IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT CHATTANOOGA

ROY L. DENTON, *Plaintiff*	*	**Case No. 1:07-cv-211**
	*	
	*	**Judge:** ***Collier/ Carter***
v.	*	
	*	
STEVE RIEVLEY, *in his individual capacity* *Defendant*	*	
	*	
	*	
	*	***JURY DEMAND***
	*	

MEMORANDUM

IN SUPPORT OF ROY L. DENTON'S MOTION TO RECONSIDER PLAINTIFF'S CLAIM OF FALSE ARREST

The leading discussion of the "fraud on the court" concept appears to be found in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), in which the Court upheld an ***independent action*** to set aside a prior judgment; the prior judgment assumed the validity ***of a patent that had been secured by a complex fraudulent scheme involving manipulation of the patent office by a lawyer***. Id. at 240-42, 249-50. (*emphasis added*)

As with this case and the new evidence found, Mr. Denton too seeks to have an ***independent action*** to set aside a prior judgment; the prior judgment assumed the validity ***of a finding of probable cause that had been secured by a complex fraudulent scheme involving manipulation of police reports, affidavits and fraudulent representations to this court by the defendant Steve Rievley, through his lawyer.*** The facts are strikingly direct on point with how the court describes "fraud on the court" in *Hazel-Atlas Glass Co.*, supra.

A Rule 60(b) motion is addressed to the sound discretion of the Court. *Jacobs v. DeShetler*, 465 F.2d 840, 843 (6th Cir. 1972). By contrast, fraud perpetrated in the course of litigation interferes with the process of adjudication, and it is this kind of litigation-related fraud that principally concerns Rule 60(b)(3)'s fraud provision. Once such fraud is proved, the judgment may be set aside merely upon the movant's showing that the fraud "'substantially interfered with [the movant's] ability fully and fairly to prepare for, and proceed at, trial.'" , 294 F.3d 277, 280 (1st Cir. 2002) (quoting *Anderson v. Cryovac, Inc.*, 862 F.2d at 926 (1st Cir. 1988). This is a far less demanding burden than showing that a different result would probably have ensued.

To set aside a verdict for fraud under Rule 60(b)(3), a litigant must "present the district court with 'clear and convincing evidence' that the claimed fraud . . . occurred," *Tiller*, 294 F.3d at 280 (citing *Anderson*, 862 F.2d at 926)--that is, that the statement was made and was fraudulent--and prove that any alleged fraud "'substantially interfered with [the litigant's] ability fully and fairly to prepare for, and proceed at, trial,'" id. (quoting *Anderson*, 862 F.2d at 926).

In his motion for summary judgment (*Court File No. 42*) Defendant Steve Rievley contended that he had probable cause to arrest Plaintiff Roy L. Denton. Plaintiff Roy L. Denton adamantly disputed this, contending he was falsely arrested. During the legal arguments it is common knowledge or in the minimum, an expectation that ALL papers, affidavits and even submissions by an attorney and non-attorneys alike, are fully expected that the court will automatically assume and fully expect that everything submitted to the court is submitted as true. Even if the paper or document submitted isn't sworn to under oath, justice requires that every word uttered and every pleading filed with the court **must** be considered true. The alternative would create chaos where the entire judicial system would be shadowed in a public disrepute.

Under the Fourth Amendment, any arrest requires probable cause. *Beck v. Ohio*, 379 U.S. 89, 91 (1964); *Gardenhire v. Schubert,* 205 F.3d 303, 315 (6th Cir. 2000). "In order for a wrongful arrest claim to succeed under § 1983, a plaintiff must prove that the police lacked probable cause. "*Parsons v. City of Pontiac*, 533 F.3d 492, 500 (6th Cir. 2008) (quoting *Fridley v. Horrighs*, 291 F.3d 867, 872 (6th Cir. 2002)). "The judicial determination of probable cause involves evaluating the historical facts leading up to the arrest, and whether those facts, viewed by an 'objectively reasonable police officer,' satisfy the legal standard of probable cause." *United States v. Moncivais*, 401 F.3d 751, 756 (6th Cir. 2005) (quoting *Ornelas v. United States*, 517 U.S. 690, 696 (1996)) (internal citation and quotation marks omitted). The probable cause standard is a "no technical conception that deals with the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act." *Maryland v. Pringle*, 540 U. S. 366, 370 (2003) (internal quotation marks omitted) (quoting *Illinois v. Gates*, 462 U.S. 213, 231 (1983)).

"A police officer has probable cause only when he discovers *reasonably reliable information* that the suspect has committed a crime." *Parsons*, 533 F.3d at 500 (emphasis in *Parsons*) (quoting *Gardenhire*, 205 F.3d at 318); *see also Fridley*, 291 F.3d at 827 (quoting *Michigan v. DeFillippo*, 443 U.S. 31, 37 (1979)) ("A police officer determines the existence of probable cause by examining the facts and circumstances within his knowledge that are sufficient to inform 'a prudent person, or one of reasonable caution,' that the suspect 'has committed, is committing, or is about to commit an offense.'"). ***"[I]n obtaining such reliable information, an officer cannot look only at the evidence of guilt while ignoring all exculpatory evidence. Rather, the officer must consider the totality of the circumstances, recognizing both the inculpatory and exculpatory evidence, before determining if he has probable cause to make an***

arrest." *Parsons*, 533 F.3d at 500 (quoting *Gardenhire*, 205 F.3d at 318). (emphasis added)

"Police officers may not 'make hasty, unsubstantiated arrests with impunity,' nor 'simply turn a blind eye toward potentially exculpatory evidence known to them in an effort to pin a crime on someone.'" *Id.* at 501 (quoting *Ahlers v. Schebil*, 188 F.3d 365, 371-72 (6th Cir. 1999)(*emphasis added*).

Defendant Steve Rievley contends he had probable cause to make the arrest of Plaintiff Roy L. Denton based on ***his claim*** of Brandon Denton's statements to him, Mr. Rievley's ***claimed*** interview with Brandon's coworker Jessica Carbajal, and Mr. Rievley's ***claimed*** observations of injuries on Brandon's body and a broken pair of eye glasses. Mr. Denton disputes this contending that he was falsely arrested and in light of new evidence supporting Mr. Denton's contention, ***probable cause never was established but was created*** after the fact by Mr. Rievley.

Defendant Mr. Rievley admits in his Answer that when he left the jail to drive to Mr. Denton's home he only had "***reasonable suspicion***" (*see attached excerpt of Answer Doc. 4 pg. 2--Ex. 1*). As a trained police officer Mr. Rievley knew, or should have known, that reasonable suspicion within itself that arrest is not authorized by law. The Fourth Amendment prohibits unreasonable searches and seizures and its protections extended to brief investigatory encounters of persons by police falling short of arrest. A ***reasonable suspicion*** determination is made by the ***totality of the circumstances*** of each case to see whether the detaining officer had a particularized and objective basis for suspecting legal wrongdoing. Citing *Terry v. Ohio*, 392 U.S. 1 (1968).

Mr. Denton has previously contended that Mr. Rievley lacked probable cause because Mr. Rievley did not sufficiently investigate Brandon's allegations. Mr. Denton restates this position that due to the complete lack of investigation in that Mr. Rievley never went beyond ***his one***

sentence question to Mr. Denton investigating any facts that Mr. Rievley never properly conducted even a bare minimum required investigation. Mr. Rievley asserts only **himself** and without corroboration or a signed complaint from Brandon, that Mr. Rievley himself had improperly alleged an offense against Mr. Denton. The evidence attached herewith clearly shows that the only person alleging any wrongdoing on the part of Mr. Denton is merely alleged by Mr. Rievley and it is asserted that he allegedly falsified police reports, along with his alleged falsified affidavit of complaint in attempt to create probable cause to justify his warrantless arrest of Mr. Denton inside his home.

In light of due diligence and investigation of the part of Mr. Denton, a former law enforcement officer himself, not only is there a new and fully supported position concerning the "***utter lack***" of probable cause, it is now asserted that not only did Mr. Rievley **not** have probable cause, he actually never at any time had more than the ***reasonable suspicion*** he initially had that Mr. Denton had done anything wrong, as he has stated from the very beginning in his Answer. *Id.*

All the statements that Mr. Rievley had said Brandon Denton and Jessica Carbajal told him as to the Plaintiff Roy Denton was allegedly fabricated by him to create probable cause that did not exist and in fact, had never existed to justify of his arrest of Roy L. Denton.

Mr. Rievley is alleged to have crafted police forms to create an "after the fact" illusion of probable cause and it is also alleged based upon the evidence submitted herewith that Mr. Rievley knowingly swore to an affidavit of complaint to be true when the evidence clearly shows that everything he swears under oath as to the Plaintiff Roy L. Denton in this record concerning any alleged assault upon Brandon by Roy L. Denton was false and fraudulent.

Mr. Rievley has admitted that upon his "***reasonable suspicion***" he drove to Mr. Denton's home, we was going there to ***investigate*** the allegations he claimed that were made to him by

Brandon Denton and purportedly corroborated by Jessica Carbajal. It was when he saw a pair of broken glasses on the porch that made him decide at that time to arrest Mr. Denton. Factually, Mr. Rievley did not even have any idea as to whose glasses they were, nor did he bother to ask.

As the record shows, Officer Rievley along with the entire night shift Dayton Police department and one sheriff's deputy came to the home and within 4 minutes Mr. Denton had been arrested and taken to jail while Officer Rievley remained at the home to search it gathering up various items of personal property that to this day he can not give a true account of what was even taken from the home of Mr. Denton, all unlawful without a warrant. This within itself gives a strong presumption that Mr. Rievley and the entire night shift officers went to Mr. Denton's home to arrest him, search his home and seize his property, not to investigate as Mr. Rievley tries to entice this court to believe.

It is alleged that Mr. Rievley abused his authority with malice intent and arrested Mr. Denton without probable cause all of which was a gross violation of Mr. Denton's Fourth Amendment. As the courts have long held, an arrest made without the existence of probable cause is indefensible. Clearly, each document attached and annexed herewith in this pleading shows that Mr. Rievley's sole **unsupported** account conflicts with the statements that he said Brandon and Jessica told him and he can not possible defend against them.

Considering the evidence, the only reasonable determination is that Mr. Rievley did not have probable cause to arrest Mr. Denton for violating the domestic assault statute. From Mr. Rievley's alleged interview with Brandon, he learned Brandon had been assaulted ***by his brother*** Dustin and that Mr. Denton never hit him, strangled him or choked him. In fact, the evidence shows that Mr. Denton actually helped Brandon by attempting to break up the altercation between Brandon and his brother, Dustin. (*see Affidavit of Brandon Denton--Ex.2*)

From Mr. Rievley's self professed interview with Jessica Carbajal, it is unclear as to whether he actually called Jessica on the night of September 9, 2006 as he states. Even if he did call Jessica the only thing that Mr. Rievley asserts was that Jessica stated was that she 1) dropped Brandon off shortly after midnight, 2) that she worked with Brandon for 2 hours and 3) that she didn't notice any marks or abrasions on Brandon. This within itself may support a reasonable suspicion but not probable cause. (*see attached statement of Jessica Carbajal--Ex. 3*)

Mr. Rievley has also stated to this court that he relied upon a "**written statement**" that HE SAID Jessica made that night at the Rhea County jail. *Id.* However, the evidence clearly shows that Jessica never at any time made a written statement at the jail. In fact, she didn't even give a written statement until the very next morning AFTER Mr. Denton's arrest. (*see attached questionnaire of Jessica Carbajal--Ex. 4*) Therefore, any evidence Mr. Rievley claims he relied upon to support a probable cause determination in the form of any written statement alleged to had been made to him by Jessica never existed BEFORE he arrested Mr. Denton. *Id.* Additionally, Mr. Rievley has submitted to this court that he relied upon a telephone call to Jessica where she merely stated that "she didn't see any marks" along with a written statement she had came down to the jail and made to him. This is a complete misrepresentation and is alleged to be a contempt upon a United States District Court. (*see attached Req. for Admissions of Steve Rievley-Ex.5*)

From Mr. Rievley's allegations as to any sort of injury to Brandon, defendant has failed to provide any evidence to this court or disclose any pictures or any other evidence to even support his claim of injury consistent to "strangulation marks" in which Mr. Rievley stated and swore to that Mr. Denton was accused of him as doing. Again, the evidence clearly shows that Brandon never stated to Mr. Rievley the alleged fraudulent account in which Mr. Rievley presents to this

court in the expectation to be believed apparently just because he is a "police officer".

Mr. Rievley's claim that his final piece of his probable cause puzzle was completed upon his seeing a pair of eye glasses on the front porch as he approached it and as Mr. Denton was opening his front door. However all the evidence clearly shows that Brandon never at any time accused his father, Mr. Denton of breaking his glasses. From every account it was always alleged that Dustin broke the glasses and Dustin was the primary aggressor. *Id.*

The evidence clearly disputes that Brandon made the statements to Mr. Rievley as Brandon himself has settled any "*he-said-she-said*" accusations supported by nothing more than Mr. Rievley's alleged impeached testimony to this court. Throughout this record, contradictions have been clearly established concerning Mr. Rievley's account of the events that he alleges.

Perhaps a reasonable determination could be had that Mr. Rievley did see marks and abrasions on Brandon. The evidence is undisputed that **Brandon and Dustin** were involved in a physical altercation. It is also possible to corroborate in a telephone call, if even such call was made, that Mr. Rievley states he made to Jessica where she may have told him that she didn't notice any marks or abrasions when she dropped Brandon off at Mr. Denton's home. Thus, it is reasonable for Mr. Rievley to conclude that Brandon suffered the injuries at Mr. Denton's home, which is actually corroborated with Brandon's statement in his affidavit attached herewith *Id.* that he was allegedly assaulted during a physical altercation at Mr. Denton's home with Dustin, and NOT assaulted by his father, the Plaintiff Mr. Denton as Mr. Rievley claims all by himself.

Then again, such short statement that Jessica states in not seeing any marks on Brandon is subject to scrutiny because Mr. Rievley knew that Jessica dropped Brandon off at Mr. Denton's home just "minutes after midnight". Mr. Rievley corroborates this himself. However, Mr. Rievley was dispatched to the jail at 1:40 a.m. which was more than 90 minutes later. Mr.

Rievley completely ignores and makes no comment as to this massive amount of time difference. Mr. Rievley upon arriving at Mr. Denton's home completely ignored any sort of "on scene interview" that is required under domestic violence law nor did he even remotely attempt to investigate anything. Mr. Rievley was in such a hurry to get Mr. Denton hauled to jail he arrested him, unlawfully inside his home, without a warrant and without probable cause, shuffling Mr. Denton off to another officer to be quickly transported to jail virtually naked. Again, Mr. Rievley's own words from his beginning Answer *Id.* and before he had time for his counsel to "twist" the facts to confuse the issues, when Mr. Rievley left the jail en route to Mr. Denton's home he only had "**reasonable suspicion**" as he stated in his Answer.

A reasonable police officer would have spent more than the 4 minutes to justify a charge into a home, drag a man from his home arresting him and then spend an additional 10 minutes inside the home while the owner sits in jail searching, ransacking, collecting all sorts or personal property, all without a warrant, and further, that to this very day he states that he doesn't even remember what all he took. Furthermore, the person (Brandon) that Mr. Rievley states he gave the property to has stated that Mr. Rievley only gave him his eye glasses at the jail that night. *Id.*

Mr. Rievley has stated he saw broken eyeglasses on the front porch but Brandon states in his affidavit that he had looked for his glasses and could not find them. *Id.* In any event, the location of the glasses is not a determining factor as to a probable cause determination in and of itself because Brandon had accused Dustin of breaking the eyeglasses. The broken eyeglasses do not specifically implicate Mr. Denton, but they can be reasonably determined to corroborate Brandon's account of an assault taking place at the house where **Dustin** allegedly broke his glasses during an alleged assault, not his father Mr. Denton. Therefore, the mere finding of a pair of broken eye glasses when at that point in time it wasn't even certain as to who owned the

glasses given fact that 3 other people wore corrective lens at the residence, for Mr. Rievley to jump the gun and use such thing as that as an excuse for arrest is tantamount to him saying that Brandon told him "*and oh, there was an apple tree in the yard and Dustin slammed his head into the apple tree*", and then Mr. Rievley upon arriving at Mr. Denton's home he sees an apple tree and decides to arrest some other person, without any questioning or fact finding with the exception of one question whereas Mr. Rievley has sworn under oath to 2 different answers to such single question. It is asserted that the only "*probable cause*" Mr. Rievley must have had was the famous Rhea County "*probably cause I want to*" mentality. Restated, Mr. Denton enforced law for 4 years there.

Given the overwhelming evidence obtained during diligent investigation and discovery corroborating Mr. Denton's account, it is reasonable for this court to determine that Brandon never told the Defendant Mr. Rievley that he was "***grabbed around the neck and strangled***" by his father Mr. Denton as Mr. Rievley has stated in his sworn affidavit of complaint dated September 11, 2006. In fact, the only "bad" thing that Brandon told Mr. Rievley was that he felt his father could have done more to break up the altercation between he and his brother. *Id.*

Therefore, in light of the extensive evidence provided by the attached affidavits and statements including but not limited to, the accounts given directly to this court of the events that happened as Brandon and Jessica state which defeats the unsubstantiated one sentence addition to Mr. Rievley's domestic violence worksheet, as well as Mr. Rievley's unsubstantiated one sentence inclusion charging a 6 ft. 300 plus pound Mr. Denton with "***strangling***" a 5' 8" 140 pound Brandon indicates the only reasonable determination is that Mr. Rievley "simply made it up".

Furthermore, at the very minimum Mr. Rievley was required as a matter of law to

conduct some sort of on scene interview to in the very least determine if he even had the right person he arrested. As he said, he had never seen me or had any dealings with me prior to that night. Mr. Denton's account of what happened should have, in fact as a matter of law should have been conducted by Mr. Rievley and not just a quick show of overwhelming force to constructively use force to remove Mr. Denton from his home without a warrant, consent, exigent circumstances. After all, police were never summoned, asked for, invited, dispatched or otherwise to Mr. Denton's home. The evidence shows that a person walked in to a jail off the street and rambled off how his brother had beat him up. Mr. Rievley and his rest of the police spent over 90 minutes not so much investigating what Brandon said, but allegedly conspiring as to what they were going to do. The arrest is more in line with a planned raid with an extreme show of force and then make up the apparent minor formality such as "probable cause" afterwards. This would be reasonable to believe as that is how things are done in this small town when people like Mr. Denton make the police chief mad. In light of this new evidence and the alleged fraud, misrepresentations and other misconduct on the part of Mr. Rievley it is abundantly clear that Mr. Rievley did not have probable cause to arrest Mr. Denton. He maliciously allegedly fabricated it.

THEREFORE, based upon all the herein alleged statements supported by the documents annexed and incorporated herewith, the Defendant Steve Rievley did not have the required probable cause to arrest the Plaintiff Roy L. Denton and as a result of all the evidence submitted in support thereof, it is moved that this honorable court reverse it's prior finding concerning probable cause and find that Mr. Rievley did NOT have probable cause as a matter of law and allow the claim of False Arrest to move forward to trial..

Respectfully submitted, this 24th day of July, 2009.

BY: _____

Roy L. Denton
120 6th Ave.
Dayton, TN 37321
423-285-5581

CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of this document has been served upon all parties of interest in this cause by placing an exact copy of same in the U.S. Mail addressed to such parties, with sufficient postage thereon to carry same to it's destination, on this 24th day of July, 2009.

_____
Roy L. Denton

Copy mailed to:

Ronald D. Wells, BPR# 011185
Suite 700 Republic Centre
633 Chestnut Street
Chattanooga, TN 37450
Phone:423-756-5051

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.

AFFIDAVIT OF BRANDON S. DENTON

Comes the Affiant, Brandon S. Denton, after being duly sworn, and states the following to be true and correct to the best of his knowledge, information and belief:

1. I am over (18) years of age and I am competent to make this affidavit.

2. This affidavit is based on my personal knowledge.

3. On the night of September 9, 2006 me and my brother Dustin Denton got into an argument. This argument led to a physical altercation where Dustin hit me, choked me and broke my eyeglasses, slinging them out into the yard.

4. After my daddy Roy Denton had broken up the fight, he told me to leave and told Dustin to go inside the house. My daddy and Dusty went inside the house and the scuffle was over.

5. After they went back inside daddy's house, I came back to look around for my glasses but couldn't find them. I never saw my glasses on the porch.

6. I then walked to the Rhea County jail without my glasses to report this incident and in addition, I needed police to help find my glasses because I could not find them and I needed them. I told a Dayton policeman by the name of Steve Rievley what had happened. Other police officers were present. Officer Rievley asked me if my father Roy Denton was present at the fight and I said yes. He asked if my daddy had hit me or was involved in the assault and I told him no. I told the officer that I felt my daddy could have done more to get Dustin off of me as Dustin seemed crazy that night.

7. Officer Steve Rievley asked me did my father get involved in the fight or hit me and I told the police that all my father did was grab me while trying to break me and my brother apart.

8. When I was at the jail on September 9, 2006 and as the police officers were getting ready to leave to go to my fathers home, I overheard a big overweight policeman who I think his name is Jason Woody say, "go ahead and get Roy too".

9. After the officers left the jail, Officer Steve Rievley later brought me my glasses which were twisted, broken and had grass stains on them and gave them to me while I was waiting at the jail. Officer Rievley never gave me any personal belongings whatsoever.

10. I recently learned that Officer Steve Rievley had said that he had given me among other items, a Taco Bell uniform shirt, this is false. Officer Rievley never gave me anything at all, at anytime except for my eye glasses. In fact, I was wearing my Taco Bell uniform shirt at the time I was at the jail since I had got off work around midnight.

11. I have never been contacted by police beyond that night and recently it was made aware to me that Officer Steve Rievley said that I told him that my daddy had strangled me. This is false. I never said this at any time. It was Dusty who strangled and hit me and broke my glasses. That is what I told the officer and I do not know why he would say anything different..

12. I have just recently found out that in addition to these things Officer Steve Rievley says that I told him, which I did not, that Officer Steve Rievley also has said that he gathered up some of my personally belongings and gave them to me. This is completely not true. Officer Rievley or any other police officer never gave me anything except my broken glasses.

FURTHER AFFIANT SAITH NOT.

BY: Brandon S. Denton
Brandon S. Denton

STATE OF TENNESSEE

COUNTY OF HAMILTON

Before me, Pam Farthing, a notary public in the county and state aforesaid, personally appeared BRANDON S. DENTON, to me known (or proved to me on the basis of satisfactory evidence) to be the person described herein and acknowledged that she executed the foregoing instrument for the purpose therein contained and that the facts stated therein are true to the best of her knowledge and belief.

Witness my hand and seal, this 27th day of January, 2009.

Pam Farthing
NOTARY PUBLIC

March 14, 2010
My commission expires:

PAM FARTHING
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF HAMILTON

EX. 2

DAYTON POLICE DEPARTMENT CONTINUATION / STATEMENT / FOLLOW-UP Page ___ of ___

CONTINUATION SHEET — Dayton Police Department

PAGE NUMBER	KIND OF REPORT CONTINUED	OFFENSE-CHARGE OR INCIDENT	NAME OF VICTIM OR ARRESTEE	COMPLAINT NO.
	Arrest	Domestic Assault	Denton, Brandon	06-08297

On 9-9-06 I had worked with Brandon Denton for abt. 2 hrs. I saw no marks on him at all. I took Brandon home at a few mins. after 12 AM.

Jessica Carbajal

Jessica Carbajal
07-17-87

187 Arrow Ln. Dayton, IN

570-0589
Cell # 488-6596

Officer Signature: [signature] Date: 9-9-06

EXIBIT A

In reference to the attached Dayton Police Department Continuation/ Statement you gave a written statement. The statement provided by you reveals your printed name, your written signature, your date of birth, your home address and two telephone numbers.

As commanded within the subpoena you are required to answer the following questions below which are in direct reference to this lawsuit. Failure to obey and comply with the commands of this subpoena may result in contempt as provided for by law.

Therefore, please answer the following questions and return them to me by the date son indicated within the subpoena.

Questions

- Did you drive down to the Rhea County jail to pick Brandon Denton up on Sept. 9, 2006? Yes ✓ or No____
- Did you and Brandon go back up to Taco Bell after leaving the jail?
  Yes ✓ or No____
- Did Officer Steve Rievley call you at Taco Bell at any time that same night?
  Yes____ or No ✓ I don't remember
- Did you give a written statement when you went to the jail to pick Brandon up?
  Yes____ or No ✓
- Did you go back down to the jail after you got off work that night?
  Yes____ or No ✓ City
- If you didn't give your statement to Officer Rievley on September 9, 2006 what approximate day, month and year did you give the statement? No, I didn't go Back To Rhea County Ja

To the best of my knowledge and ability the questions answered herein above are truthful.

Signed Jessica Carbajal
Jessica Carbajal

Date 7-2-09

"E-54"

(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.

EXCEPT. REQ. FOR ADMISSIONS — EX. 5