

**Plaintiff's Memorandum in Support of Plaintiff's Motion for
Summary Judgment.**

- (3) Admit that you arrived at the Rhea County Jail at approximately 1:40 a.m.

RESPONSE: Admitted.

- (4) Admit that on September 9, 2006, you did not conduct any sort of NCIC request, or any other report request to ascertain whether or not Brandon S. Denton had any outstanding arrest warrants for him.

RESPONSE: Admitted.

- (5) Admit that you spoke with, photographed and otherwise investigated the allegations of Brandon S. Denton for approximately 33 minutes while at the Rhea County Jail on September 9, 2006.

RESPONSE: Admitted.

- (6) Admit that Brandon S. Denton was safe and was under no threat of bodily harm while you was talking with him at the Rhea County Jail on September 9, 2006.

RESPONSE: Admitted.

- (7) Admit that Brandon S. Denton, while at the jail on September 9, 2006, was with a person by the name of Jessica Carbajal.

RESPONSE: It is admitted that while Brandon S. Denton was at the jail on September 9, 2006, Jessica Carbajal was called by Officer Rievley to make a statement. It would be shown that Ms. Carbajal arrived at the jail to make said statement. It is denied that Ms. Carbajal accompanied Brandon S. Denton to the jail.

(8) Admit that *Tennessee Code Annotated*, Title 36, Chapter 3, Part 6, is state law regarding Domestic Abuse situations.

RESPONSE: Admitted.

(9) Admit that your decision to make entry of the residence and arrest Roy L. Denton was based upon your training and understanding of state law concerning Domestic Abuse situations.

RESPONSE: OBJECTION TO THE FORM OF THE QUESTION.
Notwithstanding this objection, it is admitted that Officer Rievley's decision to arrest Roy L. Denton was based on his investigation, his understanding of probable cause, his experience, and his training and understanding of the law concerning Domestic Violence or Abuse.

(10) Admit that you arrived at 120 6th Avenue, Dayton, TN, on September 9, 2006, at 2:13 a.m.

RESPONSE: Admitted.

(11) Admit that your investigation insofar as relevant to Roy L. Denton, to determine who was or was not the primary aggressor, pursuant to your training and understanding of Domestic Abuse situations, consisted basically of your one sentence to him being, "what happened with your son."

RESPONSE: Denied.

(12) Admit that Roy L. Denton was resistant and became rather unruly while you were on his property.

RESPONSE: OBJECTION TO THE FORM OF THE QUESTION.
Notwithstanding this objection, it is admitted that Roy L. Denton

was resistant. It would be shown that he was not immediately cooperative. It is denied that he was unruly.

(13) Admit that you had to grasp the right arm of Roy L. Denton and eventually was able to handcuff his left arm to the right arm as he tried to close and lock his door.

RESPONSE: OBJECTION TO THE FORM OF THE QUESTION. Notwithstanding this objection, it is admitted that Officer Rievley advised Roy L. Denton that he was under arrest, and grasped his right arm for the purposes of handcuffing him. It is admitted that Roy L. Denton tried to close his door. It is admitted that Officer Rievley was able to handcuff Roy L. Denton's left hand after telling him he needed to give him his other hand.

(14) Admit that Roy L. Denton was transported to the Rhea County Jail at 2:17 a.m.

RESPONSE: Admitted.

(15) Admit that the time differential from your arrival time of 2:13 a.m. was Roy L. Denton's residence and him being transported to jail at 2:17 a.m. was 4 minutes.

RESPONSE: Admitted.

(16) Admit that from the time of your arrival at Roy L. Denton's home, your investigation and determination of facts, pursuant to your training and understanding of Domestic Abuse situations was achieved in under 4 minutes.

RESPONSE: Denied.

(17) Admit that your intent of coming to Roy L. Denton's home was to arrest him.

RESPONSE: Denied.

(18) Admit that you completed a document entitled "Dayton Police Dept. Family Violence Investigation Form" bearing a Complaint number 06-08297B and dated September 9, 2006.

RESPONSE: It is admitted that Officer Rievley completed a document entitled "Dayton Police Dept. Family Violence Investigation Form" bearing a Complaint number 06-08297B and dated September 9, 2006.

(19) Admit that Brandon Scott Denton is listed as the alleged victim in the "Dayton Police Dept. Family Violence Investigation Form" bearing a Complaint number 06-08297B and dated September 9, 2006.

RESPONSE: OBJECTION TO THE FORM OF THE QUESTION. Notwithstanding this objection, it is admitted that Brandon Scott Denton is identified as the victim.

(20) Admit that the alleged primary aggressor Dustin Bill Denton is listed as the suspect in the "Dayton Police Dept. Family Violence Investigation Form" bearing a Complaint number of 06-08297B and dated September 9, 2006.

RESPONSE: OBJECTION TO THE FORM OF THE QUESTION. Notwithstanding this objection, it is admitted that Dustin Bill Denton is identified as the primary aggressor. It would be further shown that this document also states that "while Dustin was hitting him their father, Roy, grabbed him around the neck, strangling him. Brandon did have marks consistent with his statement."

(21) Admit that within the "Dayton Police Dept. Family Violence Investigation Form" bearing a Complaint number 06-08297B and dated September 9, 2006, you describe the demeanor of the "victim" (Brandon) as well as the demeanor of the "suspect" (Dustin).

RESPONSE: Admitted.

(22) Admit that no information of any kind concerning Roy L. Denton concerning his demeanor, or any information as to his telephone number, race, date of birth, is contained in the

“Dayton Police Dept. Family Violence Investigation Form” bearing a Complaint number 06-08297B and dated September 9, 2006.

RESPONSE: OBJECTION TO THE FORM OF THE QUESTION.

Notwithstanding this objection, it is admitted that there is no mention of Roy L. Denton’s demeanor, telephone number, race or date of birth. It would be further shown that this document also states that “while Dustin was hitting him their father, Roy, grabbed him around the neck, strangling him. Brandon did have marks consistent with his statement.”

- (23) Admit that the word “search” is a synonym for “look for.”

RESPONSE: OBJECTION TO THE FORM OF THE QUESTION.

Notwithstanding this objection, it is admitted that “search” has many synonyms according to its part of speech. It is further admitted that according to Roget’s II: The New Thesaurus, synonyms for the *verb* “search” include “cast about, hunt, look, quest.” search.Thesaurus.com. Roget's II: The New Thesaurus, Third Edition. by the Editors of the American Heritage® Dictionary. <http://thesaurus.reference.com/browse/search> (accessed: June 12, 2008).

Respectfully submitted,

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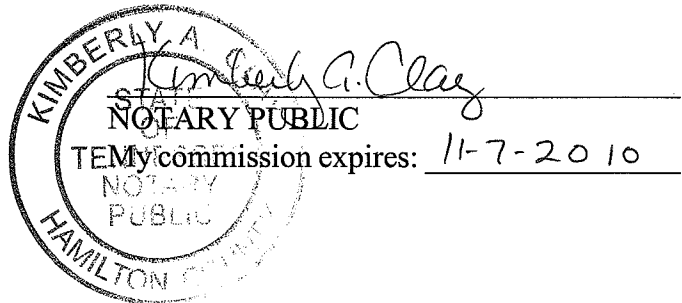
Ronald D. Wells, BPR# 011185

Attorney for Defendant, Steve Rievley

Steve Rievley
STEVE RIEVLEY

STATE OF TENNESSEE)
COUNTY OF Hamilton)

Sworn to and subscribed before me this 20th day of June, 2008.



CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of June, 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 20th day of June, 2008.

Robinson, Smith & Wells

By: s/Ronald D. Wells

cc: Roy L. Denton
120 6th Avenue
Dayton, TN 37321

kac/061208/RDW/BED/daytontenton.res