

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

**FREDRICK LYDELL RANDLE**

**PLAINTIFF**

**VERSUS**

**NO. 4:18cv205-SA-JMV**

**LEFLORE COUNTY, MISSISSIPPI,  
LEFLORE COUNTY SHERIFF'S DEPARTMENT,  
and DEFENDANT "X"**

**DEFENDANTS**

**JURY TRIAL DEMANDED**

**COMPLAINT**

This is an action to recover actual damages for discharge in violation of the First Amendment of the United States Constitution, and for violation of state law. The following facts support this action:

1.

Plaintiff FREDRICK LYDELL RANDLE is an adult resident citizen of 1409 Northpark Drive, Greenwood, Mississippi 38930.

2.

Defendant LEFLORE COUNTY, MISSISSIPPI is a political subdivision of the State of Mississippi. It may be served with process through its Chancery Clerk, Christine Lymon, 306 West Market Street, Greenwood, MS 38930.

Defendant LEFLORE COUNTY SHERIFF'S DEPARTMENT is a political subdivision of the State of Mississippi. It may be served with process through its sheriff, Fredrick Ricky Banks, 3600 County Road 540, Greenwood, Mississippi 38935.

Defendant “X” is an individual or individuals who caused the sheriff of Defendant County to make the employment decision at issue in this case.

Defendant County and Defendant Sheriff’s Department are believed to be the same entity. Because of a decision of the United States Court of Appeals for the Fifth Circuit has treated a sheriff’s department as a separate entity, Plaintiff also names Leflore County Sheriff’s Department as a separate entity, but Plaintiff believes this is unnecessary.

At all relevant times, Defendants acted under color of state law.

3.

This Court has jurisdiction under 28 U.S.C. § 1343, for a cause of action authorized by 42 U.S.C. § 1983, and based upon violation of rights guaranteed by the freedom of speech provisions of United States Constitution Amendment One. This Court has supplemental jurisdiction over Plaintiff’s state law claim.

4.

Plaintiff was employed by Defendant Sheriff’s Department as a full-time deputy sheriff. Working in this capacity was important to Plaintiff since he loved law enforcement work and felt a sense of contribution to the community.

5.

On or about May 17, 2018, Plaintiff attended a forum at the Leflore County Civic Center organized by a local pastor, Pastor Mary Johnson. Attending the forum was not a requirement of Plaintiff’s law enforcement duties; indeed, Plaintiff was the only law enforcement officer in attendance. The forum concerned the large number of murders which had occurred in Leflore County, Mississippi, with seven (7) African-American boys killed by firearms since January 1, 2018.

Plaintiff attended the forum because he had been a victim of gun violence, and because he, like the other citizens, wanted something done to stop the number of killings occurring in the county.

6.

At the forum, Plaintiff stated that he had been the victim of gun violence, and he asked the audience to “look around” to see whether persons whom they had voted for were in attendance. Plaintiff urged parents to get involved, and to call law enforcement officers if they knew their child was involved in criminal activity. Plaintiff also defended law enforcement, stating that he knew that there were some law enforcement officers who would turn their heads but, in general, they were complaining about the wrong people.

7.

Two (2) days after the forum, on May 19, 2018, the Leflore County Sheriff, Fredrick Banks, for whom Plaintiff had worked as a law enforcement officer for twelve (12) years, called Plaintiff into his office. Banks had in hand a newspaper article describing the forum. Banks claimed that the Board of Supervisors had a “problem” with comments that were made at the forum. Sheriff Banks accused Plaintiff of “wearing too many hats.” This apparently referenced the fact that Plaintiff also worked part-time for the Emergency Management Division of Defendant County. Plaintiff inquired of several members of the Board of Supervisors, who informed Plaintiff that they had no issues with the article that was published in the newspaper.

8.

Nevertheless, because Plaintiff thought that the sheriff was claiming that the article was critical of public officials, Plaintiff then wrote a letter of clarification to the editor of the Commonwealth to make it clear that it was not his intent to levy criticism.

9.

A copy of the original article that appeared in the Leflore Commonwealth newspaper published on May 17, 2018, is attached hereto as Exhibit “A.” A copy of the article of clarification published on May 20, 2018, is attached hereto as Exhibit “B.”

10.

Plaintiff has learned that on or about May 28, 2018, the sheriff attended a Board of Supervisors’ meeting over a “personnel matter.” Plaintiff learned that between the time of May 17, 2018 through May 28, 2018, the Board of Supervisors had three (3) executive sessions relating to a personnel matter, and Plaintiff believes these meetings concerned him.

11.

On May 31, 2018, the sheriff again called Plaintiff into his office, and said that the Board wanted to hire Plaintiff full-time into the Emergency Management Department, and he wanted Plaintiff to resign from the department. Plaintiff declined to resign because he had not done anything wrong, and because he loved law enforcement.

12.

On May 31, 2018, Plaintiff sent the sheriff a text message, stating that he could not resign since that would be admitting wrongdoing. The sheriff responded by terminating Plaintiff’s employment via text message also sent on May 31, 2018.

13.

Plaintiff was terminated because he had stated his opinion and facts at a public forum. Plaintiff’s statements are guaranteed by the freedom of speech provision of the First Amendment of the United States Constitution. Plaintiff’s speech was not a part of his ordinary job duties.

14.

After Plaintiff left his employment, he was hired full-time into the Emergency Management Department of Defendant County. Plaintiff earns substantially less income working full-time there than he earned prior to his discharge with Defendants. The termination cost Plaintiff lost wages, as well as depression and anxiety.

15.

Concerning Plaintiff's termination, Sheriff Banks said "when folks want you to do something, you do it." This statement referred to person or persons who influence Sheriff Banks to discharge Plaintiff because of the writing of the article. Sheriff Banks did not give these person or persons names, and they are, therefore, sued as Defendant "X."

16.

Because one who would maliciously cause another to be discharged from his employment has acted outrageously, punitive damages are due against Defendant "X."

17.

Defendants are liable to Plaintiff for actual damages for lost income and mental anxiety and stress for violation of First Amendment rights.

18.

Defendant "X" is liable to Plaintiff to for maliciously and intentionally interfering with Plaintiff's employment in violation of state law.

19.

In the event Plaintiff is in error, and there was no one who actually influenced the sheriff's termination decision, then Sheriff Banks is liable for punitive damages for his outrageous discharge

of Plaintiff in violation of clear First Amendment rights.

20.

Plaintiff requests that this Complaint be amended when it is determined, through discovery, whether Defendant “X” exists. Plaintiff wishes to amend the Complaint to name Defendant “X” as a defendant, if such a person exists, or, alternatively, to request punitive damages against Sheriff Banks if he took the clearly unconstitutional action clearly on his own and without influence from outside persons.

22.

Plaintiff is entitled to actual damages for lost income and mental anxiety and stress as a result of his discharge.

**REQUEST FOR RELIEF**

Plaintiff requests actual damages against Defendant County and Defendant Sheriff’s Department, and actual and punitive damages against Defendant “X” in an amount to be determined by a jury, and reinstatement. Plaintiff also requests reasonable attorneys’ fees, costs, and expenses.

RESPECTFULLY SUBMITTED, this the 19th day of October, 2018.

FREDRICK LYDELL RANDLE, Plaintiff

By: /s/ Jim Waide

Jim Waide, MS Bar No. 6857  
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ATTORNEYS FOR PLAINTIFF

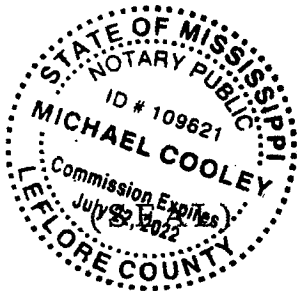
STATE OF MISSISSIPPI

COUNTY OF LEFLORE

PERSONALLY came and appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named FREDRICK LYDELL RANDLE, who, after being first duly sworn, states under oath that the facts contained in the above and foregoing COMPLAINT are true and correct as stated therein.

Fredrick L. Randle  
FREDRICK LYDELL RANDLE

GIVEN under my hand and official seal of office on this the 15<sup>th</sup> day of October, 2018.



[Signature]  
NOTARY PUBLIC

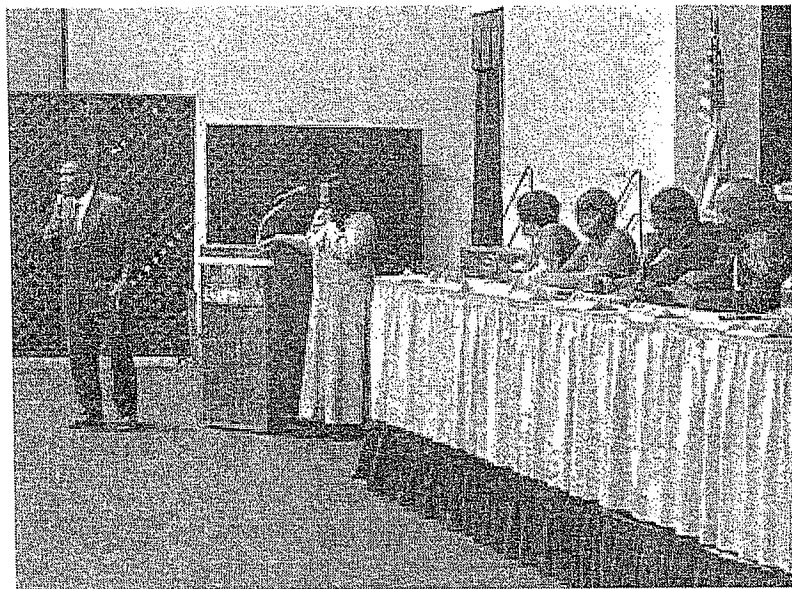
My Commission Expires: 7-22-22

[http://www.gwcommonwealth.com/news/article\\_a0c193f4-5a03-11e8-8703-6763cefbeed3.html](http://www.gwcommonwealth.com/news/article_a0c193f4-5a03-11e8-8703-6763cefbeed3.html)

## Ideas offered for stopping violence

By KATHRYN EASTBURN  
Staff Writer

May 17, 2018



Pastor Johnny Gary Jr. is one of several clergy members who attended Wednesday's community forum on youth violence at the Leflore County Civic Center. At the table are members of a panel chosen by organizer Mary Johnson, standing and listening to suggestions from the audience. They will take notes and come up with a plan for community action based on suggestions from the audience.

Kathryn Eastburn

Everyone is alarmed about young lives lost to gun violence in Leflore County, and about 200 citizens showed up at the Leflore County Civic Center on Wednesday night to talk about it.

A combination prayer meeting/community forum organized by Pastor Mary Johnson included clergy, parents, grandparents, neighbors, teachers, activists and community organizers — but no youth — presenting and listening to a range of ideas related to violence that has resulted in seven gun-related killings since the beginning of the year in south Greenwood and the county.

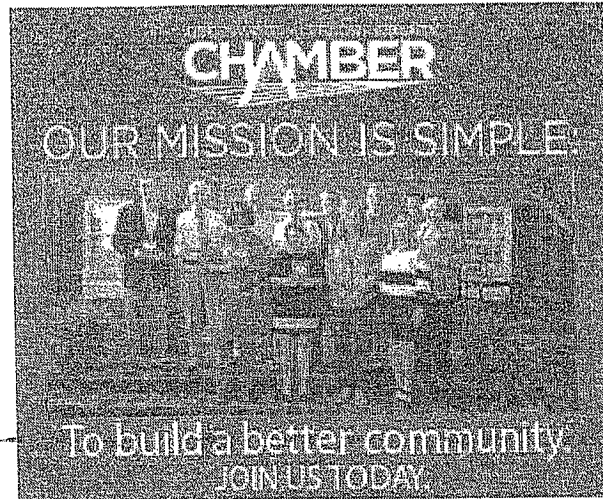
EXHIBIT

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Only one elected official was in evidence — state Sen. and City Councilman David Jordan, who addressed the forum before leaving for a Voters League meeting.



"All these children are our children," Jordan said. "Don't think I don't care. That's a lie."

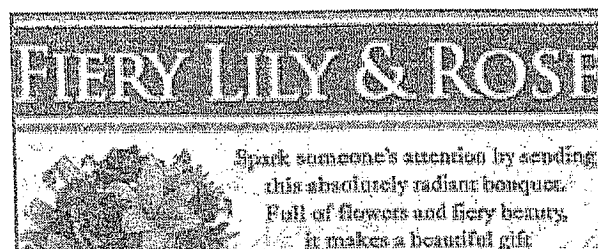
Johnson invited a panel to sit at the podium and take notes on what transpired throughout the evening, saying a plan would emerge from those ideas.

The panel included Ruby Kimble, whose son Demetrios Townsend, fondly known as Meekie, was gunned down while checking his grandmother's mailbox at Bishop Apartments in March.

Kimble said she was there to speak her piece, and she didn't care if only one person in the audience understood the pain caused by her son's violent death.

"It takes a coward to pick up a gun and pull the trigger," she said. "It takes a man to walk away.

"It's time for me to fight. My child made me brave. I'm not afraid any more."



Kimble urged those gathered to stop blaming parents for the problem occurring on the streets.

"Our children walk out the door, and they don't have what they need," she said. She referred to a recent article she read about at-risk youth who attend Delta Streets Academy and receive the things they need to find security and meaning in their lives.

"Our children need some place to go after school, and we need to make that place."

Johnson's response was to suggest a "Transformation Center," a 43,000-square-foot facility that would include everything from a skating rink to a boxing ring and a swimming pool, at a cost of about \$4 million.

"It's gonna take a miracle," she said, adding that she plans to approach millionaire and billionaire celebrities, asking for their help.

Johnson said that her vision for the Transformation Center came to her from God and that she knew people would say she was crazy.

This morning, she announced she will kick off a Gofundme campaign soon, in support of the project.

On a more sobering note, Charlie Brown took the microphone and told the audience everyone in the community must be involved.

"We're going to have to have conversations that are unpopular. We can't be afraid of these children. There's no reason in the world to walk by these boys and act like we don't see them," the Greenwood man said.

Brown suggested that "getting the guns" was the only way to stop the violence, a sentiment echoed by several others who spoke.

Fred Randle, a Leflore County deputy sheriff and emergency management director, was the lone member of law enforcement sitting at the front table.

"I wasn't chosen to be up here, but I live here," Randle said. "I'm a victim. My stepson was killed."



Randle told the audience to look around.

"Do you see them here? The ones that asked for your vote?"

He urged parents to get involved and to call law enforcement officers if they are aware of their child being involved in criminal activity.

"Call the police before they hurt somebody else's child," he said.

Randle said he understood that some people want to blame members of law enforcement, and he agreed that there are officers who just turn their heads and look away. But focusing on the police won't help, he said: "Look around. We're fussing at the wrong people."

Several representatives of local nonprofit organizations who have dedicated efforts toward influencing the lives of young people on the margins spoke on behalf of efforts already in place, saying leadership in the community has failed to support them.



Loretta McClee of Sarah's Touch said there are many efforts going on, but there has not been a successful coalition formed among them.

McClee said she has reached out to police, the Sheriff's Department and the superintendent of Greenwood Public School District, asking for support for her efforts; to no avail.

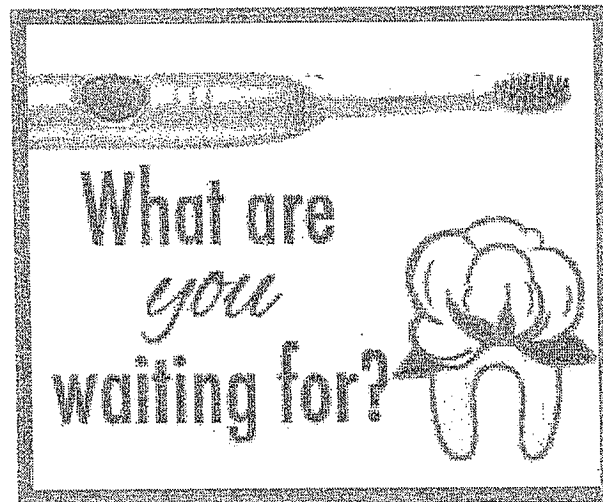
"It takes all of us," she said. "And parents, you have to show up, too. How can we parents show unity to our children when we can't even get together as adults?"



Shun Pearson and Jelani Barr, both former mayoral candidates, spoke on behalf of Mississippi Delta Ceasefire Initiative, an organization that approached the City Council in 2014 with a plan for recreational activities for local youth and was snubbed.

"This is the 20th meeting like this that I've attended over the last 10 years," Barr said. "And every time, everybody's looking for an answer.

"We have a plan. There are people out in the community doing their job to fight this problem every day. They support their own work out of pocket.



"We need resources," he said, adding that children are dying because they lack the skills to resolve conflict, a skill they must be taught by caring adults.

"The next meeting we need to be at is a City Council meeting. This is a waste of our time until we show up in force and demand support from our leaders."

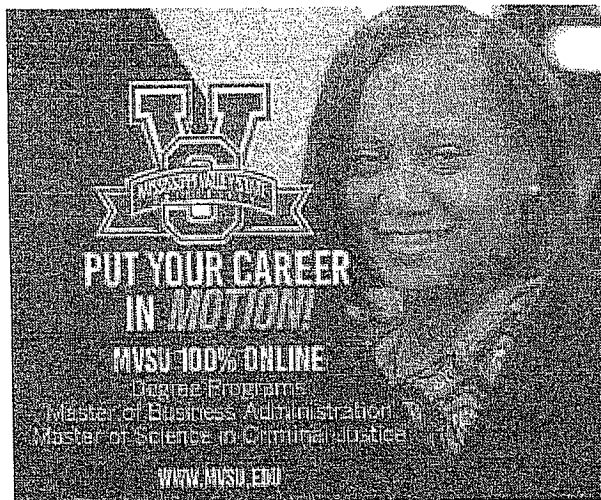
Stacy Regular, a parent and former gang member who spent time in prison, said parents have to be vigilant and pay attention to what's happening in their children's lives.

"If your kid is coming home with a handgun, he's not going to target practice," he said.

"The more you allow to happen under your roof, the more you are losing your kid to the streets. You get a hold of it in your household.

"Be honest with yourself. You've got to start at home."

Robert Beasley of American Legion Post 200 said the focus needed to be on territorial conflict, strengthening the black family and taking guns out of the hands of teenagers.



He urged those present to speak up when they see illegal activity going on, either to law enforcement or confidentially to CrimeStoppers.

Beasley said Post 200 is involved in a project with Mississippi Valley State University in looking for grants to create programs to stem youth violence.

He offered one piece of advice often lost in the rush toward solutions.

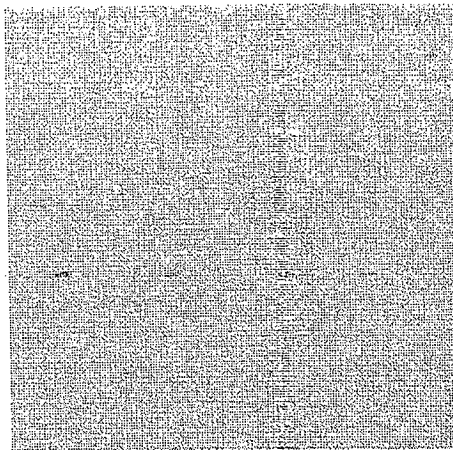
"Listen," he said. "Let these kids tell you what these issues are. Quit telling them what's wrong with them."

•Contact Kathryn Eastburn at 581-7235 or [keastburn@gwcommonwealth.com](mailto:keastburn@gwcommonwealth.com).

[http://www.gwcommonwealth.com/opinion/letters\\_to\\_editor/article\\_1c89146e-5bd8-11e8-807f-bf5ef669b69f.html](http://www.gwcommonwealth.com/opinion/letters_to_editor/article_1c89146e-5bd8-11e8-807f-bf5ef669b69f.html)

## Comments on violence being misunderstood

May 20, 2018

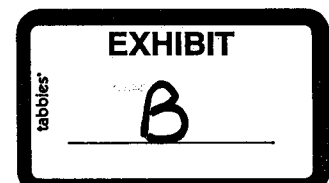


Randle

Editor, Commonwealth:

My comments, as reported in the article on Thursday ("Ideas offered for stopping violence"), were not intended to criticize the leaders in our community.

The general conversation at the forum, like other forums in the past, was about the same ideas that have been shared over and over. My point was that all the people being talked about at the forum were not there to hear their concerns. Kids committing gun violence were not there to hear the prayers for them. The responsibility falls on citizens to make sure their concerns are heard by writing letters or reaching out to leaders in some other way.



After reading the article about what I said, I realized it could easily sound like criticism, and that is why I am writing a clarification on the subject. Mine is just one voice, and it is not pointing fingers at anyone.

Fred Randle

Director

Greenwood-Leflore Emergency Management Agency