

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JELANI BARR

PLAINTIFF

VS.

DOCKET NUMBER 4:15 CV 114-DMB-JMV

**CITY OF GREENWOOD, MISS.;
FORMER LT. RANDY A. POWELL
in his individual capacity; and
SGT. MICHAEL T. HOSKINS,
in his individual capacity**

DEFENDANTS

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Jelani Barr brings this action against the Defendants for violation of his clearly-established rights, privileges and immunities under the First, Fourth and Fourteenth Amendments of the United States Constitution and pursuant to 42 U.S.C. §§ 1983 and 1988.

**I.
JURISDICTION**

1. Jurisdiction of this court is proper pursuant to 28 U.S.C. §§1131 and 1343. Venue in this court is appropriate under 28 U.S.C. §1391(b)

**II.
PARTIES**

2. Plaintiff **Jelani Barr** is an adult resident citizen of Greenwood, LeFlore

County, Mississippi.

3. Defendant **Greenwood, Mississippi** is an incorporated subdivision of the State of Mississippi, located in the Northern Judicial District.
4. Defendant former **Lt. Randy A. Powell** was at all relevant times an officer of the Greenwood Police Department and an adult resident citizen of LeFlore County.
5. Defendant **Sgt. Michael T. Hoskins** was at all relevant times an officer of the Greenwood Police Department and an adult resident citizen of LeFlore County.

III.

FACTS

6. On April 7, 2015, Lt. Randy Powell, Sgt. Michael Hoskins and several other officers, including a sheriff's deputy, were gathered in the parking lot of the Triple Stop at Bowie Lane and Carrollton Avenue in Greenwood, Mississippi. A subject apparently in custody was seated in the rear seat of one of the patrol vehicles.
7. Plaintiff Barr walked past outside the zone of the gathering while videoing the scene with his cell phone camera.
8. Without interfering with the officers Barr videoed the group, as well as five Greenwood police cars and a Leflore County Sheriff's Department SUV pulled up behind a sedan.
9. Barr commented in a conversational tone not directed to the officers, but as audio commentary for the video, that their (the officers') action "more or less borderlines on harassment, in my opinion." He then stated that the

police were “always doing something to people”, but then he walked into the store to inquire what was happening. No one inside had called the police, or knew the reason for the gathering.

10. Plaintiff Barr then left the store and continued to video the officers as he walked past.
11. Defendant Sgt. Hoskins turned toward Barr and ordered him to leave the scene.
12. Barr said he would go back in the store but Defendant Hoskins told him, no, indicating he was to leave the area.
13. Although Barr obeyed the order and retreated, Hoskins and Powell followed him, threatening to use their taser devices if he ran.
14. The officers arrested Barr on the pretense of interference with a police investigation and that he had used offensive language toward them in violation of a civil rights era City ordinance which had criminalized criticism of the police.
15. In fact Barr was arrested because he was videotaping the officers’ activity.
16. Both Powell and Hoskins lied about Barr’s conduct in their “investigative reports” in order to develop false probable cause for his arrest—i.e., interference with an unrelated police investigation and arrest.
17. The so-called investigative reports are actually incident reports, which by a recent state statute are considered public records. The Greenwood Police Department uses the term, “investigative”, solely to avoid having to turn over the documents in response to a public records request.
18. Barr was immediately transported to the county jail, made to change into a jail-issued jumpsuit, and told he would not be allowed to make bail that

night.

19. Barr remained in a cell for about three and one-half hours until his attorney was able to assist in obtaining bail.
20. Upon making bail Barr posted his video on the social media platform, YouTube.
21. Barr went to the Police Department when it opened at 8:00 a.m to show the Chief of Police, Ray Moore, the video, but Moore refused to watch it.
22. Instead, recklessly relying solely on and repeating the allegations of the false incident reports written by Powell and Hoskins, he defended the arrest of Barr in public statements to the local newspaper, *The Greenwood Commonwealth*.
23. Lt. Powell was fired after the exculpatory YouTube video came to the attention of City administrators.
24. Among the grounds cited by the officer Defendants for Plaintiff's arrest was the 1963 Greenwood ordinance which criminalized lawful criticism of police officers' conduct.
25. The ordinance constituted a policy of the City of Greenwood.
26. The Greenwood City Council recently repealed the ordinance as a result of the officers' unlawful dependence on it to arrest Barr.
27. As of the date of this filing the City asserts that unspecified disciplinary action has been taken against Sgt. Hoskins.

IV.

DAMAGES

28. As a proximate result of Plaintiff's arrest and incarceration, he suffered

unreasonable search and seizure, loss of freedom, unnecessary and excessive force, physical and emotional pain and suffering, humiliation, anger, an attorney fee, bail and jail fee and inconvenience.

**V.
CLAIMS**

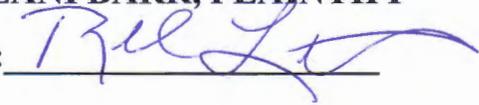
29. **FIRST AMENDMENT:** Plaintiff was arrested and confined in retaliation for his exercise of his First Amendment right to video police activity and due to a City ordinance which was unconstitutionally invalid under the First Amendment on its face and as applied.
30. **FOURTH AND FOURTEENTH AMENDMENTS:** Plaintiff's arrest and confinement without probable cause amounted to an unreasonable seizure, search and use of unreasonable force and imprisonment.

**VI.
REQUESTED RELIEF**

31. Plaintiff requests issuance of a summons to the defendants and that they be required to answer this Complaint within 21 days of service of process upon them. Plaintiff further seeks a jury trial and upon trial an award of compensatory damages against all defendants and punitive damages against individual defendants in a reasonable amount. Plaintiff requests his attorney fees and litigation expenses pursuant to 42 U.S. §1988 and his court costs.

RESPECTFULLY SUBMITTED

JELANI BARR, PLAINTIFF

BY: 

RONALD W. LEWIS
MISS. BAR NO. 1242
404 GALLERIA LN., STE. 5
OXFORD, MS 38655
(662) 234-0766
FAX: (866) 591-4512
ron@ronlewislaw.com

OF COUNSEL:
TOM CALHOUN
MISS. BAR. NO. 4964
CALHOUN LAW OFFICE
115 E. WASHINGTON ST.
GREENWOOD, MS 38930
(662) 455-1767