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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

WADE TRAVIS WEBB

Plaintiff,

vs.

**PIMA COUNTY;
FORMER SHERIFF CLARENCE DUPNIK;
FORMER SHERIFF CHRIS NANOS;
SHERIFF MARK NAPIER;
DETECTIVE JEFFREY CASTILLO;
COUNTY ATTORNEY BARBARA LAWALL,**

Defendants.

)
) No. 18-CV-00268-TUC-FRZ
)
)
) AMENDED
) COMPLAINT
)
)
) (Jury Trial Demanded)
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I. JURISDICTION & VENUE

1
2 1. This action is brought to vindicate the Plaintiffs ongoing deprivation of rights
3 pursuant to 42 U.S.C. § 1983 by the Defendants and ongoing direct violations of
4 Plaintiffs rights by the Defendants that are secured by the 14th Amendment of the United
5 States Constitution.

6 2. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 as well as 28 U.S.C. §
7 1332 as Plaintiff resides in the state of Kentucky, Defendants reside in the state of
8 Arizona, and the amount in controversy exceeds \$75,000.

9 3. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1391.

10 **II. PARTIES**

11 4. Plaintiff is a citizen of the United States and at all times since Plaintiff's birth
12 has been a resident of the state of Kentucky.

13 5. Defendant Pima County is a governmental entity that was organized and
14 operates under the State of Arizona. Pima County is responsible and liable for acts and
15 omissions for all entities and employees under its direction.

16 6. Defendants Clarence Dupnik, Chris Nanos, and Mark Napier are responsible
17 for all policies, directives, and acts and omissions of employees of the Pima County
18 Sheriff's Department (PCSD) while serving as the elected Sheriff of the PCSD and are
19 being sued both in their official and individual capacities.

20 7. Defendant Detective Jeffrey Castillo is employed by the PCSD and conducts
21 criminal investigations on behalf of the PCSD.

22 8. Defendant County Attorney Barbara LaWall is responsible for all policies,
23 directives, and acts and omissions of employees of the Pima County Attorney's Office
24 (PCAO) as the elected County Attorney and is being sued in her official and individual
25 capacities.

26 9. All individuals with the PCSD and PCAO whose names are contained in this
27 Complaint were and/or are acting within the scope of their employment as state actors.

28

III. INTRODUCTION

1
2 10. This suit is brought by Plaintiff due to a Class 3 Felony charge brought
3 against Wade Travis Webb which was horrendously investigated, aggressively
4 prosecuted, and ultimately dismissed. It took twelve weeks for the PCSD and PCAO to
5 realize they had no case against Mr. Webb, never did have a case against him, and he
6 unequivocally should have never been indicted on a Class 3 Felony of Stalking a resident
7 of Pima County. The PCSD and PCAO failed every single step of the criminal justice
8 process.

9 11. A woman already known to the PCSD as mentally unstable was the primary
10 witness. This person led the PCSD and PCAO to believe that she was a victim of him
11 stalking her. The PCSD and PCAO eventually figured out that their star witness was
12 completely unreliable and dropped the case against Mr. Webb as fast as possible. The
13 case was only dropped after Mr. Webb formally accused the Defendants of violating his
14 Constitutional Rights.

15 12. The only one that suffered during and after the criminal justice system failed
16 an innocent citizen was Mr. Webb. Case Number CR20141298.

17 **IV. FACTS**

18 13. On Sunday, 6/9/2013, a 911 call was made by Nicole Bousquet, a friend of Jill
19 Kappus Shaw, from Ms. Shaw's residence stating that Ms. Shaw asked her to call the
20 police, Ms. Shaw wanted to kill herself, and Ms. Shaw may attempt suicide the following
21 day while her husband was at work.

22 14. A deputy with the PCSD at the Foothills District responded to the call at Ms.
23 Shaw's residence and found Ms. Shaw and her husband intoxicated.

24 15. Ms. Bousquet explained to the deputy that Ms. Shaw had been drinking and
25 depressed since Thursday, 6/6/2013, and cut her right wrist in 3 places a few days ago.

26 16. Ms. Shaw was distraught because a lawsuit, in the state of Washington, in
27 which she alleged a coworker had been stalking her was dismissed.
28

1 17. Ms. Shaw initially told the deputy she was fine but the deputy informed her
2 that he would not be at her residence if that were true.

3 18. Ms. Shaw then explained to the deputy about the lawsuit being dismissed,
4 began crying, and stated "I can't deal with this shit anymore, I don't want to deal with it."

5 19. Her husband was also distraught and told the deputy "see I can't deal with this
6 shit, I'm about to send my wife away."

7 20. The deputy and Ms. Shaw went back and forth about her getting treatment at a
8 hospital and the deputy informed her that she could go on her own accord so she would
9 have a say in what happens to her or she could be taken against her will.

10 21. Ms. Shaw decided to check herself into the hospital, asked the deputy to
11 follow her to the hospital in which he agreed, Ms. Bousquet then drove Ms. Shaw to the
12 hospital, and they both accompanied Ms. Shaw into the hospital as Ms. Shaw checked
13 herself in.

14 22. While in Triage Ms. Shaw was initially polite but then became more hostile
15 when one of the staff asked Ms. Shaw why she was there and Ms. Shaw responded "Why
16 are you here?"

17 23. Ms. Shaw was then asked by the staff to enter a Unit but she was not
18 compliant. However, when the deputy asked her to go into the Unit she did comply.

19 24. Once in the Unit a room was ready for Ms. Shaw to enter but she did not want
20 to go in, walked out of the room, subsequently said she wanted to leave the hospital, and
21 then tried to open the door to leave but it was locked. The deputy convinced her to go
22 back into the room.

23 25. Ms. Shaw then started saying she wanted to leave and became hostile again.

24 26. A nurse told Ms. Shaw she needed to enter the room and have a seat in which
25 Ms. Shaw replied "well you can go fuck yourself."

26 27. Another nurse told Ms. Shaw that they do not use that kind of language in
27 which Ms. Shaw replied "you can fuck yourself too."

28

1 28. Ms. Shaw then had to be forcefully moved into the room by the deputy and a
2 nurse and was restrained to the bed.

3 29. Ms. Shaw was screaming while being moved, said she was a lawyer, which
4 she is, did not have to stay in the room, and for them to go “fuck” themselves.

5 30. Ms. Shaw continued afterwards screaming that she was a lawyer, going to
6 have everyone’s job, and that they needed to let her go “right the fuck now.”

7 31. Seven months later, on 1/9/2014, Ms. Shaw, who resided in Tucson and had
8 been married for almost two years, initiated contact with Plaintiff, who resided in
9 Kentucky, by searching the internet, finding his cell phone number on the Marion County
10 Youth Soccer Association website, in which Mr. Webb was a member of the Board, and
11 subsequently calling his cell phone number.

12 32. Ms. Shaw and Mr. Webb knew each other for 20 years at the time as they had
13 an off and on romantic relationship for many years during the 1990s.

14 33. Ms. Shaw cried out for help, was struggling with life issues to the point of
15 threatening suicide, and insisted that Mr. Webb assist her with her problems.

16 34. Mr. Webb is a well-qualified financial planner and was beginning a transition
17 period in January 2014 as he had been working toward opening a financial planning
18 business and buying a house since April of 2009.

19 35. In 2009 Mr. Webb closed a financial planning business he owned,
20 humiliatingly declared bankruptcy, moved in with a family member, and began the
21 process of recovering from his business mistakes with the sole goal of going back into
22 business for himself.

23 36. Mr. Webb worked with AmeriCorps for two years from 2009-2011 primarily
24 assisting the poor with their finances then took a job working on the floor of a factory
25 making car parts while being several levels underemployed starting in December of 2011.

26 37. Mr. Webb worked the 10:00 PM to 6:30 AM night shift routinely working 6-7
27 days/week and 50+ hours/week and was also coaching an Under 12 youth soccer team.
28

1 **38. Mr. Webb endured the factory job as it was a means to an end to help**
2 **accomplish his goals.**

3 **39. Mr. Webb agreed to assist Ms. Shaw with her mental issues as he does not**
4 **desire anyone taking their own life after seemingly seeking out his assistance as a last**
5 **resort even though he had a full schedule already.**

6 **40. Ms. Shaw was keenly aware within a week of contacting him what was going**
7 **on in Mr. Webb's life.**

8 **41. Mr. Webb went to extraordinary measures, even to the point of unorthodox, to**
9 **attempt to prevent a suicide as Ms. Shaw was clearly unstable.**

10 **42. Mr. Webb and Ms. Shaw conversed over the next couple of months via phone**
11 **and text messages but Ms. Shaw remained unstable during the period.**

12 **43. During this period Ms. Shaw led Mr. Webb to believe she was divorcing her**
13 **husband, suggested she was living in a camper in her back yard, and subsequently was**
14 **actually separated from her husband.**

15 **44. Ms. Shaw and Mr. Webb spoke for more than 8 hours on the phone over this**
16 **time period.**

17 **45. Ms. Shaw called Mr. Webb's phone a total of approximately 45 times over**
18 **this time period including calling him 9 times in the middle of the night on one occasion**
19 **and 16 times in the middle of the night, after they already spoken on the phone, on**
20 **another occasion.**

21 **46. Mr. Webb called Ms. Shaw's phone a total of approximately 16 times.**

22 **47. Ms. Shaw called Mr. Webb's phone 3 times more than he called her phone.**

23 **48. Over this time period Ms. Shaw sent many text messages with photos to Mr.**
24 **Webb. A few of them, among others, included a picture of her cut right wrist bleeding**
25 **from her June 2013 suicide attempt, scars from the subsequent healing on her right wrist,**
26 **many e-greeting cards intended to be humorous, a picture of the camper in her back yard,**
27 **a picture of Ms. Shaw and her dog on the same day as the camper in which she included a**
28 **note stating "I'm sending this awful pic of me in return for having to go love you t".**

1 (Plaintiff goes by his middle name Travis and Ms. Shaw sometimes referred to him as
2 "T" instead of Travis.)

3 49. Later in the time period Ms. Shaw texted Mr. Webb 4 pictures of a card he
4 gave her in the 1990s that she kept all those years with a handwritten love note in it that
5 ended with Mr. Webb promising "If you ever need me let me know and I will be there for
6 you."

7 50. On the same night Ms. Shaw texted Mr. Webb a different card he gave her in
8 the 1990s that she kept all those years.

9 51. Following the second card, on the same night, Ms. Shaw again texted the 4
10 pictures of the first card from the 1990s that contained Mr. Webb's promise.

11 52. The next day Ms. Shaw texted Mr. Webb a photo of her left wrist cut and
12 bleeding with an explicit plea for help stating "M this is not healthy am I just reaching
13 out? I can't sleep haven't for days and I like to watch blood drip down my wrists in the
14 unlikely situation that someone might actually help me because I'm clearly not brave
15 enough to accomplish the outcome I crave."

16 53. Ms. Shaw was clearly unstable at this point and threatening suicide so Mr.
17 Webb called her almost immediately after the text message.

18 54. Later in the time period Ms. Shaw texted Mr. Webb multiple photos of
19 documents from her lawsuit that was dismissed in which she alleged her coworker was
20 stalking her because she was still upset about it.

21 55. Ms. Shaw and Mr. Webb had communication issues for 3 weeks at the end of
22 February 2014 as Ms. Shaw's texts were being sent to a spam filter on his phone.

23 56. Mr. Webb was concerned for Ms. Shaw's safety after all that had transpired
24 previous to the phone problems and contacted Ms. Shaw's sister, Courtney, whom he had
25 not had any communication with for well over a decade, out of concern over Ms. Shaw's
26 wellbeing.

1 **57. Mr. Webb informed Courtney of what had transpired over the time period**
2 **dealing with Ms. Shaw's mental health and Courtney informed him that she had been**
3 **dealing with Ms. Shaw's mental health issues for years.**

4 **58. Mr. Webb made it clear during his communications with Courtney that his**
5 **intentions at all times were to make sure Ms. Shaw was safe.**

6 **59. When the phone problems were resolved in late February Ms. Shaw was still**
7 **erratic and informed Mr. Webb that she was now taking the prescription pain killer**
8 **Percocet which she was purchasing from a neighbor.**

9 **60. Ms. Shaw then for unknown reasons began to test Mr. Webb as to whether he**
10 **would be in a committed relationship with her and if he really did care about her**
11 **wellbeing.**

12 **61. Ms. Shaw's behavior was odd and then she wanted to intentionally upset Mr.**
13 **Webb fully knowing that he was exhausted from working the night shift for almost 2.5**
14 **years, dealing with her mental issues going on 2 months, and would fly to Tucson if she**
15 **enticed him enough to check on her wellbeing as he already communicated he thought**
16 **about doing it during the time period with the phone issues because of everything that**
17 **was going on in her life.**

18 **62. Mr. Webb expressed his ongoing frustration with his job to Ms. Shaw and that**
19 **he wanted quit and move on in which Ms. Shaw encouraged him to do so he could get his**
20 **business up and running.**

21 **63. Mr. Webb's financial situation was not ideal but good enough and he did**
22 **leave his job the following day.**

23 **64. Once again there were phone issues and Mr. Webb conversed with Courtney**
24 **who was also having phone issues.**

25 **65. Mr. Webb contacted his brothers to actually have someone to talk to about his**
26 **situation with Ms. Shaw and her suicidal ideations, including sending them a picture of**
27 **Ms. Shaw's bloody wrist with the plea for help as well as the love note Ms. Shaw kept**
28

1 from the 1990s of his promise to Ms. Shaw, and subsequently made the decision to fly to
2 Tucson a few days later.

3 66. The record shows that before Mr. Webb made the trip he got fingerprinted at
4 the local Sheriff's Office for an FBI background check, which is needed to register as an
5 investment advisor, and mailed it to the FBI.

6 67. The record shows that Mr. Webb also contacted his soccer team to let them
7 know the practice schedule for the upcoming season.

8 68. The record shows Mr. Webb flew to Tucson because he needed a vacation and
9 to check on the welfare of Ms. Shaw.

10 69. Additionally, Mr. Webb needed to make a decision on the best way to proceed
11 with own interests that he had been working towards going on 5 years.

12 70. Mr. Webb arrived in Tucson on Friday 3/14/2014, got a rental car, and
13 checked into a hotel by the airport.

14 71. Mr. Webb, who at all times did not hide the fact of anything he was doing,
15 tried to contact Ms. Shaw to let her know that he was in town and concerned about her
16 welfare.

17 72. Ms. Shaw had not responded so Mr. Webb drove to Ms. Shaw's house in the
18 early evening hours of Saturday 3/15/2014 in which her husband, Bradley Shaw,
19 answered the door, told him she was not home, and that he had called the police.

20 73. Mr. Webb returned to his car and left the residence but did not know who this
21 person was as he had never spoken to Mr. Shaw before, was under the impression that
22 Ms. Shaw was separated from her husband, and that she was purchasing prescription pain
23 killers from a neighbor.

24 74. Mr. Webb never threatened Mr. Shaw, did not attempt to force his way into
25 the residence, or anything remotely similar to that and just left without incident.

26 75. Mr. Webb then called 911 for a welfare check to ensure Ms. Shaw was safe
27 explaining that he had flown in from Kentucky because Ms. Shaw had been suicidal, sent
28 him pictures of her wrists cut, messaged that she liked to hurt herself, was taking

1 prescription pain pills, requested an update from the responder, and then was told that
2 someone would check on it and call him.

3 76. Mr. Webb was later contacted by Deputy Sherriff Daniel Sharp, Jr. #7732
4 with the PCSD.

5 77. Deputy Sharp asked Mr. Webb if he would meet with him at the Foothills
6 District Substation and Mr. Webb agreed.

7 78. Deputy Sharp was already aware that there was an incident referencing
8 suicide at the same address in June 2013 in which the PCSD did respond.

9 79. Deputy Sharp responded to the call from Mr. Shaw in which he questioned
10 Ms. Shaw about the suicidal threats from Mr. Webb's call and she told Deputy Sharp that
11 she had not been suicidal or had suicidal thoughts since June of 2013 and any pictures
12 Mr. Webb would have would be from June of 2013.

13 80. Deputy Sharp did not ask Ms. Shaw if she was taking prescription pain killers
14 purchased from a neighbor.

15 81. When Mr. Webb arrived at the substation it was immediately obvious by
16 Deputy Sharp's demeanor that something was awry, the Deputy may not execute sound
17 judgment, and Mr. Webb may have a very serious issue on his hands in which he would
18 be powerless.

19 82. Mr. Webb was 38 years old at the time and had no problems with law
20 enforcement before as he is not a criminal.

21 83. Deputy Sharp asked Mr. Webb if he had any proof to show that Ms. Shaw had
22 been suicidal.

23 84. Mr. Webb showed Deputy Sharp the picture of the cut wrist with the blood
24 and the plea for help which Deputy Sharp completely disregarded.

25 85. Deputy Sharp was shown clear evidence, which he specifically asked if Mr.
26 Webb possessed, that directly contradicted what he had just heard come out of Ms.
27 Shaw's mouth who was already known to the PCSD and was taking prescription pain
28 killers.

1 **86. Deputy Sharp did not contact Ms. Shaw at any point to question her about the**
2 **plea for help text included with the cut wrist picture to determine the date of the cut wrist**
3 **picture or whether the plea for help text was written in June of 2013 as Ms. Shaw claimed**
4 **she had not had any suicidal thoughts since June 2013.**

5 **87. Mr. Webb also informed Deputy Sharp that there was a card that Ms. Shaw**
6 **kept from the 1990s but it is unclear if Mr. Webb showed Deputy Sharp the card at that**
7 **time because he may have had trouble pulling it up on his phone, even though it was in**
8 **two locations, as at that point Mr. Webb felt very uncomfortable and nervous.**

9 **88. Regardless, Mr. Webb did mention it multiple times to Deputy Sharp as**
10 **further evidence that Deputy Sharp was being misled by Ms. Shaw.**

11 **89. For unknown reasons Ms. Shaw had just blatantly lied to Deputy Sharp as the**
12 **text from that picture clearly shows that she was not well and Deputy Sharp was going to**
13 **believe anything that came out of Ms. Shaw's mouth in addition to not giving any weight**
14 **to anything Mr. Webb said or showed.**

15 **90. Mr. Webb learned later that his life may have been in danger as Ms. Shaw**
16 **asked her husband to grab a gun and, per a recorded interview by Deputy Sharp with Mr.**
17 **Shaw, Mr. Shaw had been carrying a gun around to possibly even shoot Mr. Webb.**

18 **91. Mr. Webb could have been killed, possibly in a premeditated murder plot, and**
19 **knowing Ms. Shaw's mental health history, that she was on prescription pain killers, and**
20 **what Mr. Webb just showed Deputy Sharp, he, along with everyone else involved in this**
21 **case, should have taken that threat to Mr. Webb's life very seriously.**

22 **92. Deputy Sharp had all the power in this situation, knew it, chose escalation**
23 **over de-escalation, had predetermined that he was going to arrest Mr. Webb before he**
24 **ever called his cell phone, and was determined to find the most serious charge to bring**
25 **against him he could find.**

26 **93. Deputy Sharp called Detective S. W. Martin #1408 with the Night Detectives**
27 **who told Deputy Sharp to call Sergeant T. B. Parish II #1142 with the Domestic Violence**
28 **Unit and Plaintiff was later arrested for a felony of stalking Ms. Shaw.**

1 **94. Mr. Webb was in a cell at the substation with a window and could see and**
2 **hear everything Deputy Sharp was doing and after figuring out Mr. Webb would be**
3 **arrested for a felony Deputy Sharp called Ms. Shaw and told Ms. Shaw that “you will not**
4 **be talking to him for a long time.”**

5 **95. While Mr. Webb was being interrogated Mr. Webb repeatedly told Deputy**
6 **Sharp that his only intention was to help Ms. Shaw.**

7 **96. The record shows that Mr. Webb repeatedly told Deputy Steven Copp #7108,**
8 **who was present the entire time, that his only intention was to help Ms. Shaw.**

9 **97. Mr. Webb endured Deputy Sharp’s assault on his life and his sick pleasure in**
10 **putting Plaintiff in double-locked handcuffs while arresting him.**

11 **98. Mr. Webb’s private cell phone was also confiscated by Deputy Sharp.**

12 **99. Deputy Copp then transported Plaintiff to the Pima County Adult Detention**
13 **Center.**

14 **100. Mr. Webb was booked for the felony stalking charge and then moved to a**
15 **submerged concrete open area where he had to wait for approximately 12 hours without**
16 **sleeping and with nothing but a clock to look at on the wall before he would go before a**
17 **Judge the following morning for his initial appearance.**

18 **101. The following morning Mr. Webb also called his father to let him know what**
19 **had happened and that he was in jail.**

20 **102. After the initial appearance Mr. Webb experienced the most humiliating and**
21 **degrading event in his entire life.**

22 **103. Plaintiff was actually told to get completely naked in front of a guard,**
23 **instructed to lift his penis and testicles, then turn around, bend over, spread his butt**
24 **cheeks apart, and cough to ensure he was not hiding anything in his anus.**

25 **104. Once that demeaning experience was over Plaintiff was given an orange**
26 **jumpsuit to wear that may as well been made with lightly processed tree bark, given a**
27 **small “pillow”, a blanket that was the appropriate size for a ten year old child, and a**
28 **small sheet.**

1 105. Mr. Webb was then taken to a “pod” where he would be with seven 7 other
2 inmates.

3 106. Once in the pod Mr. Webb was on the top bunk with some sort of small blue
4 mattress type apparatus with one end slightly raised that he was supposed to sleep on.

5 107. Fortunately for Mr. Webb he was not attacked during his time at the Pima
6 County Detention Center as the people in the pod he was in were mostly nonviolent low
7 level drug dealers.

8 108. Mr. Webb did get reprimanded twice by a guard during his stay at the Pima
9 County Detention Center.

10 109. The first was when Mr. Webb left the pod without the sandal like footwear
11 he was issued and instructed by the guard he needed to be wearing the sandal like
12 footwear if he exited the pod.

13 110. The second time was when Mr. Webb did not have his “bed” properly made
14 but his fellow inmates showed Mr. Webb a trick to keep the sheet firmly attached to the
15 mattress type apparatus by pulling the sheet firmly over the top, bottom and both sides
16 and then tying them together with a knot on the bottom of the mattress type apparatus.

17 111. Mr. Webb’s mother and an uncle booked flights from Kentucky and Florida,
18 respectively, and arrived in Tucson on Monday 3/17/2014 to get Mr. Webb out of jail.

19 112. Mr. Webb’s mother visited the jail late Monday morning and informed him
20 she was getting the instructions to bail him out, would get what was necessary, and return
21 to the jail once all arrangements had been made.

22 113. Mr. Webb was released from jail the afternoon of Monday 3/17/2014.

23 114. The Pretrial Booking Sheet notes in the Criminal History section that “A
24 search of national, state and local criminal history repositories did not reveal any previous
25 arrests involving felony or misdemeanor charges.”

26 115. Mr. Webb picked up his rental car from a parking lot near the Foothills
27 District Substation where it was left and returned to his hotel.

28

1 **116. Mr. Webb did not sleep from the morning of 3/15/2014 when he awoke until**
2 **the evening of 3/17/2014.**

3 **117. Mr. Webb did not sleep for over 55 hours.**

4 **118. Mr. Webb was not familiar with the criminal justice process whatsoever but**
5 **was 100% positive from the time Deputy Sharp informed him that he was being arrested**
6 **for a felony of stalking Ms. Shaw that there was a zero percent chance of Mr. Webb ever**
7 **being found guilty of doing that as he knew the facts.**

8 **119. The only thing Mr. Webb did not know was how much damage he was going**
9 **to incur and how big of an impact it would have on his life.**

10 **120. Mr. Webb's mother and his uncle left a few days later as they had to get back**
11 **to their own lives even though they did not want to leave Mr. Webb alone in Pima**
12 **County.**

13 **121. One of Mr. Webb's brothers flew out after his mother and uncle had left to**
14 **stay with him for a few days but he needed to get back to his own life as well.**

15 **122. Mr. Webb moved between hotels every few days finding good deals on the**
16 **internet but it was too much for him to deal with constantly packing and unpacking so he**
17 **settled on a hotel to stay at for the duration of his criminal case on 3/30/2014 as he had to**
18 **have more stability.**

19 **123. The same day Mr. Webb got of jail, Monday 3/17/2014, Detective Jeffrey**
20 **Castillo #6863 with the PCSD was assigned to the case.**

21 **124. Detective Castillo had until 3/25/2014 to investigate this case against Mr.**
22 **Webb and, supposedly, present it to the prosecutor(s) to determine whether or not an**
23 **indictment would be sought at a Grand Jury Hearing on that date.**

24 **125. A download of the contents of Mr. Webb's private phone was executed by**
25 **search warrant and put on a CD/DVD which Detective Castillo placed into evidence on**
26 **3/19/2014.**

27 **126. Mr. Webb was appointed an attorney with the Pima County Public**
28 **Defender's Office on or about 3/18/2014.**

1 127. Mr. Webb ordered the incident report and received it on 3/25/2014.

2 128. Mr. Webb realized his initial thoughts were correct about Deputy Sharp as he
3 portrayed Mr. Webb in the worst light possible while minimizing anything negative that
4 had to do with Ms. Shaw.

5 129. Ms. Shaw had also, for reasons unknown, went to elaborate lengths to
6 portray herself as a victim fully knowing she was not, completely at the expense of Mr.
7 Webb knowing that he would suffer significant damage, to the point of making false
8 accusations and intentionally misleading law enforcement.

9 130. The incident report contained many inaccuracies as well.

10 131. One significant inaccuracy involved when Mr. Webb and Ms. Shaw actually
11 dated and had a sexual relationship.

12 132. The incident report states “They were boyfriend and girlfriend in high school
13 and did have a sexual relationship in high school in Kentucky.”

14 133. It is unknown at this time as to whether Ms. Shaw told Deputy Sharp
15 deliberate inaccurate information or if Deputy Sharp wrote, either purposefully or in
16 error, this information incorrectly but regardless of how it happened it is completely
17 unacceptable for such important information to be incorrect in a felony stalking case.

18 134. Ms. Shaw and Mr. Webb did not date in high school as Mr. Webb was not
19 even in high school when they met as he was a freshman in college and Ms. Shaw was a
20 senior in high school which makes that impossible.

21 135. Ms. Shaw and Mr. Webb dated off and on throughout the 1990s when they
22 were mostly in college.

23 136. The incident report states “They only talk to each other about every three to
24 five years.”

25 137. The record shows that Mr. Webb told Courtney they had communicated in
26 April of 2012 when Ms. Shaw, once again, contacted Mr. Webb approximately 3 weeks
27 before she was to get married to Mr. Shaw which is 1 year and 9 months.

1 138. Getting these contact dates incorrect is unacceptable in a felony stalking case
2 when in actuality the record shows Ms. Shaw contacted Mr. Webb not once but twice in a
3 2.5 year period which clearly is not 3 to 5 years as Deputy Sharp wrote.

4 139. It was extremely alarming when Mr. Webb found out in the incident report
5 exactly what kind of danger he was really in when he could have been killed in a possible
6 premeditated murder plot extending back years by a mentally unstable person using
7 prescription pain killers.

8 140. Mr. Webb was the one that needed protection while in Pima County, not Ms.
9 Shaw.

10 141. Detective Castillo was the sole witness for the State at the Grand Jury
11 Hearing and mentioned nothing to the jurors about any of the facts contained thus far in
12 this Complaint.

13 142. It is unclear exactly what Detective Castillo's investigation entailed as he did
14 not even interview Ms. Shaw until *after* he testified at the Grand Jury Hearing on a
15 Felony Stalking Charge that if convicted could result in 3.5 years in prison and even then
16 it was only a 14 minute recorded phone interview in which the last 6 minutes had nothing
17 to do with an actual investigation.

18 143. Detective Castillo told Ms. Shaw in the recording that he already testified
19 earlier the same day, 3/25/2014, at the Grand Jury Hearing.

20 144. Detective Castillo wrote, without disclosing that the recorded phone
21 interview occurred *after* the Hearing, that "Over the course of a couple of weeks I have
22 attempted to meet with the victim Jill Shaw to obtain a recorded statement in person but
23 have been unable to do so as our schedules did not coincide. On 3/25/14 I spoke with Jill
24 over the phone once again to obtain a statement."

25 145. Detective Castillo wrote in his Credentials affidavit that he is a peace officer
26 in the state of Arizona, is employed by the PCSD, has been a peace officer since 2008,
27 and has the following training and experience: "I graduated from the PCSDs Law
28 Enforcement Training Academy. My training included criminal investigation to include

1 crime scene investigation, evidence collection procedures, and interviewing and
2 questioning. I have been assigned to the Patrol Division and the Criminal Investigation
3 Division where I have conducted numerous criminal investigations.”

4 146. It is unclear exactly what occurs and what is taught at this Law Enforcement
5 Training Academy or what is deemed acceptable practices by the PCSD when it comes to
6 an actual criminal investigation.

7 147. Detective Castillo should know the importance of interpersonal
8 communication and that there is no substitute for gathering the maximum information
9 possible during an interview unless that interview is face to face so as to not miss out on
10 all the nonverbal cues that can determine deceptive communication that is impossible to
11 attain by phone and certainly would need to be performed before testifying.

12 148. Ms. Shaw and Detective Castillo live in the same county so their schedules
13 not coinciding is an unacceptable excuse, even though Ms. Shaw was most likely
14 avoiding Detective Castillo so she could maintain her “victim” status which makes it all
15 the more important to determine if there is deceptive communication, when 1 hour would
16 suffice and Detective Castillo had 8 days from the time he was assigned to Mr. Webb’s
17 case to get that interview done.

18 149. Detective Castillo wrote in his recorded summary interview with Ms. Shaw
19 *after* he had already testified that Ms. Shaw and Mr. Webb dated in high school and
20 college directly contradicting the incident report.

21 150. In fact, during the recorded interview Ms. Shaw correctly, for the most part,
22 tells Detective Castillo the history of her and Mr. Webb’s past relationship.

23 151. Detective Castillo incorrectly, while under oath at the Grand Jury Hearing,
24 told the jurors that Mr. Webb “dated the victim, Ms. Shaw, several years prior while they
25 were in high school” as the very first sentence when beginning his testimony misleading
26 the jurors from the start about the duration of their relationship which indicates that Mr.
27 Webb may have been infatuated with Ms. Shaw since high school and the record clearly
28 shows that is not correct.

1 **152. Detective Castillo told the jurors that this relationship was in Kentucky,**
2 **which was correct, and since then Ms. Shaw had moved to Tucson and gotten married**
3 **which would further mislead the jurors after his incorrect testimony about them dating**
4 **only in high school and infers that Ms. Shaw may have been have been married to Mr.**
5 **Shaw for an untold number of years, not 1 year and 8 months at the time she contacted**
6 **Mr. Webb.**

7 **153. In the recorded phone interview with Ms. Shaw she also informs Detective**
8 **Castillo that she had moved at least 5 times prior to moving to Arizona so she had not**
9 **lived in Arizona for an untold number of years as would be inferred to the jurors.**

10 **154. Detective Castillo read the jurors two out of context text messages from Mr.**
11 **Webb to Ms. Shaw without informing the jurors of any of the previous evidence**
12 **misleading the jurors once again.**

13 **155. Detective Castillo, when asked by Deputy County Attorney (DCA) Michelle**
14 **Chamblee who was presiding over the Hearing if he could describe what Ms. Shaw and**
15 **Mr. Webb's relationship was, he told the jurors "When they were in high school, they had**
16 **a romantic and a sexual relationship. They dated in high school."**

17 **156. Detective Castillo told the jurors 3 times that they incorrectly dated only in**
18 **high school which immeasurably misleads the jurors about Ms. Shaw and Mr. Webb's**
19 **past relationship.**

20 **157. The Clerk then asked Detective Castillo how many years ago was Ms. Shaw**
21 **and Mr. Webb's relationship as the very next question following Detective Castillo's**
22 **incorrectly telling the jury they dated in high school twice in which he responded "I want**
23 **to say about 20 years. Quite a while."**

24 **158. Detective Castillo just insinuated to the jurors that Mr. Webb may have been**
25 **obsessed with Ms. Shaw for 20 years while she lived in Tucson and he lived in Kentucky**
26 **which would mislead the jurors even further plus the record clearly does not indicate that**
27 **whatsoever and may indicate the exact opposite.**

28

1 159. The jurors asked how long Ms. Shaw had been in Arizona in which he
2 replied “Several years. I don’t know exactly how many.”

3 160. Detective Castillo did not know that simple answer was 4 years at the most.

4 161. Detective Castillo then told the jurors that “She’s been married for quite
5 some time” when in actuality, Ms. Shaw had been married for less than 2 years not many
6 years as Detective Castillo implied because he did not know that simple answer.

7 162. Detective Castillo also implied to the jurors that Mr. Webb quit his job on
8 3/15/2014, bought a one-way ticket that same day, and then randomly showed up at her
9 residence that evening which the record clearly shows that is not true and presenting that
10 to the jury in such a manner is unacceptable.

11 163. Detective Castillo was so unprepared that he just regurgitated what he read
12 in the incident report, showed no signs during his testimony that he investigated anything,
13 and not one time told the jurors anything about the cut wrist picture or the plea for help
14 text included with that picture or that Ms. Shaw kept two separate cards with handwritten
15 love notes in them from fifteen plus years ago or any of the other pictures Ms. Shaw sent
16 or that Ms. Shaw was hospitalized in June 2013 or that Ms. Shaw contacted Mr. Webb
17 first or any other exculpatory facts that are contained in this Complaint when it is
18 imperative at a Grand Jury Hearing that both sides are presented fairly and impartially as
19 Mr. Webb has no means of defending himself.

20 164. DCA Chamblee then instructed the jurors on the incorrect elements required
21 to prove stalking under the very statute and law that Mr. Webb was charged with
22 violating.

23 165. The jurors returned a true bill by a 14-2 vote and Mr. Webb was indicted on
24 a Class 3 Felony of Stalking Ms. Shaw.

25 166. On the recorded phone interview with Ms. Shaw she does state that she and
26 Mr. Webb talk or text “every few years” which is not correct, Ms. Shaw has trouble
27 recollecting whether or not she did send any pictures of her cut wrist as well as stating
28 anything Mr. Webb might have would have been from June 2013, claims she has not had

1 any problems with suicidal thoughts etc. since June 2013, then inquires about being
2 subpoenaed to testify which Detective Castillo informs her she probably will, then
3 inquires if Victim Services, offered through the PCAO, will be subpoenaed to testify as
4 well in which Detective Castillo reassures her that Victim Services will be there to
5 support her throughout the process and usually in cases where there is a victim Victim
6 Services will be in the courtroom with the victim.

7 167. Detective Castillo also states during the recorded interview with Ms. Shaw
8 that once Mr. Webb is arrested and the PCSD completes the investigation he does not
9 have any further involvement unless he is subpoenaed to testify in court.

10 168. It is unclear exactly what the communication between lead prosecutor DCA
11 Kendrick Wilson, or DCA Chamblee, entailed concerning Detective Castillo's
12 investigation.

13 169. DCA Wilson had to decide if he thought there was enough evidence to seek
14 an indictment and proceeded to seek an indictment even though Detective Castillo did not
15 interview Ms. Shaw in person prior to the Grand Jury Hearing.

16 170. It is imperative that a prosecutor thoroughly reviews a case before going
17 forward with seeking an indictment on a felony against a United States citizen so
18 whatever DCA Wilson did, which is apparently nothing, he failed at because he
19 determined that Detective Castillo's investigation was thorough enough to move forward.

20 171. Once the Grand Jury Hearing is concluded Mr. Webb's case is in the hands
21 of the PCAO to figure out exactly what is going with it instead of proceeding to
22 aggressively prosecute an innocent citizen when they have no idea what the facts of the
23 case even are.

24 172. During the remainder of the criminal case Mr. Webb and his attorney met
25 and talked regularly to put together his defense and ultimately accurate accusations that
26 Plaintiffs Constitutional Rights were violated by the PCSD and the PCAO.

27 173. Plaintiffs Arraignment was on 4/2/2014 in which Mr. Webb pleaded not
28 guilty and a Case Management Conference was scheduled for 5/2/2014.

1 **174. As Mr. Webb was checking in, or whatever it is, before he entered the**
2 **courtroom at his Arraignment he was aggressively approached by an unknown male**
3 **subject in plain clothes who shoved papers in his face and told him he needs to read them.**

4 **175. Mr. Webb was in a completely foreign environment and vulnerable as it was**
5 **so this sort of behavior was completely uncalled for.**

6 **176. The papers turned out to be nothing more than Ms. Shaw playing the damsel**
7 **in distress routine as she went to extraordinary lengths to portray herself as a victim.**

8 **177. Mr. Webb waited for his turn to be called before the Judge in which most of**
9 **the seating area was not visible from Mr. Webb's location.**

10 **178. As Mr. Webb was walking out of courtroom after pleading not guilty the**
11 **same unknown male subject plus another unknown plain clothed male subject got up out**
12 **of their seats as they waited over 1 hour just to confront Mr. Webb again.**

13 **179. The 2 unknown male subjects then opened the double doors for Mr. Webb**
14 **and followed him down hallway to the elevators.**

15 **180. Mr. Webb was aggressively confronted by the unknown male subjects at the**
16 **elevators who then proceeded to try to intimidate Mr. Webb by rattling off information**
17 **that only his family and attorney knew.**

18 **181. These unknown male subjects knew what hotel Mr. Webb was staying at as**
19 **well the rental car he was driving along with other information they should not have**
20 **known.**

21 **182. It is unclear how this information was attained but Plaintiff was obviously**
22 **tracked down by these people who could have been very dangerous as Mr. Webb did not**
23 **know who they were and they could have been influenced by Ms. Shaw's rhetoric.**

24 **183. Two days later on Friday 4/4/2014 Mr. Webb walked out of his hotel to his**
25 **rental car after breakfast and noticed a black mini SUV approximately 50-75 yards away**
26 **in a parking lot adjacent to the hotel parking lot that appeared to have an unknown person**
27 **in it that was taking pictures of Plaintiff.**

28

1 **184. Mr. Webb exited his hotel a couple of hours later and the mini SUV was still**
2 **in the parking lot with a person inside.**

3 **185. Mr. Webb got into his rental car and had to drive straight towards the mini**
4 **SUV to exit the hotel parking lot in which he did confirm that there was an unknown**
5 **plain clothed subject staking him out and taking pictures.**

6 **186. The unknown subject then proceeded to pull behind Mr. Webb and follow**
7 **him as he drove to Target which was approximately 10 minutes away.**

8 **187. When Mr. Webb returned to his rental car once he left Target the unknown**
9 **subject pulled out behind Plaintiff once again blatantly snapping pictures as he looked in**
10 **his rear view mirror at a stoplight.**

11 **188. The unknown subject proceeded to follow him to his hotel and parked in the**
12 **spot as before.**

13 **189. It is not clear when this unknown subject arrived at his hotel that morning**
14 **but the unknown subject did stake him out the entire day.**

15 **190. It is unclear what sort of danger Mr. Webb may have been in during this**
16 **obvious intimidation attempt.**

17 **191. If the PCSD and PCAO spent the hours wasted on staking him out actually**
18 **doing an investigation then Mr. Webb would not have gone through that experience.**

19 **192. Mr. Webb most likely was surveilled the entire time he was in Pima County**
20 **but it is unknown what methods were used such as tracking his financial records, tapping**
21 **his phone, visual surveillance, etc.**

22 **193. Mr. Webb was sent a plea deal by DCA Wilson on 4/8/2014 which he of**
23 **course later declined as he was innocent.**

24 **194. The Case Management Conference on 5/2/2014 was rescheduled for**
25 **5/14/2014 as Mr. Webb's attorney had provided the PCAO with additional evidence from**
26 **a download of Mr. Webb's private phone performed by the defense to give the PCAO**
27 **time to review the findings.**

28

1 **195. On 5/2/2014 the PCAO asked Detective Castillo to provide them with Mr.**
2 **Webb's private phone so the PCAO could perform a download themselves meaning even**
3 **more unnecessary people would viewing his private information.**

4 **196. The PCAO returned Mr. Webb's private phone to Detective Castillo on**
5 **5/2/2014 along with a CD of the download which Detective Castillo placed into evidence.**

6 **197. Mr. Webb's attorney met with the prosecution in between the court dates to**
7 **discuss the evidence presented to the prosecution.**

8 **198. A STIPULATION was filed on 5/9/2014 to preserve the ability of the**
9 **defense to file a motion to remand pursuant to Rule 12.9 of the Arizona Rules of**
10 **Criminal Procedure extending the deadline for 2 weeks from 5/12/2014 to 5/27/2014.**

11 **199. Ironically, Detective Castillo reenters the case even though he specifically**
12 **told Ms. Shaw on 3/25/2014 in the recorded interview that once Mr. Webb is arrested and**
13 **the PCSD completes the investigation he does not have further involvement unless he is**
14 **subpoenaed to testify in court.**

15 **200. Detective Castillo was not subpoenaed to testify in court but did further his**
16 **investigation, meaning that his investigation was not complete as of 3/25/2014 and DCA**
17 **Wilson should not have moved forward with the evidence that he had leading up to the**
18 **Grand Jury Hearing, by doing a phone interview with Ms. Shaw's sister on 5/13/2014 "in**
19 **order to obtain further information about Jill and Wades relationship."**

20 **201. Detective Castillo and DCA Wilson should never need further information**
21 **about Ms. Shaw and Mr. Webb's relationship on 5/13/2014 after he is already indicted on**
22 **a Class 3 Felony of Stalking Ms. Shaw.**

23 **202. Detective Castillo did nothing for 49 days while Mr. Webb was losing years**
24 **of his life and going through absolute hell in the process.**

25 **203. At the 2nd Case Management Conference on 5/14/2014 the defense asked**
26 **for a 3 week extension as a Motion to Remand to Grand Jury was forthcoming and the 3rd**
27 **Case Management Conference was scheduled for 6/6/2014.**

28

1 **204. On 5/21/2014 a MOTION TO EXTEND PAGE LIMIT** was filed to
2 increase the page limit from 10 to 16 pages in order to address all applicable facts and
3 law permitting the filing of **Defendant’s Motion To Remand To Grand Jury For**
4 **Redetermination of Probable Cause.**

5 **205. On 5/21/2014 a PETITION FOR SHORTENING TIME** was filed
6 petitioning the Court for an Order Shortening Time, pursuant to Rule 35 of the Arizona
7 Rules of Criminal Procedure, for hearing a **Defendant’s Motion To Remand To Grand**
8 **Jury For Redetermination of Probable Cause**, for the following reason: **Defendant is**
9 **living in a hotel in Tucson, AZ pending this case. His home is the State of Kentucky.**

10 **206. On 5/21/2014 DEFENDANT’S MOTION TO REMAND TO GRAND**
11 **JURY FOR REDETERMINATION OF PROBABLE CAUSE** was filed stating –
12 “This motion is made pursuant to the Due Process clause of the 14th Amendment to the
13 U.S. Constitution, Art. II § 4 of the Arizona Constitution, A.R.S. § 13-206, Ariz. R. Crim.
14 P. 12.9, A.R.S. § 36-2801 et seq., and relevant case law. This Motion is supported by the
15 attached Memorandum of Points and Authorities, the exhibits attached thereto, and the
16 record in this case.”

17 **207. Page 16 of the DEFENDANT’S MOTION TO REMAND TO GRAND**
18 **JURY FOR REDETERMINATION OF PROBABLE CAUSE** states – “Mr. Webb
19 was deprived of his due process right to a fair and impartial presentation of the evidence
20 when the prosecutor failed to instruct the jury on relevant statute and when the detective
21 failed to provide an “accurate picture” of the substantive facts. Had the State corrected
22 the testimony, the Grand Jury could well have determined that there was convincing
23 evidence of lawful conduct, and returned a no bill. By failing to instruct the Grand Jury
24 on the law pursuant to A.R.S. § 13-2923 and the salient exculpatory facts, the State
25 violated Mr. Webb’s due process rights to an unbiased Grand Jury, and a fair and
26 impartial presentation of the evidence.”

1 **208. On 5/22/2014 an ORDER was issued by the Judge on the Defendant's**
2 **Motion To Remand To Grand Jury For Redetermination of Probable Cause and**
3 **scheduled for 6/16/2014.**

4 **209. On 6/6/2014 at the 3rd Case Management Conference Mr. Webb's attorney**
5 **informs the Court that the State will be submitting a Motion to Dismiss, that a Motion to**
6 **Remand remains outstanding, and the defense has no objection to the new motion.**

7 **210. DCA Wilson provided the Court with a Motion to Dismiss in open court, it**
8 **was then ORDERED by the Judge that the Motion to Dismiss is granted, further**
9 **ORDERED that any outstanding hearings are vacated.**

10 **211. On 6/9/2014 a MOTION TO RELEASE PROPERTY was filed so Mr.**
11 **Webb's personal property would be returned to him as there was no need for the PCSD to**
12 **hold his personal property once the case was over.**

13 **212. The PCAO and PCSD never refuted the Constitutional Rights Violations that**
14 **Mr. Webb claimed in the Motion To Remand To Grand Jury For Redetermination Of**
15 **Probable Cause.**

16 **213. No filings were submitted by DCA Wilson to defend the PCAO and the**
17 **PCSD against Mr. Webb's accusations.**

18 **214. DCA Wilson chose to not attend the Hearing to defend the PCAO and the**
19 **PCSD against Mr. Webb's accusations.**

20 **215. The Motion to Remand contained no facts that the PCSD and PCAO did not**
21 **already have access to or know about.**

22 **216. The PCAO instead chose to dismiss the case as quickly as possible but only**
23 **after Mr. Webb's accurate accusations that the PCAO and PCSD did violate Mr. Webb's**
24 **Constitutional Rights that are guaranteed to him as a citizen of the United States of**
25 **America and know it.**

26 **217. No one in Pima County ever contacted Mr. Webb to even attempt to offer**
27 **restitution for the twelve weeks Mr. Webb endured solely because of the incompetence of**
28 **employees of the PCAO and PCSD as Ms. Shaw made a fool out of every single person.**

1 218. Plaintiff incurred expenses of more than \$7,000 in hotel bills, approximately
2 \$2,000 or more in rental car expenses, and at least \$2,500 in basic living expenses.

3 219. Knowing that Mr. Webb was using a public defender these sort of expenses
4 would be devastating to his financial situation plus the fact he lives in Kentucky the
5 PCAO and PCSD knew there would be an almost zero percent chance that they would
6 ever be held accountable for their actions.

7 220. Mr. Webb was in almost the exact same position as he was 5 years
8 previously but this time through no fault of his own.

9 221. Mr. Webb's problems were not over just because the charge was dismissed.

10 222. Plaintiff's problems just began as his life was destroyed during the twelve
11 week assault and he was not appointed an attorney as he should have been to assist him in
12 legally retaliating against his violators.

13 223. Title 42 U.S.C. § 1983 secures Plaintiff's rights to bring his violators to
14 justice as any person who, under color of any statute, ordinance, regulation, custom, or
15 usage, of any State subjects, or causes to be subjected, any citizen of the United States to
16 the deprivation of any rights, privileges, or immunities secured by the United States
17 Constitution or the laws of the United States, shall be liable to the injured party.

18 **V: COUNT ONE**

19 **VIOLATION OF 42 U.S.C. § 1983;**

20 **FOURTEENTH AMENDMENT VIOLATIONS**

21 **DEFENDANTS DETECTIVE CASTILLO AND PIMA COUNTY**

22 224. Plaintiff realleges and incorporates all allegations in paragraphs 1-223 as if
23 fully set forth herein;

24 225. Plaintiff was indicted on a Class Three Felony of "Stalking, Domestic
25 Violence," Jill Shaw when the jurors at the Grand Jury Hearing on 3/25/2014 returned a
26 true bill by a vote of 14-2.

27 226. Plaintiff was accused of violating A.R.S. §§ 13-2923 (A)(2) and (B), A.R.S.
28 13-3601.

1 **227. The jurors made determinations based on the investigation and subsequent**
2 **testimony of Detective Castillo, who was the sole witness, in which the Detective made a**
3 **multitude of errors that were presented as “facts” including directly contradicting his**
4 **testimony during a phone interview with Ms. Shaw after he already testified and**
5 **providing the jurors with false information from Ms. Shaw that Detective Castillo**
6 **presented as “facts”.**

7 **228. Had Detective Castillo adequately investigated the past relationship between**
8 **Plaintiff and Ms. Shaw, including their contact over the years, their contact in 2014, and**
9 **the extent of their relationship, resulting in presenting to the jurors correct facts during**
10 **his testimony, the jurors may have returned a no bill, regardless of not even being**
11 **informed correctly of what they were voting on, and Plaintiff would not be indicted.**

12 **229. By Detective Castillo, acting within the scope of his employment as a state**
13 **actor, not properly investigating the case, providing incorrect facts to the jurors as to the**
14 **extent of Plaintiff and Ms. Shaw’s relationship, informing Ms. Shaw during a recorded**
15 **phone interview that he was no longer involved with the case after he testified at the**
16 **Grand Jury Hearing unless he was called to testify, and subsequently continuing his**
17 **investigation into Plaintiff and Ms. Shaw’s relationship 7 weeks after he testified, among**
18 **others, subjected Plaintiff, as a citizen of the United States, to the deprivation of**
19 **Plaintiff’s rights, privileges, and immunities secured to Plaintiff by the Fourteenth**
20 **Amendment of the United States Constitution thereby depriving ,and continuing to**
21 **deprive, Plaintiff of liberty and property without due process of law, and denying, and**
22 **continuing to deny, Plaintiff equal protection of the law.**

23 **230. As a direct and proximate result of the failures of Detective Castillo Plaintiff**
24 **has suffered injury including, but not limited to, humiliation, embarrassment, economic**
25 **loss, emotional distress, loss of enjoyment of life, and permanent damage to reputation,**
26 **and will continue to suffer such injuries for Plaintiffs entire life.**

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VI. COUNT TWO
VIOLATION OF 42 U.S.C. § 1983;
FOURTEENTH AMENDMENT VIOLATIONS
DEFENDANTS PIMA COUNTY ATTORNEY BARBARA LAWALL AND PIMA
COUNTY

231. Plaintiff realleges and incorporates all allegations in paragraphs 1-230 as if fully set forth herein;

232. Pima County Attorney Barbara LaWall outlines the steps throughout the criminal justice process on the PCAO website, <http://www.pcao.pima.gov/criminaljusticeprocess.aspx>.

233. Before bringing formal charges against a citizen, a Deputy County Attorney, under CA LaWalls direction, will review all of the evidence presented to the DCA by a detective and then, guided by legal and ethical rules, will determine whether to issue formal charges and what those charges shall be.

224. Once the evidence is determined to be sufficient to file formal felony charges the decision shall be reviewed by a neutral third party, a Grand Jury, and a case may only proceed if the jurors agree that there is “probable cause” to believe a citizen committed the crime(s) that the citizen is charged with, and if so the formal charging document is called an Indictment.

225. CA LaWall claims that a Grand Jury “provides an important check on the government to prosecute its citizens.”

226. DCA Kendrick Wilson, and/or DCA Michelle Chamblee, under CA LaWalls direction, determined, after reviewing the evidence, that Detective Castillo’s investigation warranted a “Stalking, Domestic Violence, Class 3 Felony” against Plaintiff.

227. DCA Chamblee presided over the Hearing, accepted Detective Castillo’s testimony, and failed to instruct the jurors on the elements required to prove Stalking under A.R.S. § 13-2923 (A)(2) and (B).

1 228. At the end of the Hearing, just before the jurors voted, a juror asked the only
2 legal question at the Hearing seeking clarification of A.R.S. § 13-3601(A)(6)(d) by
3 asking “If their relationship has terminated, the length of time since termination can be
4 considered. What sort of consideration can be made?”

5 229. A.R.S. § 13-3601(6) states “The following factors may be considered in
6 determining whether the relationship between the victim and the defendant is currently or
7 was previously a romantic or sexual relationship:” and (d) states “If the relationship has
8 terminated, the length of time since the termination.”

9 230. DCA Chamblee then slightly covers A.R.S. § 13-3601(A)(6)(a-c) in which
10 (a) states “The type of relationship.”; (b) states “The length of the relationship.”; and (c)
11 states “The frequency of the interaction between the victim and the defendant.” DCA
12 Chamblee tells the jurors all of those can be considered.

13 231. The jurors did not have anywhere close to the correct facts to even consider
14 A.R.S. § 13-3601(A)(6) in their deliberations and that is the only thing they asked about.

15 232. At the end of the INDICTMENT document, before DCA Chamblee signs
16 and dates it, BARBARA LAWALL PIMA COUNTY ATTORNEY is typed directly
17 above the signature and by CA LaWall attaching her name to the document is responsible
18 for Plaintiff being charged with “STALKING, DOMESTIC VIOLENCE, A CLASS
19 THREE FELONY”.

20 233. The caption page of every court filing made by the PCAO states “The State
21 of Arizona, by and through the Pima County Attorney, BARBARA LAWALL, and her
22 Deputy, KENDRICK WILSON,...” and under the date of submission BARBARA
23 LAWALL PIMA COUNTY ATTORNEY is typed directly above where DCA Wilson
24 signs the filing.

25 234. CA Barbara LaWall, acting in the scope of her employment as a state actor,
26 is directly responsible for the failure of the criminal justice process in Plaintiffs case from
27 the time of the formal charging decision to the dismissal of the case to the present day.
28

1 235. CA LaWall failed the check on the government's power to prosecute its own
2 citizens, aggressively pursued a felony charge that Plaintiff was not even charged with,
3 dismissed the case only once it was known that there were Constitutional violations with
4 the Grand Jury Hearing, chose to not offer Plaintiff prompt restitution for her failures,
5 among others, then walked away like nothing ever happened leaving Plaintiff to pick up
6 the pieces of his life.

7 236. CA LaWall subjected Plaintiff, as a citizen of the United States, to the
8 deprivation of Plaintiff's rights, privileges, and immunities secured to Plaintiff by the
9 Fourteenth Amendment of the United States Constitution thereby depriving, and
10 continuing to deprive, Plaintiff of liberty and property without due process of law, and
11 denying, and continuing to deny, Plaintiff equal protection of the law.

12 237. As a direct and proximate result of the failures and deliberate indifference to
13 Plaintiff's rights by CA LaWall Plaintiff has suffered injury including, but not limited to,
14 humiliation, embarrassment, economic loss, emotional distress, loss of enjoyment of life,
15 and permanent damage to reputation, and will continue to suffer such injuries for
16 Plaintiff's entire life.

17 **VII. COUNT THREE**
18 **VIOLATION OF 42 U.S.C. § 1983;**
19 **FOURTEENTH AMENDMENT VIOLATIONS**
20 **DEFENDANTS FORMER PIMA COUNTY SHERIFF CLARENCE DUPNIK**
21 **AND PIMA COUNTY**

22 238. Plaintiff realleges and incorporates all allegations in paragraphs 1-237 as if
23 fully set forth herein;

24 239. Sheriff Dupnik presided over the PCSD from 1980-2015 which includes
25 Plaintiff's encounter with employees of the PCSD in 2014 in which those employees were
26 trained according to the policies and procedures implemented by Dupnik.

27 240. On the website of the PCSD, which was in effect before 3/15/2014, there is a
28 Law Enforcement Code of Ethics that all PCSD employees are to adhere to and a Loyalty

1 Oath that all PCSD employees are bound by.

2 (https://www.pimasheriff.org/files/2414/0571/5039/Ethics_Oath_MissionStatement_0111
3 [12.pdf.](#))

4 241. Both the Code of Ethics and Loyalty Oath make claims of Constitutionality
5 regarding the actions of all employees of the PCSD including “respect(ing) the
6 Constitutional rights of all people to liberty, equality, and justice” and that “as a member
7 of the Pima County Sheriff’s Department, (I) do solemnly swear (or affirm) that I will
8 support the Constitution of the United States and the Constitution and laws of the State of
9 Arizona.”

10 242. Sheriff Dupnik is responsible for ensuring that he and all personnel adhere to
11 the ethics and the oath and to have policies and procedures, along with adequate training
12 and supervision, in place if there are issues with the ethics and/or the oath of PCSD
13 personnel.

14 243. The PCSD was aware of a 911 call in which Ms. Shaw was threatening
15 suicide in June 2013 in which the PCSD responded and Ms. Shaw was hospitalized.

16 244. The PCSD was aware that Plaintiff called 911 for a welfare check on Ms.
17 Shaw for threatening suicide once again.

18 245. Ms. Shaw claimed that she was fine, just as she did in 2013, and told Deputy
19 Sharp she has not had suicidal thoughts since June 2013.

20 246. Plaintiff provided proof, when requested by Deputy Sharp, that Ms. Shaw
21 had indeed threatened suicide in 2014.

22 247. Detective Castillo was assigned the case and, just as Deputy Sharp, did not
23 question whether Ms. Shaw’s claims were true even though Ms. Shaw was already
24 known to the PCSD to be suicidal and unstable.

25 248. Detective Castillo’s supervisors and beyond should have been aware that
26 Constitutionality claims were raised with Detective Castillo’s investigation and
27 testimony, that the PCSDs own ethics and oath were violated, and taken immediate action
28 to remedy the situation with Plaintiff.

1 249. Instead, the system instituted by Dupnik failed to ensure PCSD employees
2 were in compliance with the United States Constitution and its own policies, ethics, and
3 oath.

4 250. By not taking immediate and swift action to rectify obvious errors Sheriff
5 Dupnik, acting in the scope of his employment as a state actor, subjected Plaintiff, as a
6 citizen of the United States, to the deprivation of Plaintiff's rights, privileges, and
7 immunities secured to Plaintiff by the Fourteenth Amendment of the United States
8 Constitution thereby depriving, and continuing to deprive, Plaintiff of liberty and
9 property without due process of law, and denying, and continuing to deny, Plaintiff equal
10 protection of the law.

11 251. As a direct and proximate result of the failures of Dupnik's policies and
12 procedures, Plaintiff has suffered injury including, but not limited to, humiliation,
13 embarrassment, economic loss, emotional distress, loss of enjoyment of life, and
14 permanent damage to reputation, and will continue to suffer such injuries for Plaintiff's
15 entire life.

16 **VIII. COUNT FOUR**

17 **VIOLATION OF 42 U.S.C. § 1983;**

18 **FOURTEENTH AMENDMENT VIOLATIONS**

19 **DEFENDANTS PIMA COUNTY SHERIFFS NANOS AND NAPIER AND PIMA**
20 **COUNTY**

21 252. Plaintiff realleges and incorporates all allegations in paragraphs 1-251 as if
22 fully set forth herein;

23 253. Sheriff Christopher Nanos served as Pima County Sheriff from 2015-2017
24 and Sheriff Mark Napier has served from 2017-present.

25 254. Nanos and Napier are bound by the same ethics and oath as Dupnik and all
26 PCSD employees and the ethics and oath has not changed during either of their
27 administrations.
28

1 **255. As with any new administration, Nanos and Napier are responsible for**
2 **having policies and procedures in place to investigate and rectify any and all outstanding**
3 **issues left by a previous administration(s).**

4 **256. If Nanos and/or Napier are aware or become aware, as they should be by**
5 **their own policies and procedures, and did not take immediate action, which was not**
6 **done, then Nanos and Napier have subjected Plaintiff, as a citizen of the United States, to**
7 **the deprivation of Plaintiff's rights, privileges, and immunities secured to Plaintiff by the**
8 **Fourteenth Amendment of the United States Constitution thereby depriving ,and**
9 **continuing to deprive, Plaintiff of liberty and property without due process of law, and**
10 **denying, and continuing to deny, Plaintiff equal protection of the law.**

11 **257. By not taking immediate action and/or by not even being aware of the**
12 **outstanding issues of previous administrations, Plaintiff has suffered and is suffering**
13 **injury including, but not limited to, humiliation, embarrassment, economic loss,**
14 **emotional distress, loss of enjoyment of life, and permanent damage to reputation, and**
15 **will continue to suffer such injuries for Plaintiffs entire life.**

16 **IX. COUNT FIVE**
17 **VIOLATION OF 42 U.S.C. § 1983;**
18 **FOURTEENTH AMENDMENT VIOLATIONS**
19 **DEFENDANT PIMA COUNTY**

20 **258. Plaintiff realleges and incorporates all allegations in paragraphs 1-257 as if**
21 **fully set forth herein;**

22 **259. Pima County is responsible and liable for all the acts and omissions of the**
23 **Pima County Sheriffs Department and all PCSD employees contained in this Complaint,**
24 **and the Pima County Attorneys Office and all PCAO employees contained in this**
25 **Complaint, as prescribed in Counts 1-4.**

26 **260. The PCSD and PCAO were and are clearly aware of the mistakes made in**
27 **the criminal case against Plaintiff as the court filings alone in the criminal case indicate**
28 **the seriousness as to the Constitutionality of even pursuing a felony charge against**

1 Plaintiff for 74 days much less Plaintiff even being indicted on the felony charge to begin
2 with.

3 261. The PCSD and PCAO did not defend themselves against Plaintiffs
4 allegations in the Motion to Remand to Grand Jury for Redetermination of Probable
5 Cause as the allegations plainly state:

6 262. "By failing to instruct the Grand Jury on the law pursuant to A.R.S. § 13-
7 2923 and the salient exculpatory facts, Chamblee/LaWall violated Mr. Webb's due
8 process rights to an unbiased Grand Jury, and a fair and impartial presentation of the
9 evidence."

10 263. By not filing any opposing documents to the motion to remand, choosing not
11 to attend the hearing on the motion to remand, choosing not to further pursue the felony
12 only after the motion to remand, and subsequently dismissing the "STALKING,
13 DOMESTIC VIOLENCE, A CLASS THREE FELONY" at the next available court date,
14 among others, DCA Wilson/LaWall know 100%, as evident by their actions, that Plaintiff
15 was denied his due process rights.

16 264. Pima County, through the PCSD, the PCAO, and their relevant employees
17 acting under the color of their employment as state actors, subjected Plaintiff, as a citizen
18 of the United States, to the deprivation of Plaintiff's rights, privileges, and immunities
19 secured to Plaintiff by the Fourteenth Amendment of the United States Constitution
20 thereby depriving, and continuing to deprive, Plaintiff of liberty and property without due
21 process of law, and denying, and continuing to deny, Plaintiff equal protection of the law.

22 265. As a direct and proximate result of the failures of Pima County, Plaintiff has
23 suffered injury including, but not limited to, humiliation, embarrassment, economic loss,
24 emotional distress, loss of enjoyment of life, and permanent damage to reputation, and
25 will continue to suffer such injuries for Plaintiffs entire life.

26 WHEREFORE, Plaintiff demands judgment against Defendants, jointly and
27 severally, as follows:

28 1. By awarding compensatory damages.

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2. By awarding punitive damages.
3. By awarding attorney fees.
4. By awarding all other relief that the Court deems just and appropriate.

RESPECTIVELY SUBMITTED this 22nd day of June 2018.



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