

Case No. 19-5390

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

ORDER

GEORGE J. RAUDENBUSH, III

Plaintiff - Appellant

v.

MONROE COUNTY, TN; BILL BIVENS, Sheriff of Monroe County; TOWN OF TELLICO PLAINS TENNESSEE; BRIAN MILLSAPS, Officer; TRAVIS JONES, Officer

Defendants - Appellees

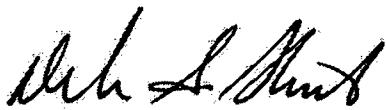
Appellant/Petitioner having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant/petitioner has failed to satisfy the following obligation(s):

The proper fee was not paid by July 2, 2020.

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

**ENTERED PURSUANT TO RULE 45(a),
RULES OF THE SIXTH CIRCUIT**
Deborah S. Hunt, Clerk

Issued: July 10, 2020



App. 1

No. 19-5390

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

GEORGE J. RAUDENBUSH III,
Plaintiff-Appellant,
v.
MONROE COUNTY, TN, et al.,
Defendants-Appellees.

FILED
May 12, 2020
DEBORAH S. HUNT, Clerk

O R D E R

Before: COLE, Chief Judge; GUY and BUSH, Circuit Judges.

George J. Raudenbush III, proceeding pro se, moves the court to reconsider its November 4, 2019, order denying his motion to proceed in forma pauperis on appeal from the dismissal of his civil rights complaint filed under 42 U.S.C. § 1983 and Tennessee law.

On careful consideration, the court concludes that it did not overlook or misapprehend any point of law or fact when it issued its order. *See* Fed. R. App. P. 40(a)(2). The motion for reconsideration is **DENIED**.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

App. 2

No. 19-5390

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Nov 04, 2019

DEBORAH S. HUNT, Clerk

GEORGE J. RAUDENBUSH, III,

)

Plaintiff-Appellant,

)

v.

)

MONROE COUNTY, TENNESSEE, et al.,

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Defendants-Appellees.

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O R D E R

George J. Raudenbush, III, proceeding pro se, appeals the dismissal of his civil rights complaint filed pursuant to 42 U.S.C. § 1983 and Tennessee law. The district court certified that an appeal could not be taken in good faith and denied Raudenbush's motion to proceed in forma pauperis on appeal. *See* 28 U.S.C § 1915(a)(3). Raudenbush now requests permission from this court to proceed in forma pauperis on appeal. *See* Fed. R. App. P. 24(a)(5).

In 2011, Raudenbush filed a complaint against Monroe County, Tennessee; Monroe County Sheriff Bill Bivens; Monroe County Police Officer Travis Jones; the Town of Tellico Plains, Tennessee; Tellico Plains Police Officer Brian Millsaps; and Southern Health Partners, Incorporated (SHP), a private corporation that provides medical treatment to inmates at the Monroe County Jail. He subsequently filed an amended complaint against the same defendants, asserting that, on December 30, 2010, Millsaps stopped his vehicle for a traffic violation and then "used his flashlight to break [Raudenbush's] car window and later struck [Raudenbush] violently on the head with his flashlight." Raudenbush claims that he was injured as a result of Millsaps's conduct, suffering a laceration on his finger and a head injury that caused him to develop migraine headaches. Raudenbush also alleges that an officer took him to a hospital, but refused to allow his head injury to be treated, and that Millsaps stopped, assaulted, and arrested Raudenbush in

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retaliation for a prior excessive force complaint Raudenbush had filed against Millsaps, as well as complaints made against the Monroe County Sheriff's Department by a Christian group with which Raudenbush is associated.

Raudenbush further claims that while he was incarcerated in Monroe County Jail he was: "denied a shower, running water to wash with, soap/toothpaste or toothbrush, a working toilet, food, a bed, and proper hygiene for medical care" for seventy-two hours; denied medical care for migraine headaches for fifty-one days; "forced to sleep on a cold, bare, cement floor for 28 days," causing "back pain and problems" and numbness in his left leg; denied medical treatment for a cough that produced blood; "placed in a cell with infected and contagious inmates"; "exposed to extreme overcrowding conditions in his cell"; denied his mail; and denied telephone use. Raudenbush alleges that "an agent and employee of [SHP] refused to treat his severe throat infection with antibiotics," and when he asked the "agent and employee for information to make a complaint with [SHP], the temperature in [his] cell was intentionally lowered to 45-50 degrees all night and the next day."

Raudenbush raises a number of claims arising out of this alleged conduct: violation of his Fourth and Fourteenth Amendment rights, conspiracy to violate his civil rights, unlawful arrest, retaliation, excessive force, denial of medical care and unconstitutional conditions of confinement, failure "to intervene to protect [him] from" civil rights violations, failure to train police officers adequately, and negligent hiring. He also asserts state-law claims for "false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, negligent and intentional infliction of emotional distress, [and] outrageous conduct." He seeks monetary, injunctive, and declaratory relief.

After the district court granted SHP's motion to dismiss it as a defendant, the case was stayed until October 26, 2017, pending resolution of Raudenbush's state criminal proceedings. As a result of the December 2010, traffic stop, Raudenbush was arrested and charged with various offenses, and after a second trial, a jury found him guilty of "driving on a suspended license, violating the financial responsibility law, speeding, felony evading arrest, misdemeanor evading

arrest, assault, and reckless endangerment.” *State v. Raudenbush*, No. E2015-674-CCA-R3-CD, 2017 WL 2443079 (Tenn. Crim. App. June 6, 2017). His convictions were affirmed on appeal, but the felony-evading-arrest and misdemeanor-evading-arrest convictions were remanded for merger. *Id.*

The defendants filed motions for summary judgment under Federal Rule of Civil Procedure 56, which Raudenbush opposed. The district court granted the motions for summary judgment, dismissing his federal-law claims with prejudice and his state-law claims without prejudice, and dismissed the case. Raudenbush filed a timely appeal and a motion to proceed in forma pauperis on appeal. A magistrate judge recommended denying Raudenbush’s motion. Over Raudenbush’s objections, the district court accepted and adopted the magistrate judge’s report and recommendation and denied his motion to proceed in forma pauperis.

The district court dismissed Raudenbush’s claims against SHP in 2012, finding that they were based on a respondeat superior theory. Respondeat superior cannot provide the basis for liability in § 1983 actions. *See Monell v. Dep’t of Soc. Servs. of N.Y.*, 436 U.S. 658, 691 (1978). The district court held that Raudenbush’s excessive-force claim against Millsaps also could not survive summary judgment, because there was insufficient evidence for a jury to find that the force Millsaps used was objectively unreasonable and excessive, given that “Raudenbush ignored Sgt. Millsaps[’s] lawful commands to exit the vehicle; he was actively resisting arrest; and attempting to evade arrest by flight”; there was no evidence that Millsaps struck Raudenbush on the head with his flashlight; and “Raudenbush’s criminal convictions arising out of the stop affirmatively bar his excessive force claim.” *See Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994); *Graham v. Connor*, 490 U.S. 386, 388, 396 (1989). The district court also held that Raudenbush’s Fourth Amendment claim against Jones for failure “to prevent or stop the use of force by” Millsaps could not survive summary judgment, because Millsaps “did not use excessive force against Raudenbush,” and even assuming that Raudenbush could establish an excessive-force claim against Millsaps, there was no evidence that Jones could have prevented or stopped any excessive use of force. *See Turner v. Scott*, 119 F.3d 425, 429 (6th Cir. 1997). The district court rejected Raudenbush’s failure-to-

prevent-excessive-force claim against Bivens, because there was no evidence that Bivens “was at the scene of his arrest.”

The district court also held that Raudenbush’s claim against the Town of Tellico Plains could not survive summary judgment, because he “failed to establish a constitutional violation for excessive force” in order to support § 1983 municipal liability. *See Miller v. Sanilac County*, 606 F.3d 240, 254–55 (6th Cir. 2010). The district court further granted summary judgment for Raudenbush’s municipal liability claim against Monroe County, because Millsaps was employed by the Tellico Plains Police Department, and Raudenbush failed to plead facts to support an excessive force claim against any Monroe County officers.

As to the unlawful-arrest claim against Millsaps, the district court held that Millsaps was entitled to summary judgment, since Raudenbush was found guilty of the charges for which he was arrested. The district court noted that Raudenbush had “a full and fair opportunity to challenge” whether “probable cause existed for [his] arrest,” that the jury determined that probable cause supported the arrest, and that, as a result, “the judgments of conviction collaterally estop him from asserting that he was arrested without probable cause.” *See Fellowship of Christ Church v. Thorburn*, 758 F.2d 1140, 1144 (6th Cir. 1985).

The district court also granted summary judgment on Raudenbush’s conspiracy claim against Millsaps brought under 42 U.S.C. §§ 1985 and 1986, because Raudenbush, “pledged no facts to establish the existence of a conspiracy nor did he allege any racial or class-based discriminatory animus,” and his conspiracy claim was conclusory and factually unsupported. *See Griffin v. Breckenridge*, 403 U.S. 88 (1971); *Gutierrez v. Lynch*, 826 F.2d 1534, 1538 (6th Cir. 1987). The district court noted that Raudenbush’s § 1986 claim also failed, because § 1986 claims are “dependent upon the existence of a valid § 1985 cause of action,” which he did not assert. *See Radvansky v. City of Olmsted Falls*, 395 F.3d 291, 315 (6th Cir. 2005).

To the extent that Raudenbush asserted a substantive due process claim under the Fourteenth Amendment based on excessive force, the district court held that it would not survive summary judgment, because excessive-force claims are subject to the “objective reasonableness”

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standard of the Fourth Amendment. *See Graham*, 490 U.S. at 388. The district court further granted the defendants summary judgment on Raudenbush's First Amendment retaliation claim, because Bivens and Jones were not involved in his traffic stop, and Millsaps "had probable cause to arrest [him] for the criminal charges in this case." *See Nieves v. Bartlett*, 139 S. Ct. 1715, 1727 (2019).

As to Raudenbush's claims based on the alleged denial of medical treatment and his conditions of confinement, the district court granted summary judgment to the defendants as well. Since Raudenbush was treated at a hospital for a cut on his finger, prescribed medication, and provided an x-ray of his hand; there was no evidence that Bivens, who transported him to the hospital, denied him medical treatment while there; Raudenbush was treated and prescribed medication for a sore throat; and his medical records did not include any requests for treatment of migraine headaches, the district court found that Raudenbush's denial-of-medical-treatment claims were not supported by the record. And since the district court found there was no denial of medical treatment, it found that Raudenbush could not establish municipal liability on the part of Monroe County.

The district court further found that Raudenbush's conditions of confinement claim was foreclosed, since he merely asserted "temporary inconveniences" that did not rise to the level of constitutional violations. *See Richmond v. Settles*, 450 F. App'x 448, 455 (6th Cir. 2011); *Dellis v. Corr. Corp. of Am.*, 257 F.3d 508, 511 (6th Cir. 2001). The district court noted that Raudenbush was provided a thicker sleeping mat when he complained about the denseness of his mat, that there was no evidence to support his claims that he was forced to sleep on a concrete floor, that he was placed in a cell with forty-four other inmates, that his mail was not delivered, that the temperature in his cell was lowered to an uncomfortable level, or that he was denied telephone use while confined in jail. The "Constitution does not mandate comfortable prisons." *Rhodes v. Chapman*, 452 U.S. 337, 349 (1981).

The district court declined "to exercise supplemental jurisdiction" over Raudenbush's state-law claims following the dismissal of his § 1983 claims.

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No. 19-5390

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This court may grant a motion to proceed in forma pauperis if it determines that an appeal would be taken in good faith and the movant is indigent. *See Owens v. Keeling*, 461 F.3d 763, 776 (6th Cir. 2006). A frivolous appeal, one that “lacks an arguable basis either in law or in fact,” would not be taken in good faith. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also* *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

For the reasons discussed by the district court, an appeal in this case would be frivolous. *See Neitzke*, 490 U.S. at 325. Accordingly, the motion to proceed in forma pauperis is **DENIED**. Unless Raudenbush pays the \$505 filing fee to the district court within thirty days of the entry of this order, this appeal will be dismissed for want of prosecution.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

App. A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

GEORGE JOSEPH RAUDENBUSH, III,)
Plaintiff,)
v.)
MONROE COUNTY, TENNESSEE, et al.,)
Defendants.)
No.: 3:11-CV-00625
REEVES/POPLIN

MEMORANDUM AND ORDER

On June 3, 2019, the Honorable Debra C. Poplin, United States Magistrate Judge, filed a 5-page Report and Recommendation [R. 139] in which she recommended that plaintiff's Application to Appeal in Forma Pauperis be denied.

This matter is before the court for consideration of plaintiff's objections [R. 141] to the Report and Recommendation. As required by 28 U.S.C. § 36(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the court has now undertaken a de novo review of those portions of the Report and Recommendation to which plaintiff objects. For the reasons that follow, the court finds plaintiff's objections without merit and the objections will be overruled.

First, plaintiff attempts to assert a new claim against his counsel in the underlying criminal case for ineffective assistance of counsel. Plaintiff's former counsel, Mr. Gulley,

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has never been a part of this action, and it is too late to add him now as the statute of limitations has expired.

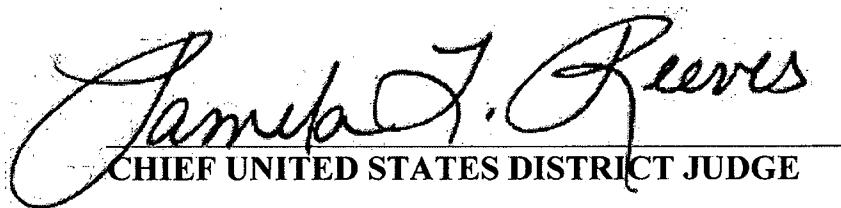
Second, plaintiff asserts that this court relied on “defective” Tennessee State court records. However, this is a matter that plaintiff should have addressed in his state criminal case. This court is without authority to alter the state court records.

Finally, plaintiff takes issue with the court failing to allow him more time to respond to defendants’ motions for summary judgment. However, the court granted plaintiff additional time, although less time than plaintiff requested. As the court noted in its order, the case had been pending since 2011, and it was time for the case to move forward. Plaintiff was familiar with the facts of his case, and filed several responses to defendants’ motions for summary judgment. *See* R. 120 (58 pages); R. 121 (40 pages); R. 122 (43 pages); R. 23 (52 pages); R. 124 (45 pages); R. 125 (22 pages); R. 126 (14 pages); R. 129 (7 pages). Thus, the court finds that plaintiff had sufficient time to respond and make his case.

After a careful review of this matter, the court is in complete agreement with the Magistrate Judge’s recommendation that plaintiff’s motion for leave to appeal *in forma pauperis* be denied. The court agrees that an appeal by plaintiff is not taken in good faith because it “lacks an arguable basis either in law or in fact.” *Shepard v. Morvzin*, 2016 WL 10592246 at 1 (6th Cir. Dec. 9, 2016). *See* R. 133 Memorandum Opinion.

Accordingly, the court **ACCEPTS IN WHOLE** the Report and Recommendation under 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the Report and Recommendation, which the Court adopts and incorporates into its ruling that plaintiff's motion for leave to appeal *in forma pauperis* [R. 137] is **DENIED**.

Enter:



Jamila J. Reeves
CHIEF UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

GEORGE JOSEPH RAUDENBUSH, III,)
Plaintiff,)
v.) No. 3:11-cv-00625-PLR-DCP
MONROE COUNTY, TENNESSEE, *et al.*,)
Defendants.)

REPORT AND RECOMMENDATION

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the Order of Referral [Doc. 138] of the Chief District Judge.

Now before the Court is Plaintiff's Application to Appeal In Forma Pauperis ("Application") [Doc. 137]. Plaintiff seeks to appeal the Chief District Judge's findings regarding (1) the Summary Judgment Opinion [Doc. 133] and (2) Plaintiff's Motion for Reconsideration [Doc. 117]. Accordingly, for the reasons explained below, the Court **RECOMMENDS** Plaintiff's Application [Doc. 137] be **DENIED**.

I. ANALYSIS

Federal Rule of Appellate Procedure 24(a)(1) provides that a party in a civil action "who desires to appeal in forma pauperis must file a motion in the district court." In addition, Rule 24(a)(2) states, "If the district court grants the motion, the party may proceed on appeal without prepaying or giving security for fees and costs, unless a statute provides otherwise." Fed. R. App. P. 24(a)(2). "If the district court denies the motion, it must state its reasons in writing." *Id.*

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Further, 28 U.S.C. § 1915(a)(3) provides that “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”

The Court has reviewed the instant Application, and Plaintiff’s financial status enables him to proceed in forma pauperis. However, the Court finds that Plaintiff’s appeal is not taken in good faith. *See Shepard v. Morzin*, No. 16-3236, 2016 WL 10592246, at *1 (6th Cir. Dec. 9, 2016) (explaining that an appeal that ‘lacks an arguable basis either in law or in fact’ would not be taken in good faith”) (quoting *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)).

First, Plaintiff appeals the Chief District Judge’s findings in the summary judgment opinion. Particularly, Plaintiff contends the Chief District Judge relied on “false and misleading information” in Plaintiff’s criminal case. [Doc. 137-1 at 10]. Secondly, Plaintiff appeals the Chief District Judge’s denial of Plaintiff’s Motion for Reconsideration [Doc. 117]. Specifically, Plaintiff argues the Court should have allowed him more time to respond to Defendants’ Motions for Summary Judgment [Docs. 106, 110]. For the following reasons, Plaintiff’s appeals have no arguable basis in law or fact.

A. Summary Judgment Opinion

First, the facts of this case establish Defendants did not use excessive force by breaking Plaintiff’s car window when placing him under arrest because Plaintiff failed to comply with Defendant Millsaps’s lawful demands and proceeded to speed away from the officer. [Doc. 133 at 10]. The law is clear that a plaintiff cannot bring a § 1983 action which challenges the validity of a state criminal conviction unless such conviction has since been invalidated. *Heck v. Humphrey*, 512 U.S. 477, 487 (1994). Here, Plaintiff was convicted of evading arrest, reckless endangerment, and assault, and those convictions have not since been invalidated.

Further, collateral estoppel precludes Plaintiff from raising the issue of whether his arrest was unlawful. As the Chief District Judge stated, Plaintiff was “found guilty of speeding, reckless endangerment, simple assault, evading arrest with risk of death, violation of Financial Responsibility, and driving on a suspended license.” [Doc. 133 at 13]. Thus, whether Plaintiff’s arrest was lawful had already been decided, so collateral estoppel precludes re-litigating that issue.

In addition, the Chief District Judge found Plaintiff did not adequately plead a claim for conspiracy under 42 U.S.C. §§ 1985 and 1986 because his Complaint contained conclusory allegations without any factual support. Further, Plaintiff cannot assert a substantive due process claim for excessive force under the Fourteenth Amendment because the Fourth Amendment governs that claim. Likewise, the Chief District Judge found Defendants did not retaliate against Plaintiff for exercising his right to oppose police action because Defendant Millsaps had probable cause to arrest Plaintiff. [*Id.* at 19].

Further, the facts of this case fail to establish that Defendants denied Plaintiff medical care. Officer Bivens accompanied Plaintiff to the hospital where Plaintiff received care for his injured finger. Likewise, the jail medical staff consistently provided Plaintiff medical care as necessary. In addition, the jail conditions during Plaintiff’s incarceration did not violate the Fourteenth or Eighth Amendments because the record showed that the jail provided Plaintiff with adequate accommodations, and his complaints about living conditions were “no more than temporary inconveniences.” [*Id.* at 23]. Finally, with respect to Plaintiff’s remaining state law claims, the Chief District Judge declined to exercise supplemental jurisdiction over such claims and dismissed them without prejudice. [*Id.* at 26]. Pursuant to 28 U.S.C. § 1337(c)(3), “district courts may decline to exercise supplemental jurisdiction over a claim . . . if the district court has dismissed all claims over which it has original jurisdiction”.

B. Motion for Reconsideration

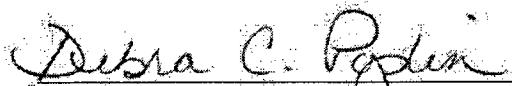
As mentioned above, Plaintiff appeals the Court's order [Doc. 117] denying him an additional sixty (60) days to respond to Defendants' Motions for Summary Judgment. After Defendants filed their Motions for Summary Judgment [Docs. 106, 110], Plaintiff filed a Motion for Extension of Time [Doc. 115] requesting an additional sixty (60) days to respond to Defendants' Motions for Summary Judgment. In that Motion, Plaintiff emphasized that Defendants' Motions were lengthy and that he lacks the resources and legal training of Defendants' attorneys to respond within the time required by the Court. *See* E.D. Tenn. L.R. 7.1(a) (stating parties have twenty-one (21) to respond to dispositive motions unless the Court orders otherwise). The Chief District Judge granted Plaintiff's Motion for additional time, but allowed Plaintiff only an additional twelve (12) days to respond. In reaching that decision, the Chief District Judge recognized Plaintiff's disadvantageous situation, but emphasized that this case had been ongoing for several years and that it needed to "move forward." [Doc. 116].

While Plaintiff has no legal training, Plaintiff had thirty-three (33) days to respond to Defendants' Motions. This additional time was sufficient for Plaintiff to respond effectively to Defendants' Motion, especially considering the extensive time this case has been pending in this Court. Furthermore, Defendants' Motions were based on the same factual background as Plaintiff's criminal case. Therefore, Plaintiff should be considerably familiar with the facts of this case and not need the substantial additional time he requested.

II. CONCLUSION

Given the above findings by the Chief District Judge, the undersigned does not find Plaintiff's appeal to be in good faith, and therefore, the Court **RECOMMENDS**¹ that the Application to Appeal In Formal Pauperis [Doc. 137] be **DENIED**.

Respectfully submitted,



Debra C. Poplin
United States Magistrate Judge

¹ Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Fed. R. Civ. P. 72(b)(2). Such objections must conform to the requirements of Federal Rule of Civil Procedure 72(b). Failure to file objections within the time specified waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 153-54 (1985). “[T]he district court need not provide *de novo* review where objections [to the Report and Recommendation] are ‘[f]rivolous, conclusive or general.’” *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir.1982)). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370, 1373 (6th Cir. 1987).

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

GEORGE JOSEPH RAUDENBUSH, III,)
Plaintiff,)
v.) No. 3:11-cv-00625
MONROE COUNTY, TENNESSEE,) REEVES/POPLIN
BILL BIVENS, SHERIFF OF MONROE COUNTY,)
TOWN OF TELLICO PLAINS, TENNESSEE,)
OFFICER BRIAN MILLSAPS, and)
OFFICER TRAVIS JONES,)
Defendants.)

MEMORANDUM OPINION

George Raudenbush brings this civil rights action under 42 U.S.C. § 1983 alleging excessive force and denial of medical care following a traffic stop, subsequent arrest, and detention in the Monroe County Jail. All defendants move for summary judgment. For the reasons that follow, defendants' motions for summary judgment will be granted and this action dismissed.

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I. Background

The factual background for the traffic stop and subsequent arrest is taken from the Tennessee Court of Criminal Appeal's opinion¹. *See State of Tennessee v. Raudenbush*, 2017 WL 2443079.

On December 30, 2010, Sgt. Brian Millsaps of the Tellico Plains Police Department was patrolling and “running” radar on Highway 68. Auxiliary Officer April Shaffer was riding with him. Sgt. Millsaps testified that the speed limit on Highway 68 was 45 miles per hour. At some point, as they were driving toward Coker Creek, Sgt. Millsaps and Officer Shaffer met Raudenbush’s vehicle which Sgt. Millsaps estimated to be travelling over the speed limit. Sgt. Millsaps’ radar unit verified that the vehicle was travelling 57 miles per hour, which was 12 miles over the posted speed limit. Sgt. Millsaps turned around, activated his blue lights, and got behind Raudenbush’s vehicle to initiate a traffic stop. Raudenbush pulled over and Sgt. Millsaps noticed that Raudenbush’s license plate read “Luke 4/18.” He could not tell from which state the plate was registered. Sgt. Millsaps noted that the stickers on the license plate were not real. He said that there were also stickers on the plate that read “Basieia Ouranos.” The plate showed that it was issued by the “Emgassyofheaven.org.” Sgt. Millsaps ran a check on the license plate, and it came back as “not on file.”

Sgt. Millsaps walked up to the driver’s side of the vehicle and Officer Shaffer walked up to the passenger side. Detective Travis Jones also arrived on the scene as back-up and was sitting in his truck. Sgt. Millsaps explained to Raudenbush why he had pulled him over and asked for his driver’s license, insurance, and registration. Sgt. Millsaps described the driver’s license as follows:

At the top, it’s got “driver’s license.” In the upper right-hand corner it has “Kingdom of Heaven.” It has a photograph of Raudenbush. It has an ID number, his sex, Baptism, issue date, and expiration date. It has his height, weight, eye color, hair color, his name, George Joseph Raudenbush, III, Embassy of Heaven Church. And then State of Oregon. H is signature at the bottom.

¹ This was Raudenbush’s second trial. The Tennessee Criminal Court of Appeals reversed and remanded the case for a new trial because the trial court denied defendant his Sixth Amendment right to counsel by requiring him to proceed *pro se* at trial. *See State v. Raudenbush*, 2013 WL 62372011.

Sgt. Millsaps testified that the driver's license was not valid, and Raudenbush told Sgt. Millsaps that he was not a resident of the State of Tennessee. Raudenbush never presented Sgt. Millsaps with a valid driver's license. Sgt. Millsaps checked the status of Raudenbush's driver's license and learned that it was suspended. He then obtained a certified copy of Raudenbush's driving history.

Sgt. Millsaps testified that Raudenbush also gave him a document that read "vehicle title and registration record." It indicated that it was issued by the "Embassy of Heaven," and it had an address from the State of Oregon on it. Sgt. Millsaps testified that the registration was not valid in the State of Tennessee. Raudenbush also provided a "vehicle certificate of title." The document had a notary seal from "Embassy of Heaven." The document read "Embassy of Heaven of the Kingdom of Heaven certifies that the vehicle described below has been registered to this office and that the individual stated below is the lawful steward." There was also a registration card with the same information.

Sgt. Millsaps testified that he informed Raudenbush that he would be under arrest if he could not produce a valid driver's license. When he asked if Raudenbush had any form of a government-issued driver's license, Raudenbush replied "I am not a citizen of this state." Sgt. Millsaps asked Raudenbush to step out of the car. Raudenbush refused by rolling up the window and locking the door. Sgt. Millsaps then yelled several times that Raudenbush was under arrest. Raudenbush then put his car in drive and turned the wheel. Sgt. Millsaps used his flashlight to knock the driver's side window out of the car. He testified that he did not hit Raudenbush with the flashlight. Sgt. Millsaps attempted to open the vehicle door but Raudenbush "accelerated onto Highway 68." Sgt. Millsaps then took "evasive action" to avoid being struck by Raudenbush's car. Officer Shaffer testified that the vehicle nearly hit her and Sgt. Millsaps. Det. Jones pulled out behind Raudenbush, and Sgt. Millsaps and Officer Shaffer went back to their patrol vehicle to pursue Raudenbush.

Both Sgt. Millsaps and Officer Shaffer testified they observed an oncoming vehicle go off the road and into the grass to avoid hitting Raudenbush's car. Sgt. Millsaps stated it was not a high-speed chase and it reached a speed of 40-50 miles per hour. At one point, the officers tried to "box him in" but Raudenbush struck Det. Jones' truck before they could get "set up." Sgt. Millsaps testified that Raudenbush lost control of his vehicle at one point and "slid all the way, sideways, in the road." Raudenbush was able to keep going and eventually turned onto Pond Ridge Road and into a driveway. Raudenbush stopped the car, got out, and ran.

Sgt. Millsaps got out of his car and chased Raudenbush on foot. He yelled at Raudenbush to stop, but Raudenbush kept running. Sgt. Millsaps eventually lost sight of Raudenbush. He later received information from dispatch and went to a residence. Raudenbush was taken out of the residence, arrested, and transported to jail.

Det. Travis Jones of the Monroe County Sheriff's Office testified that he drove an unmarked Black F-150 truck. His vehicle was equipped with blue lights and sirens. On the night of December 30, 2010, he was on his way home when he learned that Sgt. Millsaps had stopped a vehicle. He drove to the scene in order to "back him up on the traffic stop" and activated his blue lights.

Det. Jones was about to step out of his truck when he heard a loud "pop," and he saw Sgt. Millsaps "jump back." Det. Jones then realized the sound was the driver's side window breaking. Raudenbush drove away and Det. Jones pulled out behind him and activated his siren. Det. Jones testified that he attempted to drive around Raudenbush to effect a "rolling road block," but he was unable to get in front of Raudenbush because Raudenbush drove into Det. Jones' lane and struck his truck as he was passing him. Det. Jones testified that he later attempted to drive around Raudenbush a second time. He stated that Raudenbush struck his vehicle a total of three times during the pursuit. Det. Jones testified "There around the curve, come a van around the curve, Raudenbush actually went in their lane and forced them off into the emergency lane closer to grass." Det. Jones testified that when Raudenbush turned onto Pond Ridge Road, Det. Jones missed the turn, and Sgt. Millsaps got behind Raudenbush and continued the chase. Det. Jones turned around and drove to the residence where Raudenbush had parked his car and fled on foot.

Joan Champion, testified that she lives on Pond Ridge Road in Coker Creek. She has known Raudenbush for 6 or 7 years. On December 30, 2010, she was asleep when Raudenbush came to her house and asked to use the phone. She said that he seemed to be afraid and in a panic. Champion thought that she saw blood "somewhere." She thought it may have been on Raudenbush's hand.

Raudenbush testified that he did not believe he was speeding prior to being pulled over by Sgt. Millsaps. He recognized Sgt. Millsaps because Sgt. Millsaps was present when he had been pulled over "twice before." Raudenbush further testified that he presented his driver's license to Sgt. Millsaps. The license was issued by "KOH," which stands for "Kingdom of

Heaven." Raudenbush stated that KOH is an organization based out of Oregon. Concerning KOH, Raudenbush testified "I did some research. I called them. They referred me to the state department. I verified their credentials, and that's how I met them." He believed his driver's license was valid. He had been pulled over in Ranger, North Carolina, but the officer never told him the license was invalid. He said that he had also been pulled over in Decatur, Tennessee and had no reason to believe his license was invalid.

Raudenbush testified that after he handed Sgt. Millsaps the license, Sgt. Millsaps asked for the registration card, so I handed him the registration. At that point, he asked me for the insurance. When I went to go for the insurance papers, he told me to exit the vehicle. Because it was cold that night, I rolled up my window, and when I went to open the door, I heard a thump, and I couldn't open the door. When I looked up, I heard another – it wasn't a thump, but it was kind of like a bang, like a noise on the window, and then that – the first time, I didn't realize it then, but his flashlight had hit the window and bounced off. The second time, it broke the window and hit me in the head. After the second time, when the flashlight came through, I put my hand up to protect my face. When I did that, I sustained a laceration to my hand, to my finger, and there was blood everywhere. At that point, I started panicking. I didn't know what was going on. And then when I looked over to the officer, he was drawing his gun. Raudenbush did not recall Sgt. Millsaps saying anything at that point. He believed Sgt. Millsaps was going to shoot him.

Raudenbush testified that he was scared and, without thinking, put the car into drive and "went forward" for about 50 – 100 feet before he realized he had to turn back on the road." His only concern was to "get out of that situation." He denied striking any of the officers' vehicles and he did not recall seeing any other vehicles on the road that evening. He went to the house where he was staying, but it didn't have a phone, so he went to his neighbor's house. He told Champion that he needed to call the "state patrol." He told the 911 operator that there was an attempt on his life by a police officer and he needed state patrol. He did not want anybody from Tellico to come out or from the Monroe County Sheriff's Office. Raudenbush testified that his injuries consisted of glass cuts behind his ear, and he has a scar on his head "from where the flashlight hit." He said his hand was also cut from the glass, and his blood pressure was "really high."

On cross-examination, Raudenbush admitted that he obtained his KOH license after his government-issued license was suspended for failure to pay citations. He further admitted that he got the KOH license because "an employee of the state refused to register their church vehicles."

Raudenbush was ultimately taken into custody by a Monroe County deputy without incident and transported to the Monroe County Jail. Sgt. Millsaps had no further dealings relating to Raudenbush once he was taken into custody by the Monroe County deputy on the scene and transported to the Monroe County Jail.

Raudenbush was transported to Sweetwater Hospital Emergency room and was triaged at 1:22 a.m. on December 31, 2010. He was accompanied by Officer Larry Bivens and was treated for a laceration on his left index finger. Raudenbush was taken to radiology where an x-ray was taken of his left hand to check for a fracture. Upon discharge, he was prescribed 500 mg of Keflex. Raudenbush refused to sign his discharge summary, so Officer Bivens signed the form. Upon his return, Raudenbush was formally booked into the jail.

As part of the booking process, Raudenbush was screened by the medical staff and it was noted that he did have a laceration on his finger. Raudenbush refused to sign the form and also refused to consent to treatment while incarcerated and would not authorize the Sheriff's Office to release his medical information to other treating facilities. When Raudenbush was called to medical for his intake questionnaire, the medical staff attempted to follow up on his emergency room visit and give him his medication as prescribed. He allowed the medical staff to clean his laceration and put on a new band-aid. But, he refused to take the medication that was prescribed to him by the Emergency Room, stating that he

was “not taking any meds” because he didn’t know if he could have “a reaction.” Raudenbush also refused to sign the Refusal of Medical Treatment and Release of Responsibility form.

The next day, Raudenbush signed the Inmate Medical Form, but he still refused to sign the Medical Staff Screening form when jail staff attempted to go through it again. While Raudenbush was incarcerated, records indicate that when he made a sick call, he was promptly seen for his ailments and offered some sort of treatment.

A jury convicted Raudenbush of speeding, reckless endangerment, simple assault, evading arrest, evading arrest with risk of death, violation of Financial Responsibility, and driving on a suspended license. He was sentenced to 4 years imprisonment to be served on supervised probation.² The Tennessee Criminal Court of Appeals affirmed the jury verdict on September 20, 2016. An application for permission to appeal to the Tennessee Supreme Court was denied on October 3, 2017.

II. Standard of Review

Summary judgment under Rule 56 of the Federal Rules of Civil Procedure is proper “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). The moving party bears the burden of establishing that no genuine issues of material fact exist. *Celotex Corp. v. Cattrett*, 477 U.S. 317, 330 n. 2 (1986); *Moore v. Philip Morris Co., Inc.*, 8 F.3d 335, 339 (6th Cir. 1993). All facts and inferences to be drawn therefrom must be viewed in the light

² After his first conviction, Raudenbush was sentenced to four years imprisonment in the Tennessee Department of Corrections. He remained in TDOC custody until his second trial.

most favorable to the nonmoving party. *Matsushita Elec. Indus. Co. Ltd v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986); *Burchett v. Keifer*, 301 F.3d 937, 942 (6th Cir. 2002).

Once the moving party presents evidence sufficient to support a motion under Rule 56, the nonmoving party is not entitled to a trial merely on the basis of allegations. *Celotex*, 477 U.S. at 317. To establish a genuine issue as to the existence of a particular element, the nonmoving party must point to evidence in the record upon which a reasonable finder of fact could find in its favor. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). The issue must also be material; that is, it must involve facts that might affect the outcome of the suit under the governing law. *Id.*

The court's function at the point of summary judgment is limited to determining whether sufficient evidence has been presented to make the issue of fact a proper question for the factfinder. *Id.* at 250. The court does not weigh the evidence or determine the truth of the matter. *Id.* at 249. Nor does the court search the record "to establish that it is bereft of a genuine issue of fact." *Street v. J.C. Bradford & Co.*, 886 F.2d 1472, 1479 (6th Cir. 1989). Thus, "the inquiry performed is the threshold inquiry of determining whether there is a need for a trial – whether, in other words, there are any genuine factual issues that properly can be resolved only by a finder of fact because they may reasonably be resolved in favor of either party." *Anderson*, 477 U.S. at 250.

III. Excessive Force

Raudenbush claims that Sgt. Millsaps used excessive force during the traffic stop.

There is a constitutional right to be free from excessive force during an arrest. *Graham v. Connor*, 490 U.S. 386 (1989). Claims for excessive force in the course of an

arrest, stop, or seizure are properly analyzed under the Fourth Amendment's "objective reasonableness standard." *Id.* at 388. In assessing an excessive force claim, courts must construe all facts in the record in the light most favorable to the plaintiff. *Schreiber v. Moe*, 596 F.3d 323, 332 (6th Cir. 2010). After doing so, the question of whether an officer's action was objectively unreasonable "is a pure question of law." *Id.* In order to determine whether the force used during an arrest or seizure was objectively reasonable, the court must balance "the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake." *Graham*, 490 U.S. at 396. The court must evaluate the facts and circumstances including "the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." *Id.* The reasonableness must be judged from the point of view of the officer on the scene at the time the force was used. *Id.*

The reasonableness of an officer's use of force is judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. *Id.* A calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split second judgment in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation. *Id.* The right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it. *See Terry v. Ohio*, 392 U.S. 1, 22-27 (1968).

A. Sgt. Millsaps

Raudenbush alleges that Sgt. Millsaps used excessive force against him by breaking out the window of his car. He further alleges that Sgt. Millsaps “repeatedly struck the plaintiff in his face and head, as plaintiff sat in the vehicle.”

The record in this case establishes that Sgt. Millsaps stopped Raudenbush for speeding. While speeding is not a severe crime and was the reason Sgt. Millsaps sought to stop Raudenbush, resisting, fleeing and eluding are felonies under Tennessee law. After Sgt. Millsaps ordered Raudenbush to step out of the car, Raudenbush rolled up the window and locked the doors. Raudenbush does not contest that he failed to comply with Sgt. Millsaps’ orders to exit the car. Instead of complying with Sgt. Millsaps’ lawful commands, Raudenbush accelerated, almost hitting Sgt. Millsaps and Officer Shaffer. Sgt. Millsaps reasonably believed that Raudenbush intended to flee the scene, thereby endangering the officers and other motorists. Sgt. Millsaps then used his flashlight to break the window. Taking all of these facts into account, Sgt. Millsaps’ actions cannot be found to be objectively unreasonable under the circumstances. Raudenbush ignored Sgt. Millsaps lawful commands to exit the vehicle; he was actively resisting arrest; and attempting to evade arrest by flight. There is no evidence on which a jury could reasonably find that the force used was excessive.

While Raudenbush asserts that Sgt. Millsaps repeatedly struck him in the face and head, there is no evidence to support that claim. There are no notations of a head injury on the jail intake forms, nor on the emergency room records from Sweetwater Hospital. Moreover, Joan Champion only recalled seeing blood somewhere, maybe on Raudenbush’s

hand. She certainly would have noticed if Raudenbush had been beaten about the face and head as he alleges.

Moreover, Raudenbush's criminal convictions arising out of the stop affirmatively bar his excessive force claim. *See Heck v. Humphrey*, 512 U.S. 477, 487 (1994) (If § 1983 action would challenge the validity of state criminal conviction, the action is barred unless the state court conviction has been overturned or expunged). The Sixth Circuit has ruled that under Tennessee law, an officer's excessive use of force is a defense to a charge of resisting or evading arrest; therefore, a guilty plea or conviction for resisting/evading arrest necessarily includes a finding that the officer did not use excessive force. *Roberts v. Anderson*, 213 Fed. Appx. 420, 427 (6th Cir. 2007) (referring to Tenn. Code Ann. § 39-16-602). Here, Raudenbush was convicted of evading arrest, reckless endangerment, and assault. The criminal convictions have not been invalidated and are binding on him. Therefore, the court finds that under *Heck*, Raudenbush is barred from maintaining an excessive force claim against Sgt. Millsaps. Because the court concludes that there was no constitutional violation, it need not reach the issue of whether Sgt. Millsaps would be entitled to qualified immunity.

B. Det. Jones

Raudenbush claims that Det. Jones is liable under the Fourth Amendment for failing to prevent or stop the use of force by Sgt. Millsaps against him. An officer can be liable for failing to prevent the use of excessive force when (1) the officer observed or had reason to know that excessive force would be or was being used, and (2) the officer had both the

opportunity and the means to prevent the harm from occurring. *Turner v. Scott*, 119 F.3d 425, 429 (6th Cir. 1997).

First, the court has found that Sgt. Millsaps did not use excessive force against Raudenbush. Second, assuming that Raudenbush could establish a claim of excessive force, Raudenbush has failed to present evidence that Det. Jones would have been able to both anticipate Sgt. Millsaps breaking the vehicle window and then implement preventative measures. Det. Jones testified that he was about to step out of his truck when he heard a loud “pop” and saw Sgt. Millsaps “jump back.” Raudenbush then drove away. Raudenbush offers nothing to contradict Det. Jones’ testimony. Accordingly, Raudenbush cannot maintain a claim against Det. Jones for failing to prevent the use of excessive force.

C. Officer Bivens

Raudenbush has alleged no facts to show that Officer Bivens was at the scene of his arrest; nor does he plead any facts to establish that Officer Bivens failed to intervene on his behalf during the initial traffic stop.

D. Town of Tellico Plains

Raudenbush’s Amended Complaint also includes a claim of municipal liability under § 1983 pursuant to *Monel v. Dep’t of Soc. Servs.*, 436 U.S. 658 (1978). To succeed on a municipal liability claim, a plaintiff must establish that his constitutional rights were violated and that a policy or custom of the municipality was the “moving force” behind the deprivation of the plaintiff’s rights. *Miller v. Sanilac Cnty*, 606 F.3d 240, 254-55 (6th Cir. 2010). Here, Raudenbush claims that the deprivation of constitutional rights stem from the City of Tellico Plains’ policies regarding training and the use of force. In order to succeed

on a failure to train claim, a plaintiff must show that the failure to train amounts to deliberate indifference “to the rights of the person with whom the police come into contact.” *Id.* at 255. Because Raudenbush failed to establish a constitutional violation for excessive force, the Town of Tellico Plains cannot be held liable under § 1983. *See Smith v. Thornburg*, 136 F.3d 1070, 1087, n. 12 (6th Cir. 1998) (declining to address issue of municipal liability because no constitutional violation occurred).

E. Monroe County

Raudenbush also alleges a municipal liability claim against Monroe County for excessive force used during the initial traffic stop by Sgt. Millsaps. The Amended Complaint contains no factual allegations to establish an excessive force claim against any Monroe County officer. Sgt. Millsaps was employed by the Tellico Plains Police Department. Because Raudenbush fails to plead facts to support an excessive force claim against any officer of Monroe County, the County cannot be held liable under § 1983.

IV. Unlawful Arrest

Raudenbush next claims that Sgt. Millsaps is liable to him for an alleged unlawful arrest. Raudenbush was arrested and found guilty of speeding, reckless endangerment, simple assault, evading arrest, evading arrest with risk of death, violation of Financial Responsibility, and driving on a suspended license. Therefore, as a matter of law, Raudenbush is foreclosed from raising the issue of the lawfulness of his arrest here.

A state court judgment must be given the same preclusive effect in federal court that it would be given in the courts of the rendering state. This principle applies to civil rights actions under § 1983 with respect to issues actually litigated (collateral estoppel or issue

preclusion) and issues which could have been but were not litigated in the state court proceeding (res judicata or claim preclusion). *Walker v. Schaeffer*, 854 F.2d 138, 142 (6th Cir. 1988). However, this preclusive effect will not be given to a state court judgment if the party against whom the judgment is asserted did not have a “full and fair opportunity to litigate the claim or issue.” *Fellowship of Christ Church v. Thorburn*, 758 F.2d 1140, 1144 (6th Cir. 1985).

The court looks to Tennessee law on the doctrine of collateral estoppel to determine the preclusive effect of the state court judgment. *Stemler v. City of Florence*, 126 F.3d 856, 871 (6th Cir. 1997). Pursuant to Tennessee law, once an issue has been actually or necessarily determined by a court of competent jurisdiction, the doctrine of collateral estoppel renders that determination conclusive on the parties and their privies in subsequent litigation, even when the claims or causes of action are different. *State v. Scarbrough*, 181 S.W.3d 650, 654 (Tenn. 2005). The party seeking to bar an issue by collateral estoppel has the burden of proof. *Id.* at 655.

Whether probable cause existed for Raudenbush’s arrest was at issue in the state court criminal proceedings for which there are judgments of conviction. Raudenbush was represented by counsel at the state court proceedings. There is nothing in the record to indicate that Raudenbush and his counsel did not have a full and fair opportunity to challenge the probable cause determination made by the jury to the charges for which Raudenbush was convicted. Therefore, the judgments of conviction collaterally estop him from asserting that he was arrested without probable cause. *Cox v. Reagan*, 2009 WL 874013 at 3 (E.D.Tenn. Mar. 30, 2009).

Defensive collateral estoppel is proper under Tennessee law where the plaintiff is convicted of the criminal charge but then demands damages in civil litigation concerning precisely the same incident by asserting that he did not commit the criminal act. *Cunningham v. Sisk*, 2003 WL 23471541 at *8 (E.D.Tenn. Dec. 4, 2003). Application of the doctrine of collateral estoppel prevents the plaintiff from repudiating his conviction and attacking the validity of his state-court judgment of conviction. *Id.*

A further reason to grant summary judgment on Raudenbush's unlawful arrest claim is that his conviction on the state law charges provides the defendants with "a complete defense to this cause of action brought under § 1983." "Where police officers have made an arrest, the resulting conviction is a defense to a § 1983 action claiming the arrest was made without probable cause." *Id.*

V. Official/Individual Capacity

In his Amended Complaint, Raudenbush fails to identify in what capacity he has sued the individual officers, Sgt. Millsaps, Officer Bivens, and Det. Jones. The Amended Complaint does not indicate whether these officers are being sued in their individual capacity, official capacity or both. Because the court concludes that there was no constitutional violation, it need not reach the issue of whether the officers were sued in their individual or official capacity.

VI. Civil Conspiracy

Raudenbush alleges Sgt. Millsaps is liable to him for an alleged violation of 42 U.S.C. §§ 1985 and 1986.

To state a claim under § 1985, a plaintiff must allege: “(1) a conspiracy; (2) for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges or immunities of the laws; (3) an act in furtherance of the conspiracy; (4) whereby a person is either injured in his person or property or deprived of any right or privilege of a citizen of the United States.” *United Broth. Of Carpenters and Joiners of Amer. v. Scott*, 463 U.S. 825, 828-29 (1983). The acts which are alleged to have deprived the plaintiff of equal protection must be the result of class-based discrimination. *See Newell v. Brown*, 981 F.2d 880, 886 (6th Cir. 1992). The critical issue is whether Raudenbush can establish that Sgt. Millsaps’ actions were motivated by “some racial, or perhaps otherwise class-based, invidiously discriminatory animus.” *Griffin v. Breckenridge*, 403 U.S. 88 (1971). Additionally, conspiracy claims must be pled with some degree of specificity and “vague and conclusory allegations unsupported by material facts will not be sufficient to state such a claim.” *Gutierrez v. Lynch*, 826 F.2d 1534, 1538-39 (6th Cir. 1987).

Section 1986 provides a cause of action against a person who neglects to prevent a violation of § 1985. Without a violation of § 1985, there can be no violation of § 1986. *German v. Illeen*, 495 F.Supp. 822, 829 (E.D.Mich. 1980). Where a plaintiff has no § 1985 claim he also has no § 1986 claim. *Haverstick Enter. Inc. v. Fin. Federal Credit, Inc.*, 803 F.Supp. 1251, 1260 (E.D.Mich. 1992).

In this case, Raudenbush has not adequately pleaded a conspiracy. Raudenbush has pleaded no facts to establish the existence of a conspiracy nor did he allege any racial or class-based discriminatory animus. In fact, the word “conspiracy” only appears once in

the Amended Complaint. The Amended Complaint states that “the Defendants violated Plaintiff’s civil rights as follows . . . (d) conspired together to violate one or more of plaintiff’s civil rights.” Such a conclusory statement, without factual support, is not adequate to state a cause of action. *See Jaco v. Bloechle*, 739 F.2d 239, 245 (6th Cir. 1984) (dismissing conspiracy claim where the complaint merely alleged broad conclusory language void of the factual allegations necessary to support a conspiracy theory). Thus, Raudenbush cannot maintain a claim under § 1985.

Because Raudenbush’s § 1986 claim is dependent upon the existence of a valid § 1985 cause of action, it also fails as a matter of law.

VII. Fourteenth Amendment

Raudenbush alleges Sgt. Millsaps is liable to him for an alleged violation of the Fourteenth Amendment.

The Due Process Clause of the Fourteenth Amendment states that no state shall “deprive any person of life, liberty, or property without due process of law.” U.S. Const. amend. XIV, § 1. Raudenbush does not specify whether he is asserting a procedural or substantive due process claim. He alleges only a claim for violation of his civil rights “as protected by the 4th and 14th Amendments to the U.S. Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, 1986 and for other causes of action as alleged herein.” To the extent that Raudenbush is attempting to assert a substantive due process claim for Sgt. Millsaps alleged use of excessive force, that argument fails as it is well settled that such claims are to be analyzed under the Fourth Amendment’s “objective reasonableness” standard. *Graham*, 490 U.S. at 388. As further explained in *Graham*:

all claims that law enforcement officers have used excessive force – deadly or not – in the course of an arrest, investigatory stop, or other “seizure” of a free citizen should be analyzed under the Fourth Amendment and its “reasonableness” standard, rather than under a “substantive due process” approach. Because the Fourth Amendment provides an explicit textual source of constitutional protection against this sort of physically intrusive governmental conduct, that Amendment, not the more generalized notion of “substantive due process,” must be the guide for analyzing these claims.

Id. at 395. Graham requires that if a constitutional claim is covered by a specific constitutional provision, such as the Fourth or Eighth Amendment, the claim must be analyzed under the standard appropriate to that specific provision, not under the rubric of substantive due process. *Henderson v. Reyda*, 192 Fed.Appx. 392, 396 (6th Cir. 2006). Raudenbush’s excessive force claim falls squarely under the Fourth Amendment. Therefore, he cannot assert a substantive due process claim for excessive force under the Fourteenth Amendment.

VIII. First Amendment Retaliation

Raudenbush alleges violation of his constitutional rights asserting that he was arrested or seized in retaliation for exercising his First Amendment right to complain about government officials.

Generally, there can be no doubt that the freedom to express disagreement with state action, without fear of reprisal based on the expression, is among the protections provided by the First Amendment. *Barnes v. Wright*, 449 F.3d 709, 717 (6th Cir. 2006). As the Supreme Court has explained, the “freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principle characteristics by which we distinguish a free nation from a police state.” *City of Houston v. Hill*, 482 U.S. 451,

462-63 (1987). In order for a plaintiff to prevail in a § 1983 claim for retaliatory prosecution, he must first prove a lack of probable cause. *Hartman v. Moore*, 547 U.S. 250 (2006).

Here, Officer Bivens and Det. Jones did not participate in the initial stop of Raudenbush. They were merely providing backup to Sgt. Millsaps. Sgt. Millsaps had probable cause to arrest Raudenbush for the criminal charges in this case. And, Raudenbush was convicted of those charges after a jury trial. Therefore, Raudenbush's First Amendment retaliation claim against Sgt. Millsaps fails as a matter of law.

In his response, Raudenbush attempts to paint a picture of how the Monroe County Sheriff's Office is unlawful and often retaliates against him. However, nothing contained in the response refers to the issues in this case – the traffic stop, arrest, and incarceration – of Raudenbush on December 30, 2010, which the court has found to be lawful.

IX. Denial of Medical Care

Raudenbush alleges that defendants denied him medical care in violation of his civil rights. He states he had serious medical needs “severe headaches coughing up blood and loss of feeling in his lower extremities, hand and arms.” But the record does not support these allegations.

The Eighth Amendment's prohibition on cruel and unusual punishment generally provides the basis to assert a § 1983 claim of deliberate indifference to serious medical needs, but where that claim is asserted on behalf of a pretrial detainee, the Due Process Clause of the Fourteenth Amendment is the proper starting point. *Phillips v. Roane Cnty*, 534 F.3d 531, 539 (6th Cir. 2008). There are two parts to the claim, one objective, one

subjective. For the objective component, the detainee “must demonstrate the existence of a sufficiently serious medical need.” *Spears v. Ruth*, 589 F.3d 249, 254 (6th Cir. 2009). A medical need is objectively serious if it is “one that has been diagnosed by a physician as mandating treatment or one that is so obvious that even a lay person would easily recognize the necessity for a doctor’s attention. *Blackmore v. Kalamazoo Cnty*, 390 F.3d 890, 897 (6th Cir. 2004).

For the subjective component, the detainee “must demonstrate that the defendant possessed a sufficiently culpable state of mind in denying medical care.” *Id.* A defendant has a sufficiently culpable state of mind if the defendant “knows of and disregards an excessive risk to inmate health or safety.” *Farmer v. Brennan*, 511 U.S. 825, 837 (1994). This means that “the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.” *Id.* A plaintiff need not show that the defendant acted with the very purpose of causing harm, but must show “something greater than negligence or malpractice.” *Id.* The standard, then, has generally been equated with one of “recklessness.” *Farmer*, 511 U.S. at 836. The subjective component of a deliberate indifference claim must be addressed for each officer individually. *Phillips*, 534 F.3d at 542. The evidence must show that the specific individual was aware of facts from which he or she could infer a substantial risk of serious harm.

A. Det. Jones

Raudenbush states in his Amended Complaint that he believes that Det. Jones is the officer who transported him to Sweetwater Hospital. In fact, the medical records show that

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it was Officer Bivens who accompanied Raudenbush to the hospital. Raudenbush was diagnosed with a cut to his left index finger and was prescribed Keflex. There are no facts in the record to establish that Det. Jones denied Raudenbush medical treatment. Accordingly, Raudenbush cannot maintain this claim against Det. Jones.

B. Officer Bivens

There are no facts in the record to establish that Officer Bivens denied Raudenbush medical care. As stated above, Officer Bivens accompanied Raudenbush to Sweetwater Emergency Room where Raudenbush received medical care for a laceration to his finger, including an x-ray to his hand. The record also shows that Raudenbush received treatment for a sore throat around January 30, 2011 while at the Monroe County Jail. The medicine log confirms that Raudenbush was prescribed a Zpak at that time. Raudenbush also alleges that he requested to see a doctor for migraine headaches, but his medical file does not contain a complaint regarding a headache. There is nothing in the record to establish a claim of denial of medical care to Raudenbush by Officer Bivens.

C. Monroe County

The medical records from the jail show that Raudenbush was treated by medical staff when a sick call was placed, despite refusing to consent to treatment. No member of the jail staff denied him medical care. If no constitutional violation by the any defendant is established, the municipal defendant cannot be held liable under § 1983. Having found no constitutional violation by any individual defendant with regard to deliberate indifference to serious medical needs, the court finds that Monroe County cannot be liable, as a matter of law, for this claim.

X. Jail Conditions

Raudenbush alleges he was “denied a shower, running water to wash with, soap/toothpaste or toothbrush, a working toilet, food, a bed and proper hygiene for medical care” during his first 72 hours at the jail. Raudenbush further alleges that while incarcerated in Monroe County, he was subjected to extreme overcrowding and was “denied the use of the telephone in the cell he was placed in.” Raudenbush also alleges that he “was forced to sleep on a cold, bare, cement floor for 28 days developing back pain and causing his left leg to go numb.” Raudenbush further alleges that the temperature in his cell was intentionally lowered to 45-50 degrees.

The Fourteenth Amendment’s due process clause protects pretrial detainees from cruel and unusual punishments, and the Eighth Amendment’s cruel and unusual punishments clause protects those convicted of crimes. *Bell v. Wolfish*, 441 U.S. 520, 535 n. 16 (1979). An act or practice that violates the Eighth Amendment also violates the due process rights of pretrial detainees. *Martin v. Tyson*, 845 F.2d 1451, 1457 (7th Cir. 1988).

In order to state a claim that prison conditions violate the Eighth Amendment, the plaintiff must plead facts showing that he has been subjected to deprivations so serious that he was deprived of the “minimal civilized measure of life’s necessities” and that jail officials acted wantonly, with deliberate indifference to his serious needs. *Richmond v. Settles*, 450 Fed.Appx. 448, 454-55 (6th Cir. 2011). The plaintiff must allege “extreme deprivations” to state an Eighth Amendment conditions of confinement claim. Allegations of temporary inconveniences are insufficient to state a claim. *Dellis v. Corr. Corp. of Am.*, 257 F.3d 508, 511 (6th Cir. 2001); *see also Agramonte v. Shartle*, 491 Fed.Appx. 557, 559

(6th Cir. 2012) (inmates cannot expect the amenities, conveniences and services of a good hotel).

Raudenbush's complaint shows that most of the deprivations he alleges he experienced were no more than temporary inconveniences. He first alleges that he was "denied a shower, running water to wash with, soap/toothpaste or toothbrush, a working toilet, food, a bed and proper hygiene for medical care" during his first 72 hours in the jail.

In a case with similar allegations, the Sixth Circuit found there was no violation of constitutional rights when an inmate was denied "toilet paper, soap, toothpaste, toothbrush, running water or the ability to shower for six days." *Richmond*, 450 Fed.Appx. at 455. In rejecting plaintiff's claim, the Sixth Circuit concluded that the deprivation of a shower and other personal hygiene items for a "brief span of time . . . i.e., only six days" is not actionable conduct. *Id.* As to Raudenbush's claim that he was denied a bed, the record shows that he was given a mattress, blanket, and pillow on January 1, 2011, after he completed intake. On January 7, when Raudenbush complained about the thinness of his mattress, officers were instructed to find him a thicker mat. Accordingly, the court finds this claim without merit.

Raudenbush next alleges that he was "forced to sleep on a cold, bare, cement floor for 28 days, developing back pain and problems and causing his left leg to go numb." Again, the record shows that Raudenbush signed for and received a mattress, sheet, pillowcase, pillow and blanket on January 1. When he requested medical attention on January 7 to complain that his mat was thinner than others, the nurse instructed the officers to trade Raudenbush's mat for a thicker one. There is nothing in the record to substantiate

Raudenbush's allegation that he was forced to sleep on the floor for 28 days. Accordingly, the court finds this claim without merit.

Raudenbush also alleges that he was subjected to "extreme overcrowding" while incarcerated in Monroe County. Specifically, Raudenbush claims that he was placed in a cell with "44 other men." But there is no evidence to support his claim. Raudenbush does cite to a report that shows that the jail was overcrowded, but jail records for 2011 covering the time he was in detention, show an overcrowding of only 21 individuals. That evidence does not support Raudenbush's claim. While crowded conditions can be restrictive and even harsh, they do not violate the Eighth Amendment unless they deprive the inmate of the minimal civilized measure of life's necessities. *Rhodes v. Chapman*, 452 U.S. 337, 347 (1981). Although Raudenbush may have been subjected to uncomfortable living conditions, he does not allege with any specificity that he was subjected to conditions that could reasonably be described as an unnecessary and wanton infliction of pain.

Without question, prison officials must ensure that inmates receive adequate food, clothing, shelter, and medical care, and must take reasonable measures to guarantee the safety of inmates. *Farmer*, 511 U.S. at 832. Harsh and uncomfortable prison conditions do not automatically create an Eighth Amendment violation. Rather "extreme deprivations" must be alleged in order to support a prison-overcrowding claim. *Agramonte*, 491 Fed.Appx. at 560.

Here, Raudenbush has failed to allege that the conditions of his confinement were sufficiently onerous to state a claim under the Eighth Amendment. Outside of his allegations that he was denied food and personal hygiene items during his first 72 hours in

the jail, he makes no allegation that he was denied food or sanitation during the remainder of his detention. Although he may have been inconvenienced by the increased population, overcrowding is not, in itself, a constitutional violation, and he has not alleged that the allegedly overcrowded conditions resulted in an unconstitutional denial of such basic needs as food, shelter, or sanitation. Accordingly, the court finds this claim without merit.

Next, Raudenbush alleges that his incoming mail was discarded or returned to sender and his outgoing mail was discarded and not delivered. The Supreme Court has recognized that receiving mail is a First Amendment right. *Jones v. Caruso*, 569 F.3d 258, 167 (6th Cir. 2009). However, Raudenbush has offered no facts to establish that the Monroe County Jail failed to deliver his mail. Accordingly, the court finds this claim without merit.

Raudenbush also alleges that the temperature in his cell was “intentionally lowered to 45-50 degrees all night and the next day.” However, Monroe County established that there is no thermostat in any cell where Raudenbush was housed during his detention, and while there are multiple heating/cooling units in the jail, the cells cannot be made cooler than 65 degrees. Accordingly, the court finds this claim without merit.

Lastly, Raudenbush alleges that he was “denied the use of the telephone in the cell he was placed in” and was told by a jailer that he was ordered to not allow him to use the phones. The Sixth Circuit has held that persons incarcerated in penal institutions retain their First Amendment rights to communicate with family and friends. *Washington v. Reno*, 35 F.3d 1093, 1100 (1994). Nevertheless, an inmate has no right to unlimited telephone use. Instead, a prisoner’s right to telephone access is subject to “rational limitations in the face of legitimate security interests of the penal institution.” *Id.*

Apart from his conclusory allegation that he was denied use of a telephone during his detention, Raudenbush fails to provide any evidence to support his allegation. Instead, the record show that he was allowed his one phone call when he was booked into the jail, which he used to call Daniel Morgan. Accordingly, the court finds this claim without merit.

XI. State Law Claims

Raudenbush also alleges claims under Tennessee state law based on negligence, false arrest/imprisonment, malicious prosecution, common law conspiracy, intentional/negligent infliction of emotional distress, assault and battery. The court has supplemental jurisdiction over these claims through 28 U.S.C. § 1337. A court may decline to exercise supplemental jurisdiction if it has dismissed all claims over which it has original jurisdiction. 28 U.S.C. § 1337(c)(3). The only claims that the court has original jurisdiction over are Raudenbush's § 1983 claims. Because the court has dismissed all § 1983 claims, it will decline to exercise supplemental jurisdiction over the state claims. Accordingly, Raudenbush's state law claims are dismissed without prejudice. See Fed. R. Civ. P. 41(b).

XII. Motion to Strike Sur-Reply

Defendants move to strike Raudenbush's sur-reply filed in opposition to the motions for summary judgment [R. 130]. The motion to strike is **GRANTED**.

Local Rule 7.1(d) governs the filing of supplemental briefs. The rule states:

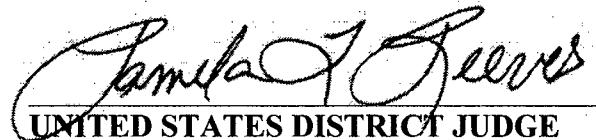
No additional briefs, affidavits, or other papers in support of or in opposition to a motion shall be filed without prior approval of the court, except that a party may file a supplemental brief of no more than 5 pages to call to the court's attention developments occurring after a party's final brief is filed.

First, Raudenbush did not seek court approval prior to filing his sur-reply. Second, the sur-reply exceeds 5 pages, and merely reargues Raudenbush's previous arguments against summary judgment. Third, the sur-reply contains no new developments in the case. Accordingly, the court finds the sur-rely should be stricken from the record for failure to comply with Local Rule 7.1(d).

Conclusion

Finding no merit to Raudenbush's federal claims, defendants' motions for summary judgment [R. 106, 110] are **GRANTED**, and his claims brought pursuant to 42 U.S.C. § 1983 are **DISMISSED, with prejudice**. Raudenbush's state law claims will be **DISMISSED, without prejudice**.

Order to follow.



UNITED STATES DISTRICT JUDGE

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IN THE UNITED STATES DISTRICT COURT AT KNOXVILLE TENNESSEE
February 27, 2019
Case No. 3:11-CV-625
RAUDENBUSH v. MONROE COUNTY

AFFIDAVITS AND SUPPORTING EVIDENCE
IN SUPPORT OF PLAINTIFFS ANSWER TO DEFENDANTS MOTIONS FOR SUMMARY JUDGMENT

AFFIDAVITS

- 1). Affidavit Danial Morgan 7-10-2009 (corrupt officials Millsap & Presley).
- 2). Affidavit Scott Morgan 2-25-2015 (witness to jury tampering).
- 3). Affidavit Scott Morgan 3-12-2018 (millsap/jury/drugs/black groups).
- 4). Affidavit Danial Morgan 2-19-2019 (bivens/threats/conspiracy).
- 5). Affidavit Danial Morgan 5-11-2018 (Jones/trial/escort condition/conspiracy).
- 6a). Affidavit Gary Church 1-16-2007 (mcminn clerks office/conspiracy).
- 6b). Affidavit Gary Church 2-1-2011 (Affidavit and 12 pictures1986 ford escort).
- 7). Affidavit George Raudenbush 1-16-2007 (mcminn clerks office/conspiracy).
- 8). Affidavit George Raudenbush 5-31-2018 (bivens/clerks//conspiracy/pope/trailer/background).
- 9). Affidavit George Raudenbush 9-17-2014 (unconstitutional trial).
- 10). Affidavit Grover Cowart 2-19-2019 (model inmate/conspiracy/injury).
- 11). Affidavit James Simac 5-17-2018 (corruption/drugs/conspiracy).
- 12). Affidavit George Raudenbush 1-2-2013 (tdoc diagnosis/denial of medical treatment).
- 13). Affidavit Danial Morgan 6-25-2010 (bill bivens served/trailer/conspiracy).
- 14). Affidavit Justin Bell 8-11-2010 (est history mcsd & tellico plains corruption).
- 15). Affidavit Hugh Edwin Voylos 3-8-2007 (drugs/abduction/MCSD & tellico plains corruption).
And Affidavit Danial Morgan 2-26-2007 (drugs/mcsd & tellico plains corruption).
- 16). Affidavit Billy Henry Miller 10-27-2015 (denial of medical/attempt to murder).
- 17). Affidavit George Raudenbush 4-21-2011 (jones & millsap conspire to commit perjury).

- 18). Affidavits Joan Champion 1-17-2011, 1-31-2011, 2-1-2011 (fear for life and injury).
- 19). Affidavit George Raudenbush 10-27-2015 (harm and injury as a result of bivens, jones & millsaps actions).
- 20). 3 Affidavits Gary Church 6-21-2010, 11-5-2010, 11-29-2010 (a.y.m trailer theft).
- 21). Affidavit of Wayne Biven's A.Y.M Trailer, 11-29-2010.
- 22). Affidavits to investigate perjury and malice of officer Jones concerning the blue ford escort.

SUPPORTING EVIDENCE EXHIBITS

- A). 12 color photographs of plaintiffs vehicle taken by Gary Church supported by affidavit.
- B). 911 county call transcript 12-30-2010.
- C). Medical evaluation/report of plaintiff by Attorney David Sexton 2-15-2019.
- D). CNW Press Release corruption group forms in Monroe County 6-15-2007.
- E). Dawson v. Bill Bivens Memorandum & Order 2-24-2014.
- F). Letter of sale of 45 ft trailer to Appalachian Youth Missions 11-10-2010.
- G). Letter from Atty Pope of obstruction of registration 7-5-2006.
- H). Letter to McMinn Co Clerks Office for obstruction of registration 3-7-2007 and Sweetwater TN Police Report of attempted theft of tag and registration sticker on youth mission truck.
- I). Motion for new trial, jury tampering 3-6-2015.
- J). Plaintiffs narrative of oral argument/ineffective counsel 9-20-2016.
- K). T.D.O.C medical evaluation of degenerative disc disease determined on 11-29-2011 from injury's sustain in January of 2011.
- L). Monroe County July, 2010, T.D.O.C Jail report failed re-certification, major issue overcrowding.
- M). Monroe County T.D.O.C Jail report July, 2011. failed re-certification, major issue overcrowding.
- N). Complaints filed against Monroe County Jail for violations of no heat and men sleeping on bare concrete floors 12-2-2010.
- O). CNW press release and Post & E-mail, M.C.S.D retaliation 7-29-2010, Truth flier 7-27-2010, THP Incident Report #110021800, officer Travis Jones 7-27-2010.

- P). CNW press release Bivens 7-27-2010.
- Q). AYM trailer defective writ, legal letter of conveyance and letter of legal possession, 5-26-2010, 11-10-2010 and 12-6-2010.
- R). Media news report MCSD Jail many inmates complaining about denied medical treatment and extremely cold temperatures in the jail.11-7-2010.
- S). Eleven Letters sent to Governor Bill Haslam.
- T). Millsap's suspension 2-15-1999.
- U). Millsap's 911 check 12-10-2010.
- V). Letter of complaint officer Presley 7-7-2009.
- W). 2 City of Tellico Plains tickets 2009.
- X). Brian Millsap's Tellico Plains 2nd reprimand 7-20-2013
- Y). Dillingham v. Millsaps excessive force article 5-27-2007.
- Z). T.D.O.C Margret Wills 12-06-2013.

TRANSCRIPTS

- 1). PLAINTIFFS 1ST TRIAL TRANSCRIPT PAGES 408-410, AUGUST 24, 2011.
- 2). PLAINTIFFS 2ND TRIAL TRANSCRIPT PAGES 230, 289-296, NOVEMBER 24, 2014.
- 3). PLAINTIFFS ORAL ARGUMENT FROM AUDIO TRANSCRIPT PAGE 14-15 SEPTEMBER 20, 2016.
- 4). DEPOSITION OF PLAINTIFF PAGES 87-88, JULY 11, 2018.
- 5). DEPOSITION OF MILLSAPS PAGES 10, 14-16, 37, 40, 41, 48, 49, OCTOBER 24, 2018.

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AFFADAVIT

Comes now Charles Scotty Morgan , and states that he is lawful age, competent to testify, has personal first hand knowledge of the truths and facts herein, the truths and facts herein are true. correct, exact and not misleading.

- 1). Affiant states he was present on November 24th and 25th 2014 between 8:30 am and 5:30 pm at The Monroe Count Court House in Monroe County Tennessee.
- 2). Affiant , states the following with accuracy and makes these statements for the court record and other public records.
- 3). I was called to be a witness in a trial for George Raudenbush. I was there both days of the trial. I heard the judge speak to the jury foreman and other jurors asking questions of each of them about knowing George Raudenbush and Brian Millsaps. I noticed the jury foreman hand the verdict to the bailiff after the trial.
- 4). When members of the court asked the jury foreman if he knew Brian Millsap's he said he did 'nt know Brian Millsap's. Brian Millsap's is the officer that assaulted George Raudenbush a christian missionary in our community.
- 5). After the trial was over I left the courtroom and went downstairs. I saw Brian Millsap's coming down the stairs. I heard in a loud voice the jury foreman say, "Congratulations", to Brian Millsaps. Brian had a big grin on his face when he saw the jury foreman, people standing around the jury foreman looked toward Brian. The jury foreman went forward and met Brian after Brian came off the stairs. They both embraced with a handshake then a hug. The jury foreman initiated the embrace. Brian patted the jury foreman on the back telling him what a good job he did. The jury foreman congratulated Brian again.
- 6). I was completely shocked that the jury foreman would lie right in front of the judge and the

court. The jury foreman and Brian Millsap's had both known each other and were talking about family and friends. Four or five of the men from the jury were also standing around talking to each other around where Brian and the jury foreman were talking. I stood there shocked as they continued their conversation joking and laughing together about getting the conviction against George Raudenbush. Finally, after a few minutes, I decided to leave. Brian and the jury foreman were still talking as I left.

7). I was born and raised here in Monroe County all my life. I am 60 years old and have seen a lot of things. I believe George Raudenbush didn't receive a fair trial because of all the lies that were told by the Monroe County Buzz but to see with my own eyes the jury foreman having been good friends with Brian Millsap's, George never had a chance to a fair trial here in Monroe County.

Date

2-25-2014

Signed

Leather Meyer



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INDIVIDUAL ACKNOWLEDGMENT

State/Commonwealth of Tennessee }
County of Monroe } ss.

On this the 25 day of February, 2015, before me,

Lisa Ann Six, Name of Notary Public,
personally appeared Charles Scott Morgan,
Name(s) of Signer(s)

personally known to me - OR -

proved to me on the basis of satisfactory
evidence

to be the person(s) whose name(s) is/are subscribed
to the within instrument, and acknowledged to
me that he/she/they executed the same for the
purposes therein stated.

WITNESS my hand and official seal.

Lisa Ann Six
Signature of Notary Public

Lisa Ann Six

Sept. 26, 2017

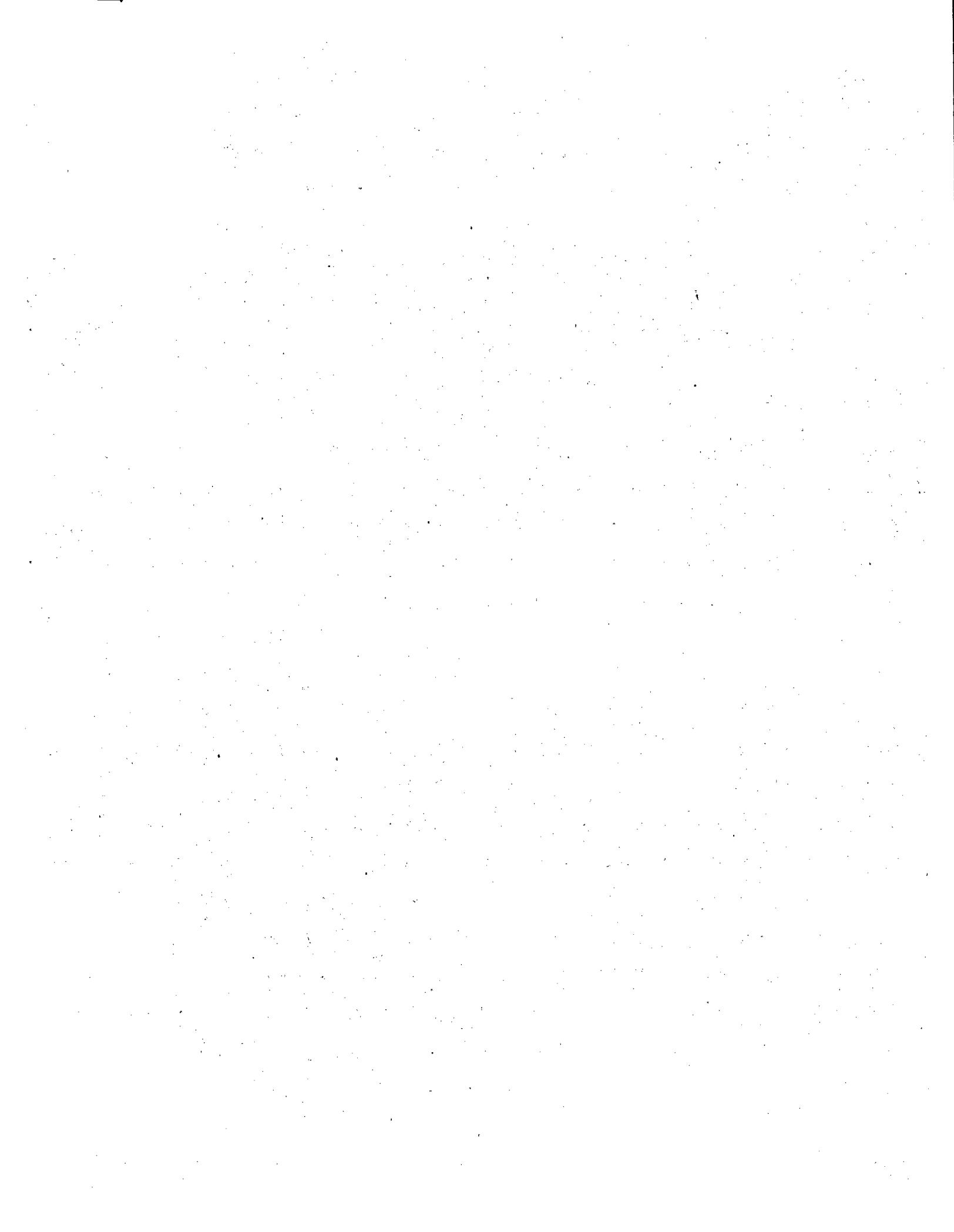
Any Other Required Information

(Printed Name of Notary, Expiration Date, etc.)

Place Notary Seal/Stamp Above



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AFFIDAVIT OF TRUTH AND FACT

Comes now, Hugh Edwin Voyles (a senior citizen), and states that he is of lawful age, competent to testify, has personal first hand knowledge of the truths and facts herein, the truths and facts herein are true and correct, complete, certain, exact and not misleading.

1. Affiant states that he was present on June 25, 2006 at 1:30 pm -3:00 pm at 141 Mason Hill Road Madisonville, Tennessee 37354, affiants home.
2. Affiants, states the following with accuracy.
3. I became a trusted informant and advocate against illegal drug manufacturing and distribution for the Monroe County Sheriff's Department under Sheriff, Doug "Tuffy" Watson during the month of June, 2006. I did this because of widespread illegal drug manufacturing and distribution in my community of Monroe County, Tennessee, which is destroying our children, teenagers and adults. I have turned in the locations of over 14 Active drug labs since June 2006. Many concerned citizens have joined me in this effort in exposing the truth about organized manufacturing and distribution of illegal drugs in Monroe County, Tennessee. The Sheriff, Doug Watson personally told me if I ever found any of his officers involved in protecting these labs or officers not turning in information to his office concerning these labs, to contact him personally, he said they would be fired.
4. In April of 2006, I was given information by a trusted source of a location of where active drug manufacturing was taken place near my home. I immediately went to see the sheriff on three separate occasions but he was not at his office. I decided to go see Monroe County Narcotics Detective, Jeb Brown as I have the highest respect for Jeb, and he is an individual I would trust my life with. Jeb, was not in his office either so I left a message as I did earlier with the sheriff's secretary to contact me, as it was urgent. A week later, on June 25th 2006, between 1:30 pm and 3:00 pm, Narcotics Detective Jeb Brown came to my home. I shared information with Jeb about an active illegal drug manufacturing operation off of Wilson Station Road across from a Christian youth mission (Appalachian Youth Mission). Jeb, acknowledged that he was aware that the M.L. Akins Property across from the youth mission, was being used as an illegal drug manufacturing facility. Jeb told me the Monroe County Sheriff's Department couldn't ever catch anyone on the M.L Akins Property. One of my trusted sources, Charles Morgan, informed me that on April 7th at 10:30 pm that he was present at the M.L. Akins Property. Mr. Morgan recounted that a patrol officer that night made a statement in front of himself and mission's coordinator George Raudenbush, stating the officer had found a drug lab however another senior officer showed up acknowledging knowing these men, saying nothing was wrong. Mr. Morgan stated he and the mission's coordinator for AYM, George Raudenbush, both witnessed this account, leaving surprised and in disbelief. Based upon this information given by Mr. Morgan, I contacted the Sheriff's Department. Mr. Morgan's testimony has always been reliable, trusted and has resulted in the discovery of meth labs in the past. George Raudenbush has disclosed to me the hours that he has personally observed known meth manufacturers visiting the M.L. Akins Property late into the night. A property that has no running water or electricity which is very private and secluded. George informed me that the property owners have given full permission to these individuals to be there on their property late at night to do as they wish. George told me that he has brought this to the attention of the property owners several times. George has told me that the property owners have given exclusive permission for these known meth manufacturers to be there even after George informed them about the suspicious activity going on there at all hours of the night and continuing into the early morning hours. George stated there are also other witness to these as well.
5. Next I shared addition information with Jeb Brown that concerned me greatly. I asked Jeb if he knew about the recent attempted murder of a Tellico Plains Man, George Raudenbush. "Do you

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15-66

10-33-07 Notary Expiration

Barbara S. Lee

comes now, Affidavit, Hugh Edwin Vories stating that I have read the above Affidavit, that the truths and facts herein are true, correct, complete, certain, exact and not misleading, that they are of first hand knowledge personal knowledge, and so verities.

knowledge personal knowledge, and so verities.

comes now, Affidavit, Hugh Edwin Vories stating that I have read the above Affidavit, that the truths and

VERIFICATION

Signed: Barbara S. Lee

Date: 3/8/207

local county government. Much lab is right next to a youth mission with children tells me that we have a corrupt and sorry fact that the Monroe County Sheriff's Department is willing to look the other way when an active victimization of a Christian Missionary in our community and has not done anything about it. The Department and the Telleco Palms Police Department has knowingly allowed the continued Christians) of this great country we call America, I am designated that The Monroe County Sheriff's Department murdered on George Radenbush. As a Citizen (radical pastor, evangelist and up the attempted murder on George Radenbush, I left Colleman & Burts convicted that a conspiracy to cover was no file on George Radenbush. Why would the Monroe County Sheriff's Department not cover a known dead contacting the Telleco Palms Police Department and stated that they were told, there Burts, Private Investigators asking them about George Radenbush. Colleman & Burts who they knew to be responsible for the abduction, beating, mauling and attempted murder of George Radenbush? I was so disturbed over this, that I personally appealed before Colleman & County Sheriff's Department and the Telleco Palms Police Department refuses to arrest two men down a drug lab next to a Christian youth mission with children there? Why would the Monroe businesses. I left so confused. Why would the Monroe County Sheriff's Department not want to shut in jail? Jeff was, interested in taking anymore about George as he was there on records Police Department I asked Jeff, "does Telleco Police Department know the names of these two men (Jeff said), yes", "Why doesn't Telleco do something about this?", "Why isn't these two men doesn't someone arrest these two men?" Jeff replied, "this is the jurisdiction of the Telleco Palms went on to say, the Sheriff's Department knows all about it, I was shocked! I said to Jeff, "Then why of George! Jeff, told me the full names of the men but I didn't recognize either of their names. Jeff know anything about this?" Jeff said he did know about George, and about the attempted murder of George Radenbush, Jeff even named the two men directly involved in the abduction and beating

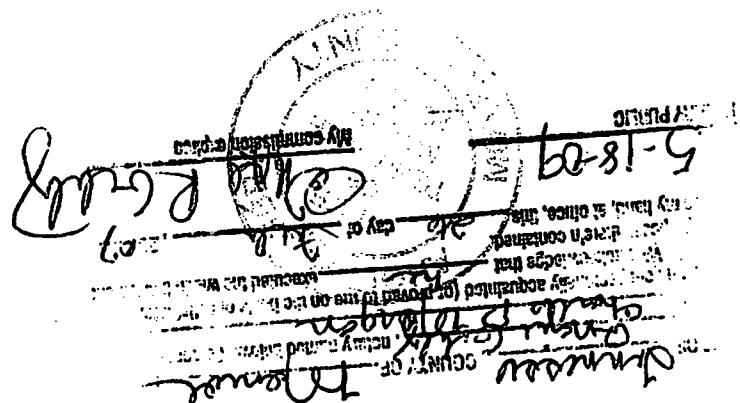
AFFIDAVIT OF TRUTH AND FACT

Comes now, Charles D. Morgan, and states that he is of lawful age, competent to testify, has personal first hand knowledge of the truths and facts herein, the truths and facts herein are true and correct, complete, certain, exact and not misleading.

1. Affiant states that he was present on April 7th, 2006 at 10:15 pm meeting with George Raudenbush at the mission property (Appalachian Youth Mission) located off Wilson Station Road in Monroe County, Tennessee.
2. Affiants, states the following with accuracy.
3. George Raudenbush had called me saying he received a phone call from his neighbors. George said that he was informed there were vehicles going back to the mission property and they were hauling stuff out. George asked me to go along with him as it was dark outside and he was responsible for the property. I agreed to meet George at "God Wins House". On the way up, to the mission, George called the Monroe County Sheriff's Department on my cell phone asking them to meet us at the mission property. When we got to the mission property I went with George checking the buildings and work materials making sure everything was accounted for. Across from the mission property was the M. L. Akins Property known for meth production. It was there this late at night that a few individuals having former meth charges were gathered in the dark not having any electricity or running water on the property. Their activity was very suspicious and that's the reason George was called to investigate by the neighbors. We both met the MCSO officer between the mission property and the M.L. Akins Property. I was aware that theft and vandalism had occurred on the mission property recently and this was a concern George had with these individuals being on a secluded lot, that late at night drinking alcohol. I didn't recognize the young officer (I know some of the officers in the sheriff's department from high school). The officer went over to the 5 men standing and two men were sitting around an open wood fire. The officer spoke to these men, then entered a poorly made plywood building on stilts. The officer was in the building for about two mins. When the officer came out he seemed to be very happy. The officer came over to George and I and said "we got em now" It's a drug lab. At about this time another police cruiser pulled up and it was an officer, Sgt. Williams. The young officer had called for back up. The young patrol officer was very excited to share his findings with his Sgt. After listening to the young officer; Sgt. Williams took the officer aside putting his hand on the officer's shoulder and said "I know these guys, there ok" The young patrol officer looked very confused and perplexed explaining again with excitement what he had found in the building. Sgt. Williams became very stern with the young officer stating "nothings going on here, leave it alone". The young officer appeared to be very discouraged and frustrated. Sgt. Williams used his authority to stop any further investigation and became upset with George the missions coordinator asking "where's the stolen property?" "Where's the stolen property?" George replied back to the officer, "I only reported a possible theft as the information given to me was by neighbors of suspicious activity going on this late at night". George went on to explain that a lot of damage and theft had occurred on the mission property recently and this was a genuine concern as he was responsible for the property. Sgt. Williams appeared to be very upset at having been called out this late at night and the young officer appeared to be in conflict with his Sgt. about finding a drug lab. The men there on the M.L. Akins Property were known in the community to be involved in illegal drug production. I was mad that our local sheriff's department just looked the other way allowing this activity to continue.

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comes now, Affidavit, Charles D. Morgan stating that I have read the above Affidavit, that the truths and facts therein are true, correct, complete, certain, exact and not misleading, that they are of first hand knowledge personal knowledge, and so verities.

VERIFICATION

Signed: John C. Wilson

Date: 2-26-07

CONFIDENTIAL DOCUMENT

AFFIDAVIT

State of Tennessee
Monroe County

Comes the Affiant, **Charles Scotty Morgan**, under penalties of perjury who, being duly sworn and competent, affirms to wit as follows:

I was not allowed to give this information at either of George Raudenbush's trials.

I met George Raudenbush in 2003 through my business Morgan Excavation of 35 years here in Tellico Plains, Tennessee. I was born and raised here in Mount Vernon in Monroe County, Tennessee. I have lived here in the Tellico area all my life. I met George through Appalachian Youth Missions where George brought youth groups into our community helping senior citizens and low income family's. George was warmly welcomed into the community, by leaders of the community and was well respected.

When the youth mission acquired property in July of 2004 on 1300 Wilson Station Road here in Monroe County George brought in colored youth and youth groups into Tellico Plains. George was confronted by Monroe County Sheriff's Department Deputy's after these groups arrived. George told me that those groups were discouraged from coming back into Monroe County. I don't ever remember a colored person living in Tellico Plains. Coloreds were discouraged from coming through Tellico Plains for many years as I can remember.

It is well known in the community that local authority's here in Monroe County are actively involved in the illegal drug trade (manufacturing and distributing). If I named names and locations I would be putting my life and the lives of my family in jeopardy. I will not do this because the state and the federal government cannot protect me. I believe and know that those in authority here in Monroe County were actively involved in an agenda to have George killed in 2006, and again in 2010. George was wrongly imprisoned by the lies told by Brian Millsaps and Travis Jones. I believe because George filed federal complaints about the sheriff, drug trafficking near the mission property and public corruption that Brian Millsaps was sent to kill George on December 30, 2010. I believe George would not be alive today if it weren't for George getting to a telephone and calling for help. God played a big part in getting George to Joan Champions house to make those calls. I believe this is the only reason he survived that night surrounded by witness.

In 2006, my daughter, 20 years old at the time, spoke to me in confidence saying that Tellico Plains Police Officer Brian Millsaps had pulled her over on highway 68 and issued her a ticket, saying he would get the ticket dismissed if she would have sex with him. My daughter did the right thing and paid the ticket and then told me about it. My daughter did not file a complaint at the time because she was afraid of the retaliation that could harm her or her family by filing a complaint against Brian Millsaps, a dirty cop who has had several law suites filed against him by citizens in our community for using excessive force, Rodney Dillingham was one of those victims who sued Brian Millsaps in federal court.

I was present at both of Georges trials and sentencing hearings between August 24, 2011, November 24, 2014 and December 2014, here in Monroe County. I do not believe George had received a fair trial at either trial.

There was no way with all the dozens of false and misleading news articles that the Buzz Newspaper (a gossip paper run by a felon and controlled by sheriff Bill Bivins) circulated in Monroe County that George could have received a fair trial. I believe from all that I saw and heard at both trials and knowing Sheriff Bill Bivens George would never get a fair trial in Monroe County. George's second trial was rigged like the first trial, where they made George represent himself without a lawyer. In the second trial George

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CONFIDENTIAL DOCUMENT

was given a young inexperienced lawyer who wasn't given enough time to prepare Georges case, all Georges attorneys motions were denied, the 911 recording of George asking for help from the 911 center asking for the state highway patrol three times, was not allowed in the court or for the jury to hear and the fact that the jury foreman was friends with Brian Millsaps (the states leading witness); the officer who almost killed George back in December 2010. I believe George could not and will never get a fair trial in Monroe County until all the corrupt officials in Monroe County are put in prison. Georges trial and jury was rigged from the very beginning both times and I am not the only person that believes that who has lived here all their life, in Monroe County.

George is one of the few persons I know to have questioned the authorities here about the drug trade and have lived. George is kind, compassionate and walks with God. He is a man that prayed for his abductor sent to kill him lying close to death in 2006 and again in 2010. George has no fear of death because he walks with God. I have no doubt of this because I was the one that drove him to Sweetwater Hospital that morning he had been abducted and tortured or two hours! I was there at the University of Tennessee Nuro Brain Trauma Center where George told his story about how he prayed for his abductor. I saw God working in the many tear filled eyes of the physicians and staff that day.

I am taking a big risk by talking about the things that have happened to George. If the Monroe County Sheriffs Department knew I was talking about these things they would retaliate against me. I have no doubt about this. At the very least, officers in the Monroe County Sheriffs Department would put me in jail or burn my house to the ground or worse, harm my family. I am currently in fear for my life by doing this affidavit.

I am doing this affidavit on behalf of George Raudenbush that the truth would come out and George would be free from the false charges he has had to bear. He is not a criminal! George informed me that the Governor, his attorney and an administrative board would be reviewing this affidavit and it would not be made public or be copied or reproduced in any way outside of the Governor, his attorney and the board as stated, in this affidavit. This is for the safety of my family and myself.

Further

Affiant Saith Not,

Charles S. Morgan
Charles Scotty Morgan

ACKNOWLEDGMENT

State of Tennessee

County of Monroe

On this 12th day of March, 2018, before me personally appeared Charles Scotty Morgan to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed, for the purposes therein set forth.

(Notary Public)
My Commission Expires 8/27

20 19

App. 55

AFFIDAVIT OF TRUTH AND FACT

Comes now, Fenton McCahill, and states that he is of lawful age, competent to testify, has personal first hand knowledge of the truths and facts herein, the truths and facts herein are true and correct, complete, certain, exact and not misleading.

1. Affiant states that he was present on January 12th, 2007 at 1:15pm and did appear before Evonne Jones elected official clerk for the vehicle registration office of McMinn County, Tennessee. Affiant did also review Athens Police Department Report on January 19th 2007 with the following observations.
2. Affiants, states the following with accuracy.
3. I did accompany George Raudenbush to the McMinn County Vehicle Registration Office, as George was my passenger on January 12th 2007.
4. George Raudenbush did in fact show Evonne Jones in my presence on January 12th. 2007, a letter from Elizabeth L. Miller Senior Tax Counsel for the State of Tennessee Department of Revenue dated December 20th, 2006. Evonne Jones denied ever having received such a letter from the state requiring her to transfer a title upon conditions stipulated in the letter which George Raudenbush had satisfied. I personal can verify that the documents Mr. Raudenbushs presented to this clerk were exactly as Paula Shaw and Elizabeth L. Miller requested in the letter both from Paula Shaw and Elizabeth L. Miller.
5. On January 19th, 2007 I did read in full the Athens Police Department Report stating a disturbance was caused on January 12th, 2007 at 1:21pm at the Mc Minn Co. Tag & Registration Office as I was present with George Raudenbush during his entire visit. I did not observe any disturbance cause during that time by George Raudenbush. I observed George to conduct himself in a polite and curious manor using a humble tone of voice. George did apologize for not being able to arrive on Thursday as per the clerk's instructions to George, at an earlier date.
6. I did however observe that the Evonne Jones did appear to be emotional prior to Mr. Raudenbush engaging in any conversation with her. I also observed that Evonne Jones did become short with George Raudenbush before George Raudenbush engaged in any conversation with Evonne Jones.
7. It is my observation and professional opinion as an ordained minister and prison chaplain that George Raudenbush did conduct himself in a professional and Christian manor in complying with the states instructions to obtain a title.



Date: 1-19-07
Signed: Fenton M. Cahill

I CERTIFY THIS TO BE A TRUE
AND ACCURATE COPY OF THE ORIGINAL
BY: 65R

VERIFICATION

Comes now, Affiants , Fenton McCahill stating that I have read the above Affidavit, that the truths and facts therein are true, correct, complete, certain, exact and not misleading, that they are of first hand knowledge personal knowledge, and so verifies.

App 56

AFFIDAVIT OF TRUTH AND FACT

Comes now, Fenton McCahill, and states that he is of lawful age, competent to testify, has personal first hand knowledge of the truths and facts herein, the truths and facts herein are true and correct, complete, certain, exact and not misleading.

1. Affiant states that he was present on January 12th, 2007 at 1:15pm and did appear before Evonne Jones elected official clerk for the vehicle registration office of McMinn County, Tennessee.
2. Affiants, states the following with accuracy.
3. I accompanied George Raudenbush to the McMinn County vehicle registration office, as George was my passenger that day and I was more than glad to help George with errands for the mission. George approached a clerk's window but before he could hand his paper work to the waiting clerk a women hurriedly appeared and said "I'll take care of this one" The women identified herself as the head clerk. She took the place of the other clerk. George politely said he had returned upon her request to pick up a letter that she said she would have prepared for George on Thursday. George apologized for being a day late as it was Friday he explained he was unable to make it in on Thursday. The clerk responded that George wasn't ever going to get a letter from her office. George responded "you asked me to return to this office to pick up a letter of your additional requirements as you directed me to do, that's why I am here". George further stated without the letter stating your requirements how can I met your requirements? George further explained that if the clerk was going to constantly change the requirements, legal counsel advised that the clerk produce a letter for the additional requirements. The clerk became very agitated and then redirected us both to her office. I found this unusual because George's request was not unreasonable as he was polite in his request. George and I entered the clerk's office as directed; we both stood instead of sitting as we both were uncomfortable with the clerk's behavior. George polity stated his position that he was there upon the clerks request to pick up the letter that the clerk stated she would give George. The clerk inferred in her statements that George was involved in criminal activity and he would not receive a letter. The clerk then told George to leave, that she never wanted to see him again in this office. George complied by stating in a polite voice, "I am leaving, have a nice day."
4. Both George and I exited the office immediately we got into my vehicle and talked for a few minutes as we were both perplexed at the behavior of the clerk. George reassured me that God was in control. As we were leaving the parking lot 2 police vehicles at high speed arrived in front of the clerk's office their tires squealing. It appeared they were in some sort of tactical operation in emergency response. George and I looked at each other, perplexed again.

Date: 1-16-07

Glenna P. Gilliam - Notary Public signed: Fenton McCahill
My Commission Expires 9-24-08

VERIFICATION

Comes now, Affiants , Fenton McCahill stating that I have read the above Affidavit, that the truths and facts therein are true, correct, complete, certain, exact and not misleading, that they are of first hand knowledge personal knowledge, and so verifies.

I CERTIFY THIS TO BE A TRUE
AND ACCURATE COPY OF THE ORIGINAL

BY: 692

App. 57

AFFIDAVIT OF TRUTH AND FACT

6

Comes now, Gary Church, and states that he is of lawful age, competent to testify, has personal first hand knowledge of the truths and facts herein, the truths and facts herein are true and correct, complete, certain, exact and not misleading.

1. Affiant states that he was present on January 1st, 1999 at around 9:00 am and did appear with and was directly involved in Fellowship with Fishes & Loaves fellowship a fellowship of believers meeting in McMinn County and other parts of Tennessee as I am an active participant.
2. Affiant, states the following with accuracy.
3. My name is Gary Church; I am senior elder and Counsel Member of Appalachian Youth Mission a Charitable, Educational and Religious society (which is always free), that promotes mission work for adults and youth worldwide.
4. I am a tax payer, registered voter and property owner (148 CR 654 Athens, TN 37303) here in McMinn County, Tennessee.
5. The fellowship has 3 Isuzn Diesel long bed trucks and one Ford Ranger long bed truck used for mission work; these trucks are located in McMinn Co and are often here at my residence.
6. George Raudenbush reports to the counsel as he is the lawful administrator & manager over the vehicles and mission property which the counsel governs. As is on Record with the Tennessee Board of Equalization, a board consisting of licensed of Attorneys and public record. George has the authority to register and transfer vehicles in Fishes & Loaves Fellowship as part of his responsibilities.
7. I recently applied for and was given a registration renewal, new tag on one of these trucks as the counsel has full authority over these vehicles, contrary to false and misleading information supplied to a local news paper which quoted George as obtaining the tag inferring it was obtained under false pretenses.
8. George Raudenbush was instructed by the counsel to provided both McMinn Co addresses as follows: Legal address (where the mission receives its mail) AYM, P.O. Box 1076 Englewood, TN 37329 and the address where the vehicles are based out of 148 CR 654 Athens, TN 37303. The Mission Property and its surrounding neighbors all have McMinn Co. mailing addresses and the closest neighbor to the mission (Joe & Marlene Duncan) have McMinn Co. Tags on there vehicles.
9. George reported back to the counsel that these addresses were provided to Evonne Jones Clerk of the McMinn County Tag & registration however, George reported back that County Clerk, Evonne Jones refused to accept these legal addresses in McMinn Co. to register mission vehicles.
10. George was instructed to seek legal counsel concerning these events and did so accordingly. George followed the instruction of The Tennessee Department of Revenue as per Senior Tax counsel Elizabeth L. Miller. by visiting the McMinn Co. Tag & Registration office recently.
11. George has been entrusted to a position of great responsibility, he receives no salary or wages of any kind yet he has dedicated his life to serving others as a missionary, I have investigated many claims stemming from accusations concerning Georges conduct and accountability to the public and this counsel. The Counsel to date has never found any evidence to support any claim made which would cause the counsel to question George's integrity or discipline him. George is fully

I CERTIFY THIS TO BE A TRUE
AND ACCURATE COPY OF THE ORIGINAL
BY: 6/2

App. 58

accountable for all his actions and the counsel continues to hold him in that position of accountability.

12. It is my opinion that there are individuals in the community having personal agendas that are anti Christian in nature that may be involved in a concerted effort to discredit the character and Christian work of George Raudenbush. Some of these individuals hold great positions of responsibility and authority in our community which saddens my heart. It is my genuine desire to continue to pray for these individuals that they may come to repentance and experience the wonderful peace and joy that Jesus has for them.

Glenna Gilliam - Notary Public Date: 1-16-07
My Commission Expires 9-24-08 Signed: Gary Church



VERIFICATION

Comes now, Affiant, Gary Church stating that I have read the above Affidavit, that the truths and facts therein are true, correct, complete, certain, exact and not misleading, that they are of first hand knowledge personal knowledge, and so verifies.

App. 59

Att. 60

Jan. 17, 2011
Jan Channing

affidavit

A little bit before
December came to my home late
at night Dec. 30, 2010 the
stealing for the life. We are
had been disturbed by a local police
officer and he wanted to see the
phone to see the truth. We trying
to see the phone and my home
was surrounded by some police
officer to be truthful, we trying

AFFIDAVIT OF WITNESS TO

CONDITION OF 1986 FORD ESCORT JAN. 5TH 2011

Comes now, Gary Church, and states that he is of lawful age, competent to testify, has personal first hand knowledge of the truth and facts herein, the truths and facts herein are true and correct. These facts are complete, certain, exact and not misleading.

1. Affiant states that he was present on Jan. 5, 2011 sometime between 9:30 and 4:59 pm at Robert Hamilton's parts yard in Tellico Plains, Tennessee
2. Affiant states: attached pictures were taken Jan. 5, 2011 at the sight that the vehicle was impounded by Tellico Police on the night of Dec. 30 2010 and the morning of Dec. 31 2010.
3. Affiant states: The condition of the vehicle does not reflect any impact of any kind. Upon inspection, it has no dents scratches anywhere, except where the driver window was broken.

Gary Church
2-1-2011

Sworn and subscribed before me this 1st day of February 2011

Kressa Mason
8/24/11



TRANSCRIPT OF RADIO TRAFFIC
AND 911 CALLS

December 30 & 31, 2010

(Transcribed from Audio Recording)

RE: George Raudenbush

App. 62

1 OFFICER BRIAN MILLSAPS: 505.

2 CENTRAL: 505.

3 OFFICER BRIAN MILLSAPS: I'm
4 out with a plate. I don't know what state or
5 what country it's from here. It's Lincoln,
Union, King, Edward, 418. I'm here at Mecca
Pike and 68. I'll try to advise you here in
6 just a minute.

7 CENTRAL: 10-4. What's your
(inaudible.)

8 OFFICER BRIAN MILLSAPS: 505.
9 I'm in pursuit.

10 OFFICER TRAVIS JONES: 505,
11 you call it and I'll chase him.

12 OFFICER BRIAN MILLSAPS: It's
13 George Raudenbush.

14 OFFICER BRIAN MILLSAPS: He's
15 headed southbound, Central. Coming up on 165.

16 OFFICER TRAVIS JONES: Get to
17 him, 05.

18 OFFICER BRIAN MILLSAPS: He's
19 continuing (inaudible) southbound.

20 OFFICER DOUG BRANNON: 05, 10.
21 I'm on the mountain. Let me know.

22 OFFICER BRIAN MILLSAPS: 10-4.
23 It's a little blue Escort. George Raudenbush
24 driving it.

25 OFFICER TRAVIS JONES: Rolling
26 road block right here.

OFFICER BRIAN MILLSAPS: We'll
try it.

OFFICER TRAVIS JONES: He just
tried to hit me right there.

1 OFFICER BRIAN MILLSAPS:
Central, note. He just tried to ram 709.

CENTRAL: Copy.

4 OFFICER BRIAN MILLSAPS: Okay.
Be southbound. Coming up on Unicoi Church
Road.

CENTRAL: Copy.

7 OFFICER TRAVIS JONES: He's coming to you, Brian.

OFFICER BRIAN MILLSAPS: 10-4.

11 ahead, Central. OFFICER BRIAN MILLSAPS: Go

12 CENTRAL: Just need to confirm
13 this is the same vehicle with the strange tag,
10-4?

14 OFFICER BRIAN MILLSAPS: It's
15 the tag I was out with. It's some kind of
unofficial tag.

17 OFFICER BRIAN MILLSAPS: We're coming up on Martin Road.

12 CENTRAL: Copy.

20 OFFICER BRIAN MILLSAPS: -- up
a mountain, Doug.

21 OFFICER DOUG BRANNON: Got the
22 camp (phonetic) headed your way.

23 OFFICER BRIAN MILLSAPS: He tried to ram 709 again, Central.

24 | CENTRAL: Copy.

25 OFFICER TRAVIS JONES: Where you at, 05? Where you at, Brian?

1 you all at?

2 OFFICER BRIAN MILLSAPS: We're
3 right here at the first entrance to Pond Ridge.

4 OFFICER DOUG BRANNON: I ain't
5 going to make it. I'm coming up on the
6 S-curves at Davis Mountain.

7 OFFICER BRIAN MILLSAPS: He's
8 going down Pond Ridge, Doug.

9 OFFICER DOUG BRANNON: First
10 or second?

11 OFFICER BRIAN MILLSAPS: First
12 entrance, close to Tellico.

13 OFFICER DOUG BRANNON: 10-4.

14 OFFICER BRIAN MILLSAPS: He's
15 45'd out here, Central. He's 45'd out in the
16 road.

17 CENTRAL: 10-4. Copy that.
18 On Pond Ridge?

19 OFFICER BRIAN MILLSAPS: He
20 got going again.

21 CENTRAL: Copy that.

22 OFFICER BRIAN MILLSAPS: 731
23 and 789, if you get up there, try to get to the
24 second entrance.

25 UNIT 731: 10-4, 31. I'm
behind him on Kimbler Drive (phonetic) right
now.

26 OFFICER BRIAN MILLSAPS: Guys,
27 they're going up a driveway and it ain't
28 marked. It's about middle ways to the top.
29 Going into a residence.

30 CENTRAL: Copy.

31 OFFICER DOUG BRANNON: Travis,
32 you with him?

1 OFFICER TRAVIS JONES:
Negative. Subject ran me off.

3 OFFICER DOUG BRANNON: All
right. Brian, where you at?

4 OFFICER BRIAN MILLSAPS: I'm
on foot.

CENTRAL: Copy. On foot?

7 OFFICER TRAVIS JONES: What's your status, Brian?

8 OFFICER DOUG BRANNON: I'm at
9 the second entrance going down. I don't know
where he was.

10 OFFICER BRIAN MILLSAPS:
(Inaudible) back of Pond Ridge.

12 10-4? CENTRAL: Central 505, you

13 OFFICER BRIAN MILLSAPS: 44
14 out here. I don't know the numerical highway
number.

15 CENTRAL: Copy. 44. Unsure
16 of the numerical. Did you copy, 705?

17 OFFICER JOHN WILBURN: Sure did. Hey, Brian, how far past that red truck on the side of the road?

19 OFFICER BRIAN MILLSAPS: Let's
flip over to talk-around (phonetic) so I can
hear you.

21 CAPTAIN JOHN WILBURN: 709s,
out here with him.

22 CENTRAL: Copy, 709.
UNKNOWN OFFICER: 709, can you
23 see lights in the road?

24 OFFICER JOHN WILBURN: 789,
25 where you at?

Unit 789: Coker Creek going

1 up the mountain, Captain.

2 OFFICER JOHN WILBURN: All
3 right. I'm right behind you. (Inaudible) is
4 out here somewhere. Don't know exactly where.
5 (Inaudible) cruiser to the road. Go on down
6 the road.

7 UNKNOWN OFFICER: We're 10-97.
8 (Inaudible.)

9 OFFICER DOUG BRANNON: 710's
10 out.

11 CENTRAL: Copy. 710 out with
12 him.

13 OFFICER DOUG BRANNON: Which
14 side of the road, to the right or left here,
15 Brian? Go down to the pond and back up.

16 OFFICER TRAVIS JONES: 709 to
17 705.

18 OFFICER JOHN WILBURN: Go
19 ahead, Travis.

20 OFFICER TRAVIS JONES: If he's
21 still out on foot, I've lost him. Do you think
22 we can get a dog? He hit my truck three times
23 during this thing.

24 OFFICER JOHN WILBURN: 10-4.
25 705 County.

26 COUNTY: County. Go ahead.

27 OFFICER JOHN WILBURN: -- dog
28 (inaudible.) Be en route up here to Pond
29 Ridge, first entrance, for a track.

30 COUNTY: 10-4.

31 OFFICER BRIAN MILLSAPS: --
32 take the first entrance.

33 UNKNOWN OFFICER: 10-4.

34 UNKNOWN OFFICER: (Inaudible)
35 is that you behind me?

36 UNKNOWN OFFICER: Yeah, 10-4.

1 UNKNOWN OFFICER: I'm sliding.
2

3 OFFICER DOUG BRANNON: I got
him up here in the house.

4 OFFICER TRAVIS JONES: You at
the house, Doug?

5 OFFICER DOUG BRANNON: He ran
6 right in front of my car and was speaking to
7 the resident. He's in the house.

8 OFFICER TRAVIS JONES: Hold
9 the perimeter. We'll be on you in a minute.
We'll have several units on you.

10 OFFICER DOUG BRANNON: 10-4.
This subject's trying to talk to him.

11 CENTRAL: Copy that.

12 911: 911. What's your
13 emergency?

14 GEORGE RAUDENBUSH: Yes. Do
you have state highway patrol?

15 911: Okay. This is 911. Can
I help you?

16 GEORGE RAUDENBUSH: Is this
17 state highway patrol?

18 911: We dispatch for them.
What's your name?

19 GEORGE RAUDENBUSH: I need
20 state -- the number for state highway patrol.

21 911: You've called 911, sir.
You've got me. Who is this?

22 GEORGE RAUDENBUSH: Is this
23 state highway patrol?

24 911: We dispatch for them,
sir. Can I help you?

25 GEORGE RAUDENBUSH: Yes. Yes.

1 I had a Tellico Plains police officer try to
2 kill me tonight.

3 911: Okay. Is your name
4 Mr. Raudenbush?

5 911: GEORGE RAUDENBUSH: I am
6 bleeding. Yes.

7 911: You are bleeding? Do
8 you need an ambulance?

9 911: GEORGE RAUDENBUSH: I need the
10 state patrol.

11 911: Okay. Sir, we -- right
12 now --

13 911: GEORGE RAUDENBUSH: Who am I
14 speaking with, please?

15 911: You're speaking with
16 1360. This is Monroe County dispatch.

17 911: GEORGE RAUDENBUSH: Okay.
18 Well, I need -- I had an officer try to -- a
19 Tellico Plains officer tried to kill me
tonight.

20 911: And you tried to ram my
21 officer off the road.

22 911: GEORGE RAUDENBUSH: No, sir.
23 That's not true.

24 911: Oh. Well, sir, I
25 believe that it is. But how can we -- how can
we solve this where we can get you out?

911: GEORGE RAUDENBUSH: I need a
we're telling our officers that now to see if
we can get that worked out. Okay?

911: GEORGE RAUDENBUSH: I'm not
going to talk to a Tellico Plains' police
officer who tried to kill me tonight or a
Monroe County Sheriff's Department. I want to
speak with state patrol.

3 911: Okay. How are you going
to get state patrol?

4 UNKNOWN OFFICER: -- your
- flashlights (inaudible.)

CENTRAL: Central 710.

OFFICER KILE: Go ahead.

8 CENTRAL: We have this subject
on 911 at 244 Pond Ridge Road. 244 Pond Ridge
Road.

OFFICER FILE: (Inaudible.)

12 OFFICER JOHN WILBURN: There's not going to be a request.

14 OFFICER BRIAN MILLSAPS: It's
not an option, Central. He's an escapee as of
right now.

15 CENTRAL: Copy that. Copy
16 that. I thought so.

17 OFFICER JOHN WILBURN: Me and
18 31 be on you in just a second.

19 from (Inaudible) UNKNOWN OFFICER: -- across Street. What do you advise?

CENTRAL: 505.

23 (Inaudible.) OFFICER BRIAN MILLSAPS:

OFFICER BRIAN MILLSAPS:

1 Notify 502 and just advise what I got.
2 CENTRAL: Copy. Notify 502.

3 OFFICER DOUG BRANNON: 709,
I'm fixing to try to make contact. He's in a
house with an elderly subject. 10-4?

4 CENTRAL: All units be advised
we just lost contact with him.

5 OFFICER DOUG BRANNON: --
elderly resident.

6 OFFICER BRIAN MILLSAPS: 10-4.
I got my guys set up on perimeter.

7 OFFICER DOUG BRANNON: -- talk
him out.

8 UNKNOWN OFFICER: Where do I
make (inaudible.)

9 UNKNOWN OFFICER: (Inaudible)
at the car, Brian?

10 OFFICER BRIAN MILLSAPS: Come
on down the road, guys. I don't know if he's
got it blocked or not. We're on down Pond
Creek.

11 UNKNOWN OFFICER: (Inaudible.)

12 911: We knew this was going
to be -- what the officer -- 911. Monroe
County 911.

13 GEORGE RAUDENBUSH: Yes. I
need the number for state patrol, please.

14 911: Do you have an
emergency, sir?

15 GEORGE RAUDENBUSH: Yes, I do.

16 DISPATCH: What's your
emergency? This is 911.

17 GEORGE RAUDENBUSH: Okay. I
need the number for state patrol.

18 911: If you want state
patrol, you'll have to call for information.

2
3 OFFICER DOUG BRANNON: 709,
get one of you all around here with me.

4 OFFICER TRAVIS JONES: 10-4.
- (Inaudible.)

UNKNOWN OFFICER: 10-4.

OFFICER DOUG BRANNON: 10-4.
I'm trying to determine that everybody else is
out of the house and out of contact before we
try to make contact.

11 OFFICER DOUG BRANNON: 10-4.
12 You keep him on the line. Advise him that I'm
going to step forward into the room here in
just a minute to make contact with him.

13
14 CENTRAL: He refuses to stay
on the line with us if we won't transfer him to
state patrol.

15 OFFICER DOUG BRANNON: 10-4.
16 709.

17 OFFICER TRAVIS JONES: 709.

18 OFFICER DOUG BRANNON: Yeah.
19 Let me swap one of these Tellico fellows out
for somebody with a taser just in case.

20 UNKNOWN OFFICER: I'll switch
21 out with them. CONTINUE READING

21 OFFICER BRIAN MILLSAPS: You
22 got more coming up the hill, Doug.

23 right. OFFICER DOUG BRANNON: All

OFFICER BRIAN MILLSAPS: 505

1 to 17. There's a child in there, too. Advise
2 you.

3 UNKNOWN OFFICER: Central,
4 we're code Mary.

5 OFFICER DOUG BRANNON:
6 Central, 710, 10-15.

7 CENTRAL: 710, copy 10-15 at
8 2306.

9 OFFICER JOHN WILBURN:
10 Central, 705.

11 CENTRAL: 705.

12 OFFICER JOHN WILBURN: I have
13 an EMS Signal 8 up here for (inaudible.)

14 CENTRAL: 10-4. They'll be
15 coming out of Madisonville. They've got 35 en
16 route to a seizure call at this time.

17 OFFICER JOHN WILBURN: 10-4.

18 OFFICER BRIAN MILLSAPS:
19 Central, 505.

20 CENTRAL: 505.

21 OFFICER BRIAN MILLSAPS:
22 (Inaudible) up here on Pond Ridge Road.

23 CENTRAL: Yeah. We got
24 (inaudible.)

25 UNIT 731: Central, 731.

CENTRAL: 731.

UNIT 731: Have you got EMS
and fire en route to us or just EMS?

CENTRAL: Just EMS. We've got
another call in the Tellico area. 32's
actually going to be headed your way.

UNIT 731: 10-4. Go ahead and
signal 9 them and we'll get into that. We'll
shake him out there. 89, those are my cuffs on

1 him as well. UNIT 789: 10-4. I'll put
2 them in your box.

3 CENTRAL: Central to 710.

4 OFFICER KILE: 710: Go ahead.

5 CENTRAL: 716's calling here
6 wanting him to give him a 21 whenever he got a
chance.

7 OFFICER KILE: 10-4. When you
8 still got him on the line, but we don't have
service.

9 CENTRAL: 10-4. That's what I
10 advised him.

11 OFFICER JOHN WILBURN: 705
County. 705 to Monroe County.

12 COUNTY: County. Go ahead.

13 OFFICER JOHN WILBURN: 21,
14 have him come up on the radio.

15 COUNTY: 10-4.

16 UNIT 789: Central 789.

17 CENTRAL: 789.

18 UNIT 789: 98, 10-6. 10-15
one male (inaudible.)

19 CENTRAL: (Inaudible) 15.

20 UNIT 789: But also, could you
21 have 432 meet me at the back gate.

22 CENTRAL: 10-4. 505.

23 OFFICER BRIAN MILLSAPS: 505.

24 CENTRAL: Hamilton's en route.

25 OFFICER BRIAN MILLSAPS: 10-4.
Appreciate it.

1 UNIT 701: 701 to 705.
2 UNKNOWN OFFICER: Sure. Could
you go ahead and clear it, please.

3 SHERIFF: Go ahead, Captain.

4 OFFICER JOHN WILBURN: Just
5 going to advise, we've -- 709 and a Tellico
unit attempted a 10-81 on a George Raudenbush.
6 He ran from them. He rammed Travis's unit
several times. We do have him. He's got him
apprehended. He wanted to do a THP report and
7 it's minor cosmetic damage is what we've got on
these vehicles.

8 SHERIFF: 10-4. I believe we
9 probably should, you know, with him anyway.

10 OFFICER JOHN WILBURN: 10-4.
11 Appreciate it.

12 SHERIFF: You need me to come
13 out, Captain?

14 CAPTAIN: Sheriff, you can use
your own discretion. We're good here.
(Inaudible.)

15 OFFICER JOHN WILBURN: Central
16 705.

17 CENTRAL: 705, go ahead.

18 OFFICER JOHN WILBURN: THP
request to this location. The first entrance
19 to Pond Ridge off 68, you'll see our lights.
THP request to this location. The first
entrance to Pond Ridge off 68.

20 CENTRAL: Copy that.

21 OFFICER JOHN WILBURN: 705
22 County.

23 COUNTY: County. Go ahead.

24 OFFICER JOHN WILBURN: Did you
signal on that dog? Did you call them?

25 COUNTY: 10-4.

CENTRAL: Central 705. THP en

1 route, coming from Blount.
2 UNIT 705: 10-4. Central,
3 705.
4 OFFICER JOHN WILBURN: Central
5 705.
6 CENTRAL: 705.
7 UNIT 705: Hey, 505's 10-81 9?
8 CENTRAL: 2243.
9 Unit 705: 10-4. I'm 10-98,
10 back in service.
11 CENTRAL: 2325.
12 traffic.
13 UNIT 731: Central 731. Same
14 (inaudible.) It's 10-15. I'll be 10-6. Can
15 they open back gate, please.
16 UNIT 710: Central 710. That
17 ain't no problem.
18 CENTRAL: 2335.
19 OFFICER BRIAN MILLSAPS:
20 Central, 505.
21 CENTRAL: 505.
22 OFFICER BRIAN MILLSAPS: Can
23 you copy for a VIN?
24 CENTRAL: Go ahead with it.
25 OFFICER BRIAN MILLSAPS:
1FABP3194GT145947.
CENTRAL: 10-4. That is a '86
Ford. A Rick Rosenbalm out of Knoxville. 29's
are negative. Show tag to be displayed,
527KGL.
OFFICER BRIAN MILLSAPS: 10-4.

1 I'd bet it's safe to say this is the one that
2 ain't right on it, right?

3 CENTRAL: Copy that.

4 UNIT 789: -- get the gate,
5 please.

6 UNKNOWN OFFICER: Stand by,
7 89. We'll try to get to it.

8 UNKNOWN OFFICER: -- Captain.
9 He's wanting to speak to you back here in the
10 back.

11 UNIT 701: 701 to 705.

12 OFFICER JOHN WILBURN: 705.
13 Go ahead.

14 UNIT 701: Captain, when you
15 can, give me a 21.

16 OFFICER JOHN WILBURN: 10-4.
17 Your home number? 705 County. Appreciate you.

18 COUNTY: Ain't no problem.

19 OFFICER TRAVIS JONES: 701 to
20 705.

21 OFFICER JOHN WILBURN: Go
22 ahead.

23 OFFICER TRAVIS JONES: I need
24 you to switch over to encrypt.

25 OFFICER JOHN WILBURN: Just
one. I'm on the phone with (inaudible.)

OFFICER TRAVIS JONES: 10-4.

OFFICER JOHN WILBURN: Central
705.

CENTRAL: 705.

OFFICER JOHN WILBURN: Hey,
that VIN that 505 ran, who did that come back
to?

1 CENTRAL: It came back to a
Rick Rosenbalm out of Knoxville.

2 OFFICER JOHN WILBURN: 10-4.
3 705 to 709. 705 TO 709.

4 OFFICER TRAVIS JONES: Go ahead, Captain.

6 OFFICER JOHN WILBURN: You want to go ahead and switch now?

7 OFFICER TRAVIS JONES: 10-4.
(Inaudible.)

8 (inaudible) UNKNOWN OFFICER: -- couldn't
9 occur here at this scene. Is it all right if
we met him somewhere on 68 (inaudible?)

10 OFFICER DOUG BRANNON: 10-4.
11 I'll do that. Also, he's wanting to go to the hospital now, so it's going to be transport.

12 UNKNOWN OFFICER: 10-4.

13 OFFICER BRIAN MILLSAPS:
Captain, you still on here?

15 10-4. OFFICER JOHN WILBURN: Yeah,

16 OFFICER BRIAN MILLSAPS: Since
17 that's my guy, do I need to get somebody to sit
with him for you guys or how do we need to
handle that part?

19 OFFICER JOHN WILBURN: I'll
get back with you in just a second. 705 to
505.

21 ahead, Captain. OFFICER BRIAN MILLSAPS: Go

22 OFFICER JOHN WILBURN: You back in cell service?

24 That's a 10-50. OFFICER BRIAN MILLSAPS: I can swap over.

25 OFFICER JOHN WILBURN: Yeah,
10-4. Swap over. (Inaudible)

1 OFFICER TRAVIS JONES: Go
2 ahead, Captain.

3 OFFICER JOHN WILBURN: Stand
4 by on that -- what we talked about. I'm trying
to get that -- make that happen.

5 OFFICER TRAVIS JONES: 10-4.

6 CENTRAL: Central 705.

7 OFFICER JOHN WILBURN: 705.

10 OFFICER JOHN WILBURN:
10-4. 09, is that good?

12 OFFICER TRAVIS JONES: Yeah.
Thank you. Central 709.

13 CENTRAL: 709.

14 OFFICER TRAVIS JONES: 10-98,
15 10-8 from here en route to the Pride to meet
with THP.

16 CENTRAL: (Inaudible.)

17 OFFICER JOHN WILBURN: -- to
18 05. Can you pull down here to my unit for just
a second?

19 UNKNOWN OFFICER: 1760.

20 CENTRAL: I show you 60.

21 UNKNOWN OFFICER: I'm 10-8
22 with the ambulance, 10-6. En route to
Sweetwater ER. Riding in ambulance with 10-15.

23 CENTRAL: Copy that.
24 (Inaudible.)

OFFICER BRIAN MILLSAPS: 505.

CENTRAL: 505.

1 OFFICER BRIAN MILLSAPS: Can
2 you give me that VIN again? Read it off to me.
3 CENTRAL: Yeah. 10-4. You
4 ready to copy it?
5 OFFICER BRIAN MILLSAPS: Go
6 ahead.
7 CENTRAL: That will be
8 1FABP3194GT145947.
9 OFFICER BRIAN MILLSAPS: I'm
10 going to read it back to you.
11 1FABP3194GT145947.
12 CENTRAL: You got it.
13 OFFICER BRIAN MILLSAPS:
14 Central 505.
15 CENTRAL: 505.
16 OFFICER BRIAN MILLSAPS: 10-81
17 time originally?
18 CENTRAL: Original 10-81 at
19 2243.
20 OFFICER BRIAN MILLSAPS: 10-4.
21 Thank you. If you can there, the best you can,
22 I'll be down there in a little bit and try to
23 get them times from you.
24 CENTRAL: Copy that.
25 UNIT 1774: Central 1774.
26 CENTRAL: 1774.
27 UNIT 1774: 10-98 at the Esso.
28 * * * * * * * * *
29 OFFICER TRAVIS JONES: Central
30 709.
31 CENTRAL: 709.
32 OFFICER TRAVIS JONES: 10-8
33 for me with THP here at the Pride and not the
34 Esso (inaudible.)
35 CENTRAL: 109.

1
2 1760 (inaudible.) UNIT 713: (Inaudible) advise
3
4 to 709. CENTRAL: 10-4.
5
6 did you call me? OFFICER BRIAN MILLSAPS: 505
7 trying to get 9, OFFICER JOHN WILBURN: 505,
8 Captain.
9
10 ahead, Sergeant. OFFICER JOHN WILBURN: 10-4.
11
12 10-20? OFFICER TRAVIS JONES: 9. Go
13 (Inaudible.) OFFICER BRIAN MILLSAPS:
14 here at the Esso. OFFICER TRAVIS JONES: 21
15
16 OFFICER TRAVIS JONES: 10-4.
17 * * * * * * * * *
18 709. OFFICER TRAVIS JONES: Central
19
20 29's, please. CENTRAL: 709.
21
22 CENTRAL: -- '94 Dodge, green
in color. Curtis and Lena Watts, Philadelphia.
23 29's negative.
24
25 OFFICER TRAVIS JONES: 10-4.
UNKNOWN OFFICER: If you don't
care, meet me right there at TMZ on 11 there.

1 UNKNOWN OFFICER: Okay.
Switch over for a minute, sir.

2 UNKNOWN OFFICER: 10-4.
3 (Inaudible.)

4 UNKNOWN OFFICER: -- about the
- box numbers on that side of it.

6 UNKNOWN OFFICER: Well, I'm
not either.

7 | * * * * * * * * * *

(End of Audio Recording)

C E D I T I F I C A T E

3 STATE OF TENNESSEE:

4 COUNTY OF KNOX:

6 I, Lynn S. Fields, Licensed Court Reporter
7 and Notary Public, do hereby certify that I
8 transcribed in machine shorthand from audio recording
9 the above proceedings, that the foregoing pages,
10 numbered 1 to 26, inclusive, were typed under my
11 personal supervision and constitute a true and
12 accurate record of the proceedings, to the best of my
13 ability.

14 I further certify that I am not an attorney
15 or counsel for any of the parties, nor an employee or
16 relative of any attorney or counsel connected with
17 the action, nor financially interested in the action.

22 Lynn S. Fields, TN LCR# 279
23 and Notary Public
24 My Commission Expires: 4/7/19