

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

BERTRAM (BERT) KEYS

PLAINTIFF

VS.

DOCKET NUMBER 4:19-CV-048-DMB-JMV

CITY OF GREENWOOD, MISS.;
JAMES D. LAYTON, in his individual
capacity;
BYRON L. GRANDERSON, in his
individual capacity;
DYLAN H. PEDEN in his individual
capacity;
LENARD PAIGE, in his individual
capacity;
ROY MOORE, in his official
capacity;
JOHN AND JANE DOES 1-5,
in their individual capacities.

DEFENDANTS

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Bertram (Bert) Keys brings this action against the Defendants for violation of his clearly-established rights, privileges and immunities under the Fourth and Fourteenth Amendments of the United States Constitution 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 **Bertram (Bert) Keys** is an adult resident citizen of Greenwood, LeFlore County, Mississippi.
3. Defendant **Greenwood, Mississippi** is an incorporated municipal subdivision of the State of Mississippi, located in the Northern Judicial District. The City is sued for its unlawful policy or custom of permitting and encouraging SWAT teams to engage in harassment, search and arrest of citizens based solely on their color (black) and their neighborhood in violation of their individual constitutional rights. This municipal policy or custom directly led to the arrest, torture and incarceration of Plaintiff. The City is also sued for the Police Chief's public false acceptance and ratification of the SWAT team's unlawful violation of Plaintiff Keys' individual constitutional rights.
4. Defendant Officer **James D. Layton** was at all relevant times a member of a SWAT law enforcement team. On information and belief he is an officer of the Greenwood Police Department and an adult resident citizen of LeFlore County.
5. Defendant Detective **Byron L. Granderson** was at all relevant times a member of a SWAT law enforcement team. On information and belief he is an officer of the Greenwood Police Department and an adult resident citizen of LeFlore County.
6. Defendant Officer **Dylan H. Peden** was at all relevant times a member of a SWAT law enforcement team. On information and belief he is an officer of the Greenwood Police Department and an adult resident citizen of LeFlore County.
7. Defendant Sgt. **Lenard Paige** was at all relevant times a member of a SWAT law enforcement team. On information and belief he is an officer of the Greenwood Police Department and an adult resident citizen of LeFlore County.
8. Defendants **John and Jane Does**, unidentified members of the SWAT team who participated in the arrest, search, torture and custody of Plaintiff Keys.
9. Each of the foregoing individual defendants, acting in their individual capacities, participated in the unlawful arrest, search, torture and custody of the Plaintiff.

10. Defendant **RAY MOORE** is the Greenwood Chief of Police, who publicly and falsely affirmed and ratified the wrongful actions of the SWAT team defendants. He is sued in his official capacity for his subjective and objective knowing and false acceptance and ratification of the unlawful conduct of his officers against Plaintiff Keys. Moore is the final policy-making official for day-to-day operation of the Greenwood Police Department.

III.

FACTS

11. On Friday night, September 2, 2016, at a little after 10 p.m., the named individual Defendants and other officers of a SWAT team, descended upon the 100 block of Palace Street around the intersection of Main and Palace Streets in Greenwood, Mississippi. They got out of their vehicles “to conduct a search for males standing on the streets and side walk (sic) loitering.” (Supplemental Investigative report of Officer Tawana Lapearl Friend.)

12. Plaintiff Keys was leaning against his truck in front of a food vendor business, I’am Sandwich Shop, 114 Palace Street, waiting for his order of food to be ready.

13. Without articulable suspicion of wrongdoing by Keys, Defendant Layton asked Keys for permission to search his truck.

14. Keys replied, “Yes, if you have a warrant, you can search it.”

15. Layton replied, “Then you can take your ass inside to wait for your food.”

16. Keys replied, “Don’t be talking to me like that. I don’t need to go nowhere.”

17. At that moment, Defendant Peden came up behind Keys and tried to put him in a headlock.

18. Surprised, Keys swung around to shake off Peden, but did not strike or try to strike him.

19. Then Defendant Granderson tased Keys, disabling him. He fell face down to the ground.

20. As Keys lay there, another unidentified officer yelled, “tase him again.”

21. Keys was then tased a second time by an unidentified officer, this time in the back, as he lay harmlessly on the ground.

22. An unidentified officer handcuffed Keys.
23. Keys was then placed in the back of officer Layton's unit for transport to the county jail.
24. Keys was charged with assault on a police officer, disorderly conduct—failure to comply; threat on an officer and “other-parking”.
25. Keys was booked into the LeFlore County Jail, where he remained for approximately four (4) days and nights until he was able to post bail.
26. None of the charges against Keys were ever prosecuted.
27. All of the charges were dismissed with prejudice and expunged by orders of the Greenwood Municipal Court on November 7, 2018. See Exhibits “A” and “B”, attached and incorporated herein verbatim.

IV.

DAMAGES

28. As a proximate result of the individual and municipal defendants' willful, wanton, reckless and patently unlawful and malicious conduct and policies, Keys suffered unnecessary and unreasonable seizure, search and use of force at the hands of the individual defendants. He also suffered physical and emotional pain and suffering, humiliation, anger and inconvenience, including days of false imprisonment and financial losses for bail and an attorney fee. He suffered extreme embarrassment at unwanted and untrue publicity in the Greenwood Commonwealth newspaper as the result of the defendants' false charges and the blind, willful, reckless and false acceptance and ratification of those charges by the Chief of Police, defendant Ray Moore, who falsely and recklessly claimed to the newspaper reporter that Keys was being held for the Mississippi Department of Corrections for an alleged parole violation. Moore also falsely claimed that the defendant officers observed Keys “rolling a ‘blunt’(marijuana cigar)”, a claim reported in the newspaper. Keys suffered extreme embarrassment at the news that because of his arrest a youth football tournament had to be cancelled. He was the head coach of the Greenwood Raiders youth football team.

V.

CLAIMS

FOURTH AND FOURTEENTH AMENDMENTS:

29. Plaintiff's arrest, torture, search and confinement without articulable reasonable suspicion or probable cause to believe that the Plaintiff had committed or was committing a violation of the law amounted to an unreasonable seizure, search and use of unreasonable force and imprisonment in violation of his individual constitutional rights under the Fourth Amendment, made applicable to the states by the Fourteenth Amendment. His four days and nights of imprisonment upon the request of the defendants also were the proximate result of violation of the Fourteenth Amendment's prohibition of unlawful confinement without due process. Ratification of that misconduct amounted to a policy of the Chief of Police. Furthermore the improper deployment of the SWAT team was in accordance with a municipal policy or custom of violating the individual rights of citizens, based only on their color (black) and their neighborhood, rendering the City liable to Plaintiff pursuant to 42 U.S.C. §1983.

VI.

REQUESTED RELIEF

30. Plaintiff requests issuance of summonses to the defendants and that they be required to answer this Complaint within 21 days of service of process upon them. Plaintiff demands a jury trial and reasonable compensatory damages from all the defendants, punitive damages from the individual defendants in their individual capacities, court costs and reasonable attorney fees and expenses pursuant to 42 U.S.C. §1988.

RESPECTFULLY SUBMITTED,

BERTRAM (BERT) KEYS, PLAINTIFF

BY: 

RONALD W. LEWIS

MISS. BAR NO. 1242

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IN THE MUNICIPAL COURT OF CITY OF GREENWOOD
STATE OF MISSISSIPPI

CITY OF GREENWOOD

VS.

INVESTIGATIVE REPORT NUMBER: 2016090054

BERTRAM KEYS

ORDER

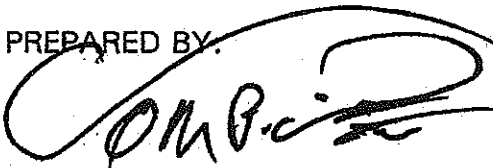
THIS CAUSE came before the Court on November 7, 2018, and the Court having fully and maturely considered the charges and offenses filed as against Defendant Bertram Keys relating to his arrest on the misdemeanor charges of: disorderly conduct, failure to comply; threat on an officer; and "other" - parking, and having heard the arguments of counsel, is of the opinion that the above styled and numbered cause should be dismissed with prejudice, and accordingly;

IT IS ORDERED, ADJUDGED AND DECREED that this cause is DISMISSED WITH PREJUDICE and the Municipal Court Clerk/Deputy is to file this ORDER and provide copies to all counsel of record in this case and matter.

SO ORDERED AND ADJUDGED this the 7th day of November, 2018.


MUNICIPAL COURT JUDGE

PREPARED BY:


TOM P. CALHOUN, III

FILED

NOV 07 2018

GREENWOOD MUNICIPAL COURT
BY: 

OF COUNSEL:
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Attorney for Defendant Bertram Keys

I hereby certify that the foregoing is a true and correct copy of the original thereof, as the same appears of record in my office. Given under my hand and official seal this 7th day of Nov., 2018.


Clerk of Greenwood Municipal Court Leflore County, MS

PLAINTIFF'S
EXHIBIT
"A"

IN THE MUNICIPAL COURT OF CITY OF GREENWOOD
STATE OF MISSISSIPPI

CITY OF GREENWOOD

VS.

INVESTIGATIVE REPORT NUMBER: 2016090054

BERTRAM KEYS

ORDER GRANTING PETITION TO EXPUNGE RECORD OF BERTRAM KEYS

THERE CAME on to be heard before the Court the petition of the above named Defendant Bertram Keys pursuant to Section 21-23-7 (13) of the Mississippi Code, for expungement of his records relating to his arrest on the misdemeanor charges of: disorderly conduct, failure to comply: threat on an officer; and "other" – parking, and in support of the same showed as follows:

1. That on or about September 2, 2016, Defendant Keys was arrested and charged with disorderly conduct and failure to comply by members of the Greenwood Police Department, City of Greenwood, Leflore County, MS.
2. That, to date, Bertram Keys has not been prosecuted for these offenses. Consequently, there has been no disposition of these cases.
3. That Defendant Keys has had no further legal problems since this incident, and has been a law abiding and productive citizen.
4. That, additionally, under MCA §99-15-59 (2018), Defendant Keys qualifies for expungement of his misdemeanor charges as more than twelve (12) months have passed since the arrest, and he still has not been prosecuted.

IT IS ORDERED, ADJUDGED AND DECREED that all records relating to the arrest of Defendant Bertram Keys for the charges of: disorderly conduct, failure to comply: threat on an officer; and "other" – parking, pursuant to MCA §99-15-59 (2018) and MCA §21-23-7(13), be



and the same hereby ~~x~~ expunged and that the Defendant Bertram Keys is hereby restored to his status prior to his arrest.

SO ORDERED AND ADJUDGED, this the 7th day of November, 2018.


MUNICIPAL COURT JUDGE

PREPARED BY:

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Attorney for Defendant Bertram Keys

FILED

NOV 07 2018

GREENWOOD MUNICIPAL COURT
BY: 

I hereby certify that the foregoing is a true and correct copy of the original thereof, as the same appears of record in my office. Given under my hand and official seal this 7th day of NOV., 2018.


Clerk of Greenwood Municipal Court Leflore County, MS