sheriff Mitch Woods, Maness, Shettle, Alford, Cpt. Carr and Sgt. Kolander. Pursuant to the requirements of 42

U.S.C. § 1983, Hartman has pled facts demonstrating an ongoing and egregious pattern of violations of his rights secured by the United States Constitution, the Texas Constitution and by well-established and well-known civil and penal statute, all perpetrated by these governmental employee Defendants. Mr. Hartman has also identified the actors of the State of Texas and the County of Jefferson who performed and ratified these ongoing Constitutional and statutory violations performed by the individual governmental employee Defendants identified above acting under color of state law. A state actor is one acting "under color of any statute, ordinance, regulation, custom, or usage of any State..." 42 U.S.C. § 1983; Johnson v. Dallas Independent School District, 38 F. 3d 198, 200 (5th Cir. 1994), cert. denied, 514 U.S. 1017 (1995). Under this definition, the state actors are all the governmental employee Defendants identified in this Complaint and in this paragraph. The governmental entities the County of Jefferson and also the State of Texas acted through these individual governmental employee Defendants. Judge Layne Walker has for years violated the statutory, civil and constitutional rights of many people, all with the full support and cooperation of the entire Jefferson

County legal system and with the active support of the governmental employee Defendants identified in this Complaint. The misconduct Judge Walker orchestrated against Hartman with the active participation and ratification by all the individual Defendants is consistent with Walker's long-standing pattern and practice of near constant unlawful conduct and extremely out of control behavior. Walker's crime spree has spanned ten years, with countless victims, including Hartman. Sheriff Mitch Woods and these Deputy Defendants, Maness, Shettle, Alford, the Assistant District Attorneys who are sued herein, and the remaining governmental employee Defendants have carried out and participated in unlawful and unconstitutional actions orchestrated by Judge Layne Walker. The County of Jefferson, acting through these individual governmental employee Defendants, have entered into an actual meeting of the minds or a conspiracy with Judge Layne Walker to perpetrate this ongoing pattern of constitutional, statutory and civil rights violations against Hartman and others. Their combined actions, and the actions undertaken by Judge Layne Walker with ratification by the County of Jefferson through all the overt participation and unlawful conduct of the

governmental employees, constitute an official policy, custom, or practice of these governmental entities sufficient to impose monetary liability upon the County of Jefferson and all the individual Defendants for all the unlawful conduct against Hartman at issue. Monell v. Dept. of Social Services of the City of New York, 436 U.S. 658, 694, 98 S. Ct. 2018, 2037 (1978).

86. The Fifth Circuit interprets the Monell requirement of an official policy, custom or practice to "include persistent or widespread practices which, although not officially authorized, are 'so common and well settled as to constitute a custom that fairly represents [official] policy.'" Muldrow v. Berthot, No. 6:12 CV 460, 2012 W.L. 3991366 (E.D. Tex. 2012), citing Campbell v. City of San Antonio, 43 F.3d 973, 977 (5th Cir. 1995). A pattern of incidents with notice to the governmental entities can satisfy the applicable standards. See authority supra; see also Webster v. City of Houston, 735 F. 2d 838, 841 (5th Cir. 1984); Travis v. Texas Department of Criminal Justice, No. 3-06-CV-1854 M, 2006 W.L. 3831221, at 2 (N.D. Tex. 2006).

87. The County of Jefferson has knowledge, both actual and

constructive, that Judge Layne Walker, acting individually and with the cooperation and actions of the other governmental employee Defendants and also the other individual Defendants, many of whom are policy-makers, have consistently engaged in at least ten (10) years of ongoing misconduct that includes this massive episode at issue that include: (1) the wholesale deprivation of Hartman's civil and Constitutional rights under color of state law; (2) intentional violation of Hartman's clear statutory and common law rights through the commission of multiple Texas Penal Code violations and numerous torts against Hartman by all the Defendants; and (3) the governmental employee Defendants entering into agreements with the other individual Defendants to violate the civil, Constitutional and statutory rights of numerous people including but not limited to Hartman.

88. The Jefferson County Sheriff's Department, through Sheriff Mitch Woods, has consistently supported illegal conduct orchestrated and perpetrated by Judge Layne Walker. Further, Sheriff Mitch Woods has approved of and participated in all the Constitutional, statutory, penal code and common law violations of Hartman's rights that are described in

this Complaint. Likewise, all the Individual Sheriff Deputies who are Defendants, the Defendant Court Coordinators, as well as Tish Jones, Jodee Roach, and Misty Craver, have willfully perpetrated unlawful and tortious conduct at the request of Judge Walker, Maness, Shettle and Woods, with a callous disregard for the rights and welfare of Hartman under the laws and Constitutions of the United States and the State of Texas.

89. The governmental employee Defendants may assert the defense of Qualified Immunity or Official Immunity. Under this defense, the legal inquiry is whether these governmental employee Defendants each acted in good faith toward Hartman, and with due regard for the laws and the Constitution of the United States and Texas. The governmental employee Defendants are not entitled to this affirmative defense if they violated well-established Constitutional and statutory standards (including Penal Code standards) that were well-established and reasonably known at the time of the misconduct at issue. These governmental employee Defendants acted at all times in bad faith toward Hartman, who has been the victim of malicious and willful misconduct by these individual

governmental employee Defendants that violate clear Constitutional, statutory and common law duties imposed upon these governmental employee Defendants. That is, these governmental employee Defendants have all perpetrated clear violations of Mr. Hartman's Constitutional, statutory and common law rights, many of which are guaranteed by the Texas Penal Codes referenced above. All these violations defeat the defense of Qualified Immunity or Official Immunity for these individual Defendants. See Wilson v. Layne, 526 U.S. 603, 609 (1999). That is, these individual governmental employee Defendants have intentionally violated clear and well-known Constitutional, statutory, penal codes and common law duties that they owed to Hartman. Despite having actual knowledge that the directives of Judge Layne Walker, Maness, Shettle, and Woods were unconstitutional and unlawful against Hartman, all the governmental employee Defendants have, by their misconduct toward Hartman, willingly refused to follow their oaths to support and defend the laws and Constitutions of the United States and Texas. These Defendants, therefore, have no Qualified or Official Immunity. Accordingly, all the governmental employee Defendants face individual

monetary liability for all their misconduct at issue.

90. The Jefferson County legal and judicial system have a custom, policy or practice of fully supporting and being complicit with Judge Layne Walker and all his resulting oppressive, unconstitutional, illegal and intentionally tortious actions. The Jefferson County District Attorneys' Office, through Maness, Shettle, the Assistant District Attorneys, and now with the help and facilitation of Alford, have demonstrated a policy or custom of giving Walker a "blank-check" of support by helping to cover-up any crime or egregious Constitutional violations perpetrated by Judge Walker. Sheriff Mitch Woods and all his Deputies also fully support and assist with every illegal act perpetrated by Walker, including Texas Penal Code violations and Constitutional violations. In this case, Hartman is the current victim of all this egregious misconduct. Jefferson County has actual or constructive knowledge of Judge Layne Walker's ongoing unlawful, unconstitutional and statutory misconduct against Hartman and others. Upon information and belief, the Texas State Commission on Judicial Conduct has received a massive amount of complaints against Judge Layne Walker, many of them complaining about Judge Layne

Walker's misconduct similar to the matters at issue in this case. Further, massive complaints against Judge Layne Walker have been received by the Texas Rangers and the Texas Attorneys' General's Office, which such law enforcement agencies have not attempted to prevent Judge Layne Walker's illegal conduct against Hartman and others. That is, not a single state law enforcement agency has taken any action regarding the plethora of Constitutional and Texas Penal Code violations that occur virtually everyday in Jefferson County through Judge Layne Walker, with the active participation of (1) the Sheriff and the Deputy Defendants, and (2) Maness, Shettle and the Assistant District Attorneys, all working for Judge Layne Walker's personal unlawful goals, all in violation of the rights of a plethora of innocent victims, like Hartman. Despite actual and constructive knowledge of Judge Layne Walker's unlawful actions, all the relevant law enforcement agencies and Jefferson County has not taken any remedial action to stop any more unlawful conduct by Judge Layne Walker and his supporters, including but not limited to all the other individual Defendants. Further, the Administrative Judge Olen Underwood zealously supports Judge Layne Walker, putting in writing

that attempting to utilize the legal system to protect people from harm by Judge Layne Walker is worthy of reprimand. All this constitutes acquiescence in and ratification of both Judge Layne Walker's unconstitutional and unlawful conduct toward Hartman and others, and also the unlawful conduct of the other individual Defendants against Hartman and others. Therefore, there is a custom, policy or practice of Jefferson County to support and implement the unconstitutional, Texas Penal Code violations, and tortious actions of Judge Layne Walker and all the other individual Defendants (including all the governmental employee Defendants) against Hartman.

JUDGE WALKER IS INDIVIDUALLY LIABLE FOR MONETARY DAMAGES TO MR. HARTMAN

91. Judge Layne Walker's orders that Sheriff Deputies wrongfully arrest Mr. Hartman, use excessive force, fabricate and destroy evidence, and deny Hartman his other Constitutional rights, were all non-judicial actions completely outside the scope of Judge Layne Walker's jurisdiction as a Texas state court judge. These orders by Judge Layne Walker were not based upon any case lawfully assigned to the 252nd Judicial District Court. Judge Walker's orders were not based on Judge Layne Walker's

adjudicative functions. Hartman was neither a party or a witness to any case being adjudicated by Judge Layne Walker in his court. All of Judge Layne Walker's misconduct against Hartman, therefore, is totally outside the scope of his jurisdiction pursuant to his individual vendetta against Hartman and the rule of law. The destruction of evidence, the fabrication of evidence, the unlawful arrest and incarceration, the illegal search and seizure, the denial of Hartman's right to counsel, excessive force, malicious prosecution, defamation per se, acts of official oppression, etc., are all outside of the scope of Judge Layne Walker's jurisdiction of the 252nd District Court, but are acts Judge Layne Walker undertakes often and regularly.

CASE LAW SUPPORTING INDIVIDUAL LIABILITY
AGAINST JUDGE LAYNE WALKER

92. A judge acting in his official judicial capacity has absolute immunity from liability for judicial acts performed within the scope of his jurisdiction. Dallas County v. Halsey, 87 S.W.3d 552, 554 (Tex. 2002). The United States Supreme Court holds that judicial immunity extends to a judge's judicial actions. Stump v. Sparkman, 435 U.S. 349, 356-57 (1978). The inquiry for judicial immunity is whether the judge's

questioned act was undertaken in the course and scope of his adjudicative role over cases or other proceedings assigned to his or her court. Judges are not immune from suit, however, when they undertake non-judicial actions, which are those actions not done in the judge's official adjudicative capacity, or those actions taken in the absence of the judge's court's jurisdiction. Mireles v. Waco, 502 U.S. 9, 11-12 (1991).

93. The United States Supreme Court in Forrester v. White, 484 U.S. 219, 227, 108 S. Ct. 5, 8 (1988), discussed the distinction between "judicial" versus "non-judicial" acts, for which a judge's culpable conduct leads to individual liability. The Supreme Court focused on the nature of the judge's act at issue. The Court inquires whether the questioned act is a function normally performed by a judge, as contrasted with an administrative, legislative, or executive function that a judge may be called upon to perform as a result of his position or otherwise.

94. Non-judicial acts include all those acts not associated with a judge's normal duties. Stated another way, a judge's actions unrelated to the ongoing adjudication of a matter lawfully pending in the judge's court constitute non-judicial acts. The Forrester Court provided several

examples of non-judicial acts for which individual liability applies: (1) selecting jurors for the county's courts; (2) promulgating and enforcing a code of conduct for attorneys; and (3) making personnel decisions regarding court employees and officers. Forrester, 484 U.S. 228-30.

95. The seminal Fifth Circuit decision regarding a judge's personal liability for acts outside of the scope of his jurisdiction is Harper v. Merckle, 638 F.2d 848 (5th Cir. 1981), cert. denied, 454 U.S. 816 (1982). The Fifth Circuit held a judge did not have immunity for any conduct that is not a judicial act. In Harper, the plaintiff instituted a civil rights action against Judge Merckle under 42 U. S. C. § 1983. The case involved an underlying divorce proceeding. The plaintiff went to tender a child support payment. Judge Merckle was present in the office. The judge entered the office not dressed in a formal robe, and asked the court clerk to retrieve the case file from the clerk's office. The judge claimed he was trying to clear up a rumor about an outstanding contempt violation against the plaintiff, stating he was attempting to "help" the plaintiff. The judge then began a conversation with the plaintiff about his child support check, questioned plaintiff over his address, the post office box,

etc. The judge then swore the plaintiff in to give testimony. The plaintiff turned around to leave, and the judge sent the court bailiff to retrieve the plaintiff. The judge ordered the arrest of the plaintiff, who was frisked and hand-cuffed. The judge then held his own contempt proceeding in his chambers. 638 F.2d at 852. After, the judge placed the plaintiff in a small room to await transportation to jail. The plaintiff was threatened with physical harm while in custody.

96. The Fifth Circuit provided a lengthy discussion of judicial immunity, based upon United Stated Supreme Court authority. The Fifth Circuit also discussed several decisions distinguishing between a "judicial act" and a "non-judicial act." 638 F.2d 858-859 (citing Fifth Circuit cases). The Court held that personal liability attaches to a judge for actions occurring outside the scope of his jurisdiction. The Court opined that Judge Merckle was exercising a "normal judicial function" by holding a contempt hearing and by swearing in the plaintiff. The Court found that Judge Merckle could be held individually liable, however, because his actions "centered around the domestic problems of one of the Judge's friends, Harper's former wife." The Court found that Judge Merckle abused normal judicial

powers and his ill-motives were outside the scope of a judicial proceeding and therefore exceeded the scope of his jurisdiction. The Fifth Circuit held:

> Succinctly stated, we hold only that when it is beyond reasonable dispute that a judge has acted out of personal motivation and has used his judicial office as an offensive weapon to vindicate personal objectives, and it further appears that no party invoked the judicial machinery for any purpose at all, then the judge's actions do not amount to "judicial acts." These nonjudicial acts, to state the obvious, are not cloaked with judicial immunity from suit under § 1983. 638 F.2d at 859.

There is also Texas authority following this same logic in distinguishing between immune acts and non-immune acts of a judge. The Houston Court of Appeals explained that "[j]udicial acts include those performed by judges involving adjudicating, or otherwise exercising their judicial authority over, proceedings pending in their courts." Twilligear v. Carrell, 148 S.W.3d 502, 505 (Tex. App. - - Houston [14th Dist.] 2004, pet. denied).

40. Judge Layne Walker's numerous unconstitutional actions, repeated statutory and penal violations, and intentionally tortious actions against Mr. Hartman involved using Walker's alleged authority as a judge "as an offensive weapon to vindicate personal objectives." None of Judge Layne

Walker's vindictive actions pled in this Complaint are based upon him actually adjudicating a case in his court. Judge Layne Walker has a long-standing pattern and practice of using his apparent authority as an offensive weapon to perpetrate unlawful actions, with the total acquiescence and participation of the Jefferson County legal and judicial system.

97. In addition to Fifth Circuit cases, there are other cases finding no judicial immunity. Many of these cases involve circumstances similar to Mr. Hartman's situation. In King v. Love, 766 F. 2d 962 (6th Cir. 1985), cert. denied, 474 U. S. 971 (1985), the Sixth Circuit held that although setting a bond on an arrest warrant is a judicial act, the judge was not immune when the judge deliberately misled the police officer who was to execute the warrant about the identity of the person sought. That is, the judge tried to institute criminal proceedings against the wrong person, and these actions were deliberate. In this case, Judge Layne Walker, with the help of Sheriff Mitch Woods, the individual Sheriff Deputies, Maness, Shettle and the Assistant District Attorneys, the court coordinators and the other governmental employee Defendants, have willfully violated

multiple Constitutional rights, statutory and penal rights, and common law rights of Hartman. Judge Layne Walker, Maness, Woods, Shettle and Alford also pressed false criminal charges against Hartman, with the full knowledge that these criminal charges are entirely baseless. There is no judicial immunity for any of Walker's misconduct at issue in this lawsuit, because none of his misconduct constitute judicial acts.

98. In Morrison v. Lipscomb, 877 F.2d 463 (6th Cir. 1989), the Sixth Circuit held that a state court judge was not entitled to judicial immunity for an order declaring a moratorium on issuance of writs of restitution, because the judge was acting in an administrative capacity. In Sevier v. Turner, 742 F.2d 262 (6th Cir. 1984), the court found individual liability against a juvenile court judge for his initiation of criminal prosecution and civil contempt proceedings against a father for his child support arrearage. The judge in that case acted unilaterally and instituted the proceedings instead of adjudicating a matter that was lawfully assigned to him. In New Alaska Development Corp. v. Guetschow, 869 F.2d 1298 (9th Cir. 1988), the Ninth Circuit held that a receiver appointed by a state court to manage the business assets of an estate was not immune from

allegations that he stole assets or slandered the parties, since those actions were not judicial in nature, but instead were the receiver's intentional torts. In Harris v. Harvey, 605 F.2d 330 (7th Cir. 1979), cert. denied, 445 U. S. 938 (1980), the Seventh Circuit held that repeating communications to the press and city officials that were critical of a police lieutenant, and the improper instigation of criminal proceedings against that lieutenant by a judge were not judicial acts. The judge in that case, therefore, had no immunity from monetary liability.

99. All of Judge Layne Walker's misconduct against Hartman is non-judicial acts outside the scope of his jurisdiction. Stated conversely, none of Judge Walker's unlawful and misconduct willfully targeted against Hartman are within the scope of Judge Layne Walker's jurisdiction as a state court judge. This renders Judge Layne Walker individually liable for the Constitutional, statutory, penal code and common law violations of Mr. Hartman's rights pled in this Complaint. That is, there was not any pending proceeding lawfully assigned to the 252nd Judicial District Court that forms the basis of any of Judge Layne Walker's unlawful actions at issue. Therefore, in addition to seeking liability under 42

U.S.C. § 1983 against the State of Texas and the County of Jefferson under Monell and its progeny, Mr. Hartman is also seeking individual monetary liability against Judge Layne Walker for his misconduct that is actionable under § 1983, and for the pendent Texas tort claims, set forth below.

CAUSES OF ACTION AND DAMAGE CLAIMS

100. Plaintiff Stephen Hartman asserts this lawsuit against all Defendants pursuant to 42 U.S.C. § 1983 and for numerous pendent state law claims. Judge Layne Walker and all the governmental employee Defendants are all state and county actors, who have deliberately violated the Constitutional, statutory, penal and civil rights of the Plaintiff in numerous respects, pursuant to an ongoing scheme and pursuant to a custom, practice and standard operating procedure of the County of Jefferson. The complicity, ratification and facilitation of the governmental employee Defendants' actionable misconduct by the County of Jefferson is so wide-spread and persistent that it constitutes a custom that fairly represents official policy of the County of Jefferson. All the governmental employee Defendants and the Defendant Jefferson County have acted

jointly, with a unity of purpose and with collective action, justifying the imposition of joint and several liability against all the governmental employee Defendants. All these governmental employee Defendants have proximately caused Mr. Hartman substantial compensatory or actual damages.

101. Pursuant to § 1983, Plaintiff seeks to recover against Judge Layne Walker, the County of Jefferson, and all the other governmental employee Defendants all of Hartman's compensatory or actual damages for all his economic and non-economic harm that have been caused by these ongoing violations of § 1983. Since Jefferson County acted through the governmental employee Defendants have acted jointly, pursuant to a common scheme and dedicated purpose of perpetrating constitutional violations and Texas Penal Code violations against Hartman, Plaintiff therefore seeks to recover all his compensatory and also punitive or exemplary damages against Jefferson County and all the governmental employee Defendants jointly and severally. Hartman's economic damages are his financial or economic losses in the past, present and future, that include but are not limited to loss of income, loss of business, suspension

of his professional licenses, and other economic losses to be demonstrated at the time of trial. Hartman also seeks to recover against Jefferson County and all the governmental employee Defendants, jointly and severally, all his non-economic losses for his mental anguish and loss of enjoyment of life in the past, present and future. Plaintiff seeks to recover $1,000,000.00 for his past, present and future compensatory damages from Judge Layne Walker individually; $1,000,000.00 for these same past, present and future compensatory damages from the County of Jefferson; and $1,000,000.00 for these same past, present and future compensatory damages from each and every one of the governmental employee Defendants in this case.

102. Section 1983 also authorizes the recovery of punitive or exemplary damages against state or local officials in their individual capacity, for conduct that the fact-finder finds to be malicious, intentional, reckless or callously indifferent to a plaintiff's constitutional rights. Smith v. Wade, 461 U.S. 30 (1983). In order to recover punitive or exemplary damages, the jury need not find the conduct at issue was "outrageous" or "extraordinary," even though Judge Layne Walker's misconduct, as well

as the intentional misconduct of each and every of all the governmental employee Defendants, certainly qualifies as outrageous and extraordinary. Id.; Kolstad v. American Dental Ass'n, 527 U.S. 526, 535-36 (1999). Based upon these standards, Hartman seeks the imposition of punitive or exemplary damages against Judge Layne Walker individually, Jefferson County, and each and every of the governmental employee Defendants, in an amount to be set by the jury to punish each wrongdoer fully and to deter any future misconduct by any of these Defendants. While the amount awarded as punitive or exemplary damages is solely within the jury's discretion, Plaintiff requests the jury consider an award of punitive or exemplary damages against Judge Layne Walker, individually, Jefferson County, and against every other governmental employee Defendant, in an amount of at least ten (10) times the compensatory or actual damages awarded by the jury. The breach of public trust and blatant misuse of power by Judge Layne Walker, Jefferson County and all the governmental employee Defendants deserve and need a strong punitive response. Without a strong punitive or exemplary award, there will be countless other victims like Hartman. Plaintiff, therefore, requests

the jury make an example of Judge Layne Walker, Jefferson County, and each of the other governmental employee Defendants, in order to punish and deter each and every one of them, and in the process send a message to the Jefferson County legal system that this type of conduct will no longer be tolerated by law-abiding citizens.

STATE LAW TORT CLAIMS

103. Plaintiff has set forth his causes of action and his damage claims against the County of Jefferson and all the governmental employee Defendants under 42 U.S.C. Section 1983, above. Hartman includes Joe Alford as a governmental employee Defendant, because even though Alford is a private attorney, he is acting in a governmental capacity as the District Attorney Pro Tem. Alternatively, Hartman considers and sues Alford as a private, individual Defendant, if in fact the law would not classify Alford as a governmental employee Defendant. Hartman is also suing several other Defendants who are not governmental employees. These individual Defendants are James Makin, Rife Kimler, Arthur Louis, Jr., and Diane Rojas. Hartman also sues Judge Layne Walker, the governmental employee Defendants and the individual Defendants for all

the theories set forth above, including negligence and gross negligence for violations of the Texas Penal Code, and other statutory standards, that are identified above. Hartman also sues all these Defendants for negligence and gross negligence in failing to follow the law and Constitution in the particulars set forth above, and failure to control their own behavior toward Hartman. As briefed above, Judge Layne Walker has no judicial immunity for these causes of action. The negligence and gross negligence of all of the individual Defendants have proximately caused actual harm or compensatory damages to Hartman, as set forth above. Judge Layne Walker was grossly negligent by failing to uphold and follow the standard of behavior for a duly elected judge in the State of Texas. Judge Layne Walker has a duty toward Mr. Hartman to conduct himself properly as a judge, which duty Judge Layne Walker repeatedly breached.

104. Further, Plaintiff sues Judge Layne Walker, Jefferson County, the governmental employee Defendants and the other individual Defendants, for gross negligence and gross negligence per se, due to their grossly negligent per se and malicious misconduct against Mr. Hartman for

violations of (1) the Texas Code of Judicial Conduct (for Judge Walker) and (2) the Texas Penal Code by all Defendants. Plaintiff contends that individual Defendants are grossly negligent per se for (1) ordering the wrongful arrest, use of excessive force, wrongful incarceration, fabrication and then destruction of evidence, hiding of evidence, and tampering with evidence and witnesses, perjury and aggravated perjury against Hartman and perpetrated by Judge Walker, the County of Jefferson, the governmental employee Defendants and the individual Defendants, in the manners and specifics set forth throughout this Second Amended Complaint. Hartman also sues Judge Layne Walker for gross negligence per se for violating the following Canons of the Texas Code of Judicial Conduct: (1) Canon One, which is Upholding the Integrity and Independence of the Judiciary; (2) Canon Two, which is Avoiding Impropriety in All of the Judge's Activities; (3) Canon Three, which is Performing the Duties of Judicial Office Impartially and Diligently; (4) Canon Four, which is Conducting the Judge's Extra-Judicial Activities to Minimize the Risk of Conflict with Judicial Obligations; and (5) Canon Five, which is Compliance with the Code of Judicial Conduct. Judge

Layne Walker's oppressive conduct toward Mr. Hartman has violated these Judicial Canons openly, with the full knowledge, complicity and support of the County of Jefferson and the individual governmental employee Defendants. The intentionally tortious conduct of Judge Layne Walker, the County of Jefferson, the governmental employee Defendants and the individual Defendants also constitute negligence and gross negligence per se by violating (1) Mr. Hartman's civil rights under 18 U.S.C. § 241, and (2) Mr. Hartman's civil rights under color of state law, in violation of 18 U.S.C. § 242. All these actions by all the Defendants have proximately caused Hartman actual or compensatory damages, as set forth and enumerated above. Further, these Texas state law torts have been perpetrated by Judge Layne Walker, Jefferson County, the governmental employee Defendants and the individual Defendants maliciously, with a specific intent to harm Hartman, and with callous disregard for Hartman's rights and welfare, and with knowledge that all this misconduct posed an exceptional risk of harm or damage to Hartman. Accordingly, Hartman seeks the imposition of punitive or exemplary damages against all the Defendants, including the individual Defendants,

under Texas law, in the amounts set forth above, for each and every Defendant.

105. Additionally, Hartman sues all the Defendants, jointly and severally due to their concert of action and unity of purpose, for the pendent Texas state torts of tortious interference with business relationships, defamation and defamation per se, the tort of invasion of privacy through the public disclosure of private facts, and intentional infliction of emotional distress. While some case law holds that the tort of intentional infliction of emotional distress can be considered a "gap-filler" tort, such is not the case in this matter. The actions of the all the Defendants in this case are truly extreme and outrageous and were perpetrated for the specific purpose to harm Hartman and to cause him severe trauma and emotional distress. To make matters worse, all the Defendants still believe this entire situation is somehow amusing. These Texas state law torts perpetrated by each and all of the Defendants in this case through common and joint action, and with a unity of purpose of all the Defendants, have proximately caused Hartman actual or compensatory damages, as set forth above. Hartman sues each Defendant in this case

for the recovery of $1,000,000.00 for his actual or compensatory damages, to be assessed against all Defendants jointly and severally for the entire award of actual or compensatory damages. Further, these Texas state law torts have been perpetrated by all the Defendants maliciously, with a specific intent to harm Hartman, and with knowledge that all this misconduct posed an extreme risk of harm or damage to Hartman, therefore justifying the imposition of punitive or exemplary damages against each and every Defendant for these state law torts, jointly and severally, in the amounts set forth above. Hartman therefore sues each and every Defendant for the recovery of his actual or compensatory damages, and for the imposition of punitive or exemplary damages against each and every Defendant.

ATTORNEYS' FEES, COSTS AND EXPENSES

106. Hartman seeks to recover all attorneys' fees, costs and expenses pursuant to 42 U.S.C. § 1983. Plaintiff has employed Undersigned Counsel, who is Board Certified by the Texas Board of Legal Specialization in Civil Trial Law. Plaintiff has retained the Morgan Law Firm on a standard 40% contingent fee basis, plus recoupment of all the

Morgan Law Firm's costs and expenses incurred in prosecuting this cause of action. Pursuant to the Lodestar methodology, Plaintiff shall provide proof of attorneys' fees and expenses itemized on a hourly basis, at the rate of $450.00 per hour. Plaintiff anticipates that hourly attorneys' fees, costs and expenses incurred through a trial of this case could reasonably reach $350,000.00 or more. For making or responding to any necessary appeal to the United States Court of Appeals for the Fifth Circuit, Plaintiff seeks attorneys' fees, costs and expenses in the amount of $75,000.00 for the initial appellate brief and oral argument, and $35,000.00 for any necessary motions for rehearing or rehearing en banc, conditioned upon success on appeal. Further, for making or responding to a Petition for Certiorari to the United States Supreme Court, Plaintiff seeks an additional $75,000.00, conditioned upon success before the United States Supreme Court.

ENHANCEMENT DUE TO RETALIATION BY JUDGE WALKER, PROVOST UMPHREY AND TOM RUGG

107. Plaintiff also requests an enhancement to the award of attorneys' fees for prosecuting this cause of action. See Perdue v. Kenny A, 559 U.S. 542 (2010). Mr. Hartman's attorney, Undersigned Counsel, has

experienced and is presently experiencing ongoing retaliation orchestrated by Judge Layne Walker, his protectors in the legal community, the Provost Umphrey law firm, Tom Rugg and others, for (1) representing Hartman and Morrison, and (2) opposing unlawful conduct. For example, Judge Layne Walker filed a retaliatory Grievance against Undersigned Counsel with the Texas State Bar based on his representation of Stella Morrison against Judge Layne Walker. Further, pleadings filed in this case and in the related Stella Morrison case, as well as abusive and unlawful discovery recently propounded against the Undersigned in Jefferson County state court proceedings by Provost Umphrey, constitute an ongoing retaliatory scheme that will probably increase and continue. Undersigned Counsel has reported to the F.B.I. that Judge Layne Walker formed some sort of a "disbarment committee" with Provost Umphrey attorneys in 2012. Tom Rugg has joined in with this committee, and Rugg and Walker recently filed more retaliatory grievances against the Undersigned. Also attached as Exhibit "15" is correspondence from Ryan Schaper, Provost Umphrey attorney, threatening more potential grievances against the Undersigned and also insisting that the

Undersigned write false letters so that Provost Umphrey, Layne Walker, Tom Rugg and Maness could use these letters to seek perjury charges against the Undersigned. Notably, Judge Walker ordered the Undersigned to do the same thing in 2012. Judge Layne Walker, Provost Umphrey and Tom Rugg, therefore, are retaliating repeatedly against the Undersigned for representing Hartman and Morrison. Undersigned Counsel reasonably anticipates, based upon the extensive history of ongoing official oppression and retaliation, all this retaliatory conduct will continue and intensify, in an attempt to bully Undersigned Counsel and Hartman into dismissing this cause of action. Accordingly, due to the specter of more and ongoing retaliation against both Hartman and his attorney, a substantial enhancement of attorneys' fees should be awarded by the Court in this matter.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer herein. Plaintiff requests that he obtain a Judgment against all Defendants jointly and severally, and that Plaintiff recovers from all Defendants jointly and severally his compensatory or actual damages. Plaintiff also requests that he recover

punitive or exemplary damages in the jury's discretion against all the Defendants, jointly and severally. Plaintiff also requests that he recovers all his reasonable and necessary attorneys' fees, court costs and expenses, and an enhancement for his attorneys' fees. Finally, Plaintiff requests such other and further relief, at law or in equity, to which he may show himself to be justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This hereby certify that a true and correct copy of the foregoing document has been provided to counsel of records, via facsimile, on this 21st day of October, 2013:

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