

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

CYNTRELLE WOODARD-WELLS
on behalf of her minor child, C.J.W.

PLAINTIFF

VERSUS

Civil Action No. 2:23-cv-00142-HSO-BWR

**SHERIFF JOE BERLIN, INDIVIDUALLY
AND AS THE CHIEF POLICY MAKER
FOR THE JONES COUNTY SHERIFF'S
DEPARTMENT AND JONES COUNTY,
MISSISSIPPI**

DEFENDANTS

COMPLAINT

[JURY TRIAL DEMANDED]

COMES NOW the Plaintiff, Cyntrell Woodard on behalf of her Minor Child, C.J.W., who, by and through undersigned counsel, files this Complaint against SHERIFF JOE BERLIN ("Sheriff Berlin") & DOE OFFICERS 1-12 and shows as follows:

PRELIMINARY STATEMENT

This civil rights action seeks monetary damages against Defendants for violations of the Plaintiffs' rights guaranteed by the United States Constitution and Mississippi law. The wrongful conduct occurred on September 16, 2022, while the minor child was attending a school function in Jones County, Mississippi, at South Jones High School. Before his interaction with Defendant Berlin, the minor had never been convicted of any criminal act and had engaged in no act that could be considered criminal under the laws of the state of Mississippi. At all times relevant herein, the minor child was not involved in any illegal activity. The Defendants are liable for the violations and all resulting damages. The violations resulted from the policies and customs established and observed by the final policymaker for the Jones County Sheriff's Department ("JCSD"), Sheriff Berlin, is personally responsible for the causes of action arising herein. The actions by Sheriff

Berlin result from a custom and culture that encourages, sanctions, and protects violations of the constitutional rights of regular citizens and includes the physical and psychological abuse of children.

JURISDICTION AND VENUE

1. This action arises under the United States Constitution and federal law, specifically under provisions of the Fourth and Fourteenth Amendments of the United States Constitution, 42 U.S.C. § 1983, and 28 U.S.C. §§ 1331 and 1343.

2. This action seeks redress for violations of the civil rights laws of the United States, and jurisdiction is therefore invoked under 28 U.S.C. §§ 1331 and 1343.

3. The claims made in this Complaint occurred and arose in the State of Mississippi, this District, and the Eastern Division. Venue, therefore, lies in this Court under 28 U.S.C. § 1391.

4. Under 28 U.S.C. § 1367, this Court also has pendent jurisdiction to hear state law claims.

THE PARTIES

5. Plaintiff Cyntrelle Woodard-Wells, is a natural person and a citizen of the United States and the State of Mississippi. She is the biological mother of the minor child, C.J.W.

6. Defendant JOE BERLIN is and was at all times relevant to this Complaint a natural person and the Sheriff of Jones County, Mississippi, and may be served with process at 419 Yates Avenue, Laurel, MS 39440. He is sued in his individual and official capacity.

7. Defendant JONES COUNTY is a governmental entity of the State of Mississippi. Jones County funds and operates the JCSD, the primary law enforcement agency for Jones County. On information and belief, the policy maker for the Jones County Sheriff's Department is Sheriff

Joe Berlin, who took office on January 6, 2020. This Defendant may be served through its registered agent, Chancery Clerk Bart Gavin, at 415 N. 5th Avenue, Laurel, MS 39441.

STATEMENT OF FACTS

VIOLATION NO. 1 (Excessive Force)

8. On September 16, 2022, after a football game, Sheriff Joe Berlin entered the South Jones High School's football locker room, accompanied by ten or more other officers, to confront C.J.W.

9. Upon finding C.J.W. in front of his locker, Sheriff Berlin aggressively got in C.J.W.'s face And began to physically and verbally abuse C.J.W. by, among other things, putting his hands on C.J.W. to control him, yelling at him while also repeatedly calling him "homie."

10. When C.J.W. told Sheriff Berlin – "Get out of my face," Sheriff Berlin physically assaulted C.J.W. by shoving C.J.W. into his football equipment locker.

11. Sheriff Berlin's assault ended when Todd Breland, the head coach for South Jones, intervened, which then led to a verbal altercation between Sheriff Berlin and Coach Breland.

12. The scene in the locker room was chaotic and witnessed by players and parents.

13. At the time of the assault, Sheriff Berlin acted under color of law.

14. At the time of the assault, Sheriff Berlin was the chief law enforcement officer of Jones County.

15. At the time of the assault, Sheriff Berlin was the chief policymaker for the Jones County Sheriff's Department.

16. At the time of the assault, no probable cause existed for any reasonable law enforcement officer to conclude that C.J.W. had committed any crime.

17. At the time of the assault, no reasonable officer would have believed that these actions were lawful.

VIOLATION NO. 2
(Unlawful Seizure)

18. Immediately before and continuing through the physical assault of C.J.W., without reasonable suspicion, Sheriff Berlin unlawfully stopped and seized C.J.W., thus violating his Fourth Amendment Rights.

19. When these actions occurred, no reasonable officer would have believed that said actions were lawful.

DEPRIVATION OF FEDERAL RIGHTS UNDER 42 U.S.C. § 1983

20. At all times, these acts were carried out under the color of state law and by individuals acting in their official capacity as agents of the Jones County Sheriff's Department ("JCSD").

21. These acts deprived the minor child of the rights, privileges, and immunities guaranteed to citizens of the United States by the Fourth Amendment and in violation of 42 U.S.C. § 1983.

COUNT 1
FOURTH AMENDMENT EXCESSIVE FORCE

22. The Fourth Amendment to the Constitution of the United States guarantees that *"[t]he right of the people to be secure in their persons . . . against unreasonable searches and seizures, shall not be violated"*

23. The Fourth Amendment to the Constitution of the United States protects citizens against the use of excessive force during an arrest.

24. C.J.W. was not committing a crime at any point before, during or after the unlawful acts of Sheriff Joe Berlin.

25. C.J.W. had not committed a crime in the presence of the Sheriff or any of the other agents, officers, or deputies present.

26. C.J.W. was assaulted by Sheriff Joe Berlin.

27. Under these circumstances, excessive force was used against C.J.W. in violation of his Fourth Amendment Rights.

COUNT 2
FOURTH AMENDMENT UNLAWFUL SEIZURE

28. The Fourth Amendment to the Constitution of the United States guarantees that *"[t]he right of the people to be secure in their persons . . . against unreasonable searches and seizures, shall not be violated . . ."*

29. The Fourth Amendment to the Constitution of the United States protects citizens against being unlawfully detained by law enforcement.

30. C.J.W.'s person was seized and illegally detained by Sheriff Joe Berlin, who was accompanied by ten or more other security personnel, some or all of whom worked for Sheriff Berlin at JCSD.

COUNT 3
MONELL CLAIM

31. The actions by Sheriff Berlin were not connected with any legitimate law enforcement action. Rather, they were the result of JCSD's "custom" of assaulting and arresting any citizen who is perceived to have "disrespected" Sheriff Berlin, the JCSD, or any of its individual deputies.

32. Sheriff Berlin and the JCSD have a persistent, widespread practice of assaulting, seizing, arresting, and falsely charging innocent persons for perceived slights and exercising their First Amendment protected speech rights.

33. In the instant case, Sheriff Berlin was retaliating against C.J.W. because Sheriff Berlin believed that C.J.W. had “mouthed off” to some of his deputies.

34. Though not a formally adopted policy, officials and employees of the JCSD have repeatedly, and with the blessing of the chief policy maker, assaulted, arrested, and falsely charged individuals, not for criminal violations, but for having the audacity to disagree or talk back.

35. Though not a formally adopted policy, this conduct is so common and well-settled that it fairly represents JCSD policy that knowingly causes and results in the violation of federal secured rights

36. The Defendants failed to ensure adequate training in probable cause, First Amendment speech rights, Fourth Amendment search, seizure, and use of force standards.

37. As is demonstrated by the numerous other violations by the JCSD, and its chief policymaker, the County is deliberately indifferent to the fact that these constitutional violations have been repeatedly occurring and are a highly predictable consequence of the JCSD’s inadequate training and Sheriff Berlin’s inadequate supervision.

38. The JCSD has a history of wrongfully tolerating, condoning and encouraging constitutional violations. As a result, the custom and culture at the JCSD is for the JCSD to protect its deputies when they violate the constitutional rights of others, and where the JCSD only disciplines deputies, if at all, when their actions are exposed by third-party video, making the misconduct impossible to deny or explain away.

39. The JCSD has acted with deliberate indifference to a pattern of past occurrences of constitutional violations of citizens such that its deputies feel empowered to act with impunity.

40. These customs and practices are the moving force behind the violations of the C.J.W.'s rights.

DAMAGES

41. The Defendants are liable to the Plaintiffs, jointly and severally, for all wrongful acts which harmed and caused damage.

42. Based on these facts and circumstances, and as a direct result of said acts and omissions, the minor child has suffered damage to his reputation; past physical pain and suffering; past, present, and future emotional distress; and other financial losses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests a JURY TRIAL and that a judgment be entered against Defendants as follows:

1. Compensatory damages of at least \$75,000 or such other amount supported by the evidence at trial;
2. Punitive damages of at least \$500,000 or such other amount supported by the evidence at trial;
3. Attorney fees and costs of suit under 42 U.S.C. § 1988;
4. Ordinary taxable costs of suit;
5. Prejudgment and post-judgment interest at the legal rate and any other further relief as the Court deems just and appropriate.

It is respectfully submitted, this the ____ day of September, 2023.

CYNTRELL WOODARD-WELLS

By: /s/Michael V. Cory, Jr.
MICHAEL V. CORY, JR.
MATTHEW LAWRENCE

Of Counsel:

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Phone: 601.605.8473

mattlawrencelawfirm@gmail.com

CIVIL COVER SHEET Civil No.: 2:23-cv-00142-HSO-BWR

JS 44 (Rev. 04/21)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>Cyntrelle Woodard-Wells on behalf of her minor child, C.J.W.</p> <p>(b) County of Residence of First Listed Plaintiff <u>Jones County</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Michael V. Cory, Jr. - Danks Miller & Cory, PA 213 South Lamar Street Jackson, MS 39201</p>	<p>DEFENDANTS</p> <p>Sheriff Joe Berlin, individually and as the Chief Policy Maker for the Jones County Sheriff's Department and Jones County of Residence of First Listed Defendant <u>Jones County</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%; text-align: center;">PTF</td> <td style="width:33%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> </tr> </table> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%; text-align: center;">PTF</td> <td style="width:33%; text-align: center;">DEF</td> </tr> <tr> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3		PTF	DEF	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>LABOR</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
	<p>PRISONER PETITIONS</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<p>INTELLECTUAL PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 U.S. Civil Statute: 42 USC 1983

Brief description of cause:
 Excessive force

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 9/28/2023 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT \$402.00 APPLYING IFP _____ JUDGE Ozerden MAG. JUDGE Myers

AMSSDC-5232251