

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

ROY L. DENTON and DUSTIN B. DENTON	)	
	)	
Plaintiffs	)	Case No. 1:07-cv-211
	)	
v.	)	JURY DEMAND
	)	
STEVE RIEVLEY	)	Collier/Carter
	)	
Defendant	)	

**ANSWER OF STEVE RIEVLEY**

Comes Officer Steve Rievley (hereinafter referred to as “Officer Rievley”), through his attorney, and for answer to the Complaint filed in this cause, says:

I.

The Complaint fails to state a claim or cause of action against Officer Rievley upon which relief can be granted.

II.

It is denied that Officer Rievley deprived the Plaintiffs of any rights, privileges or immunities under the Constitution of the United States or under federal civil rights law.

It is denied that Officer Rievley breached any duty owed to the Plaintiffs under the law of the State of Tennessee.

Otherwise, it is admitted that this Court has jurisdiction and venue over this case.

III.

It is admitted that Officer Rievley is employed by the Police Department for the City of Dayton.

It is admitted that Officer Rievley was acting within the scope and course of his employment as a police officer for the City of Dayton.

#### IV.

It is admitted that an incident occurred on September 9, 2006, involving Officer Rievley and the Plaintiffs. It is admitted that Officer Rievley placed the Plaintiffs under arrest for domestic assault.

It is denied that the incident occurred in the way and manner, for the reasons set forth in, as characterized in, or as described in the Plaintiffs' Complaint.

#### V.

It is specifically denied that Officer Rievley acted without probable cause. It would be shown that Officer Rievley had a reasonable suspicion to believe that Brandon Denton, son of Roy L. Denton and brother of Dustin B. Denton, had been the victim of a domestic assault and that Plaintiffs had committed the offense of domestic assault against Brandon Denton.

It is specifically denied that Officer Rievley violated the Plaintiffs' constitutional rights by arresting them without a warrant. It would be shown that, under the circumstances, an arrest without a warrant is authorized by the laws of the State of Tennessee.

It is specifically denied that Officer Rievley used excessive force in arresting the Plaintiffs. It would be shown that Officer Rievley only used such force as was reasonably necessary under the circumstances.

#### VI.

It is denied that Officer Rievley violated the Plaintiffs' rights under the Constitution of the United States or federal civil rights law.

It is denied that Officer Rievley breached any duty owed to the Plaintiffs under the laws of the State of Tennessee.

It is denied that there is any basis upon which to hold Officer Rievley legally liable to the Plaintiffs.

VII.

Officer Rievley is without knowledge as to the nature of any injuries, damages, losses or expenses allegedly sustained by the Plaintiffs. Accordingly, proof is demanded.

If any of the alleged injuries, damages, losses or expenses are the result of some other injury, physical condition, health condition, medical condition, mental condition, or otherwise, the right is reserved to show the same.

It would be shown that neither Plaintiff made any complaint of any injury to Officer at the time of the arrests.

It is denied that there is any basis upon which to hold Officer Rievley legally liable to the Plaintiffs for compensatory damages, punitive damages, or otherwise.

VIII.

Officer Rievley reserves the right to rely on qualified, good faith immunity.

IX.

Officer Rievley reserves the right to rely on common law immunity.

X.

Officer Rievley reserves the right to show that the entire incident, including the Plaintiffs' arrests, was the result of the Plaintiffs' own actions and inactions.

XI.

Officer Rievley reserves the right to rely on T.C.A. § 29-13-111.

XII.

Officer Rievley reserves the right to rely on T.C.A. § 36-3-619.

XIII.

Officer Rievley reserves the right to seek leave of Court to amend this Answer to plead more specifically pending discovery.

XIV.

All allegations, contentions and conclusions in the Complaint which have not been admitted, explained or denied are here and now denied as though specifically denied.

A jury is demanded.

**ROBINSON, SMITH & WELLS**

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Attorney for Defendant, Steve Rievley

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> day of November, 2007, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

This the 15<sup>th</sup> day of November, 2007.

Robinson, Smith & Wells

By: s/Ronald D. Wells

cc: Roy L. Denton  
120 6<sup>th</sup> Avenue  
Dayton, TN 37321

Dustin B. Denton  
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