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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA,
MISSOULA DIVISION

PAUL JENKINS, KENNETH JENKINS, and) Case No.:
CRYSTAL COMBS,)

Plaintiffs,)

vs.)

RAVALLI COUNTY; STERLING MAUS, in) **COMPLAINT AND JURY**
his individual and official capacities;) **DEMAND**

JEFFERSON COUNTY; TOM DAWSON, in)
his individual and official capacities; TIM)
CAMPBELL, in his individual and official)
capacities; JAY CARLSON, in his individual)
and official capacities; LEWIS AND CLARK)
COUNTY; CHUCK O'REILLY, in his)
individual and official capacities; SAM)
MCCORMACK, in his individual and official)
capacities; ; REED SCOTT, in his individual)
and official capacities; and JOHN DOES I -)
10, in their individual and official capacities;)

Defendants.)

COME NOW, Plaintiffs Paul Jenkins (herein "Mr. Jenkins"), Kenneth
Jenkins (herein "Mr. K. Jenkins"), and Crystal Combs (herein "Mrs.
Combs"), by and through their attorneys of record, and for their Complaint
against Defendants allege and state as follows:

INTRODUCTION

1. This is a civil rights complaint for monetary damages for the

1 extensive injuries suffered by Mr. Jenkins and his children as a direct result
2 of his wrongful conviction on charges of: (1) Deliberate Homicide; (2)
3 Aggravated Kidnapping; and (3) Robbery for the murder of Donna Meagher
4 (herein “Mrs. Meagher”) in 1994.

5 2. As a direct result of the acts and omissions of the above-named
6 Defendants, Mr. Jenkins spent over twenty-three (23) years in prison for
7 crimes DNA evidence now proves he did not commit. For most of those
8 twenty-three (23) years, Mrs. Meagher’s real killer, David Nelson (herein
9 “Mr. D. Nelson”), remained at large and committed multiple other crimes
10 including robberies and murders. During his incarceration, Mr. Jenkins’s
11 children were deprived of the love, guidance and companionship of their
12 father.

13 3. Mr. Jenkins’s wrongful conviction was the result of serious
14 misconduct by the investigating officers—Tim Campbell (herein “Mr.
15 Campbell”), Sam McCormack (herein “Mr. McCormack”), Jay Carlson
16 (herein “Mr. Carlson”), Reed Scott (herein “Mr. Scott”), and Judy
17 Stansberry (herein “Ms. Stansberry”)—who fabricated evidence, hid
18 exculpatory evidence, and otherwise engaged in misconduct to convict two
19 (2) innocent men. These Defendants carried out this misconduct with the
20 explicit consent, and often at the explicit instruction of the Jefferson County

1 Sheriff, Tom Dawson (herein "Mr. Dawson"), and the Lewis and Clark
2 County Sheriff, Chuck O'Reilly (herein "Mr. O'Reilly").

3 4. After spending the seven (7) months following Mrs. Meagher's
4 murder chasing dead-end leads, investigators latched on to the obviously
5 unreliable statements from Fred Lawrence's father-in-law, Dan Knipschield
6 (herein "Mr. Knipschield"). Investigators knew Mr. Knipschield was a liar
7 with a history of making false accusations. Mr. Knipschield falsely
8 implicated Mr. Jenkins and Fred Lawrence (herein "Mr. Lawrence") in order
9 to collect reward money and receive other benefits.

10 5. Despite Mr. Knipschield's nonsensical accusations that
11 contradicted known facts about Mrs. Meagher's murder, investigators made
12 Mr. Jenkins and Mr. Lawrence their prime suspects. At the time of Mrs.
13 Meagher's murder, Mr. Jenkins was a former police officer from Oklahoma
14 who had recently moved his family to Montana with the hopes that the
15 Radon Health Mines in Boulder, Montana would help his wife, Mary Jenkins
16 (herein "Mrs. Jenkins") recover from breast cancer and dementia.

17 6. Mr. Jenkins suffered from diabetes and did not consume
18 alcohol. He had never been in the Jackson Creek Saloon (herein the
19 "JCS") where Mrs. Meagher disappeared. Mr. Jenkins continually
20 maintained his innocence and believed in the justice system. He believed

1 authorities would quickly realize their error and that the charges against
2 him would be rapidly dismissed.

3 7. Investigators were unable to corroborate Mr. Knipschild's
4 accusations because they were false. Consequently, Defendants
5 fabricated evidence inculcating Mr. Lawrence and Mr. Jenkins. Mr.
6 McCormack and Mr. Scott interrogated Mr. Lawrence for over seven (7)
7 hours, coercing him to falsely implicate Mr. Jenkins and his severely
8 disabled adoptive son, Jimmy Lee Amos (herein "Mr. Amos"). When Mr.
9 Lawrence told these Defendants that he was innocent and knew nothing
10 about Mrs. Meagher's murder, they threatened to prosecute him and
11 remove him from his wife and children if he did not tell them what they
12 wanted to hear.

13 8. Because Mr. Lawrence was actually innocent, he was unable to
14 provide details about how the crime occurred. To make his coerced
15 account of the incident seem more credible, Defendants fed him non-public
16 details about the crime and then falsely claimed these details had
17 originated from Mr. Lawrence.

18 9. On September 28, 1994, Mr. Scott, Mr. McCormack and Mr.
19 Carlson traveled to Oklahoma to arrest Mr. Jenkins with the assistance of
20 Ms. Stansberry. Once Mr. Jenkins was arrested, he was briefly jailed in

1 Oklahoma and then transported back to Montana. At no time during his
2 jailing in Oklahoma or transportation back to Montana was Mr. Jenkins
3 questioned despite the fact that he was a former police officer and the only
4 person who was not suffering from serious mental health issues or illness.

5 10. Mr. Scott, Mr. McCormack and Mr. Carlson knew that if they
6 interviewed Mr. Jenkins, he would be able to easily explain away key
7 pieces of fabricated evidence. Mr. Jenkins spent over two (2) days in a
8 vehicle with Mr. Scott, Mr. McCormack, and Mr. Carlson, yet he was never
9 once questioned.

10 11. Instead, after arresting Mr. Jenkins, the investigators then
11 turned to two (2) even more vulnerable sources than Mr. Lawrence, Mrs.
12 Jenkins and Mr. Amos. At the time, Mrs. Jenkins was married to Mr.
13 Jenkins and suffered from dementia brought on by early-onset Alzheimer's
14 disease. Mr. Amos had severe intellectual disabilities, was extremely low
15 functioning, and had the IQ of a small child. Neither possessed any
16 incriminating information to recount to investigators and they were so
17 cognitively limited they could not even provide coherent narratives of past
18 events on their own. This was obvious to Defendants who interviewed
19 them.

20 12. When Mrs. Jenkins and Mr. Amos failed to provide evidence

1 implicating Mr. Jenkins and Mr. Lawrence in Mrs. Meagher's murder,
2 Defendants fabricated statements from both individuals. These Defendants
3 used leading questions, coercion, undue influence, and direct suggestion to
4 falsify and fabricate statements from Mrs. Jenkins and Mr. Amos. To gain
5 additional control over Mrs. Jenkins and Mr. Amos, Defendants coerced
6 them to implicate themselves, permitting investigators to threaten each of
7 them with charges over the course of the investigation.

8 13. Defendants turned tape recorders on and off while interviewing
9 witnesses to falsely create the appearance that both witnesses were
10 volunteering narrative accounts implicating Mr. Lawrence, themselves, and
11 Mr. Jenkins in the murder, and that these accounts originated with Mr.
12 Amos and Mrs. Jenkins. Defendants created false reports claiming that
13 witnesses had provided a more compelling and detailed narrative account
14 implicating Mr. Lawrence and Mr. Jenkins when they were not being
15 recorded.

16 14. To improve their case, Defendants intentionally used unduly
17 suggestive identification procedures, many months after the crime, to
18 obtain false "evidence" linking Mr. Jenkins's and Mr. Lawrence's vehicles to
19 the crime scene. In reality, the initial reports of vehicle sightings near the
20 crime scenes more closely matched a vehicle owned by Mr. D. Nelson, the

1 true perpetrator.

2 15. Before trial, Mr. Lawrence and Mr. Jenkins moved to suppress
3 the testimony of both Mrs. Jenkins and Mr. Amos on the basis that their
4 cognition was so low they were not competent to testify. Despite the
5 extraordinarily low bar for establishing competency to testify, after watching
6 Mr. Amos's completely incoherent testimony at the hearing, the court ruled
7 he could not testify at the criminal trial.

8 16. The evidence demonstrated that Mrs. Jenkins was similarly
9 limited, including expert testimony about her grave dementia and
10 suggestibility. When she took the stand at the hearing, she was unable to
11 remember anything from the accounts of the crime Defendants claimed she
12 had given, and she could not even remember being tape recorded by
13 investigators. Nevertheless, based on Defendants' misrepresentations that
14 she communicated a coherent narrative when they took her statement, the
15 Court permitted her to testify at trial.

16 17. No physical evidence linked Mr. Lawrence or Mr. Jenkins to the
17 crime in any way. Instead, the prosecution hinged on the evidence
18 Defendants had coerced and fabricated: principally, the fabricated
19 statements attributed to Mrs. Jenkins; the coerced, fabricated statements
20 attributed to Mr. Lawrence; and the vehicle identifications that were

1 obtained through either direct suggestion or fabricated entirely.

2 18. Defendants' falsified reports of Mrs. Jenkins's statements were
3 the crux of the State's case at trial, with the prosecutor stating during her
4 competency hearing: "Without this evidence we don't have a case. We are
5 not able to proceed."

6 19. Despite Mrs. Jenkins's obvious memory issues and the fact that
7 she had accused Defendants of "putting words in her mouth" on tape,
8 Defendants' falsified reports that she had incriminated Mr. Jenkins and Mr.
9 Lawrence, in combination with Defendants' coerced and fabricated
10 statements elicited from Mr. Lawrence, led a jury to convict Mr. Jenkins of
11 Mrs. Meagher's murder. Mr. Jenkins was sentenced to two (2) terms of life
12 in prison and forty (40) years, all to run concurrently.

13 20. In 1999, only four (4) years after Mr. Jenkins's conviction, the
14 Ravalli County Sheriff's Office, including Detectives J.R. Chinn (herein "Mr.
15 Chinn") and Sterling Maus (herein "Mr. Maus"), had an opportunity to right
16 a wrong and mitigate the damage caused by Mr. Jenkins's wrongful
17 conviction. Fred Nelson (herein "Mr. F. Nelson"), the nephew of the true
18 perpetrator, Mr. D. Nelson, told them about his uncle's detailed confession
19 to Mrs. Meagher's murder. This confession included non-public and
20 accurate details about the crime. Mr. F. Nelson even told the officers how

1 his uncle had said “two mentally challenged kids took the rap” for his crime.
2 Mr. D. Nelson had no relationship to Mr. Lawrence or Mr. Jenkins. These
3 Defendants failed to pass along Mr. F. Nelson’s recitation of the confession
4 or photos taken of Mr. D. Nelson’s car, which had been used in the murder,
5 to any state or local law enforcement agencies. As a result, Mr. Jenkins
6 remained wrongfully imprisoned and Mr. D. Nelson would go on to kill
7 again.

8 21. On April 13, 2018, a court in Montana’s First Judicial District
9 (herein the “Court”) vacated Mr. Jenkins’s convictions after DNA testing on
10 several pieces of evidence failed to reveal the presence of Mr. Jenkins’s or
11 Mr. Lawrence’s DNA. The DNA testing did, however, reveal the presence
12 of Mr. D. Nelson’s DNA on a section of rope found near Mrs. Meagher’s
13 body. Mr. Lawrence and Mr. Jenkins have been eliminated as contributors
14 to any DNA profile found on the tested evidence.

15 22. The Court acknowledged Mr. D. Nelson as the true perpetrator,
16 stating “[t]he physical evidence, and the statements and testimony of Fred
17 Nelson, support the theory that David Nelson, a known killer, was involved
18 in the . . . homicide of Donna Meagher.” Law enforcement authorities
19 continue to investigate Mr. D. Nelson for Mrs. Meagher’s murder. On June
20 1, 2018, all charges against Mr. Jenkins and Mr. Lawrence were dismissed.

1 27. Mr. K. Jenkins is a resident of the State of Oklahoma.

2 28. Mrs. Combs is a resident of the State of Montana.

3 29. Defendant Jefferson County is a political organization existing
4 under the laws of the State of Montana and, was at all times relevant
5 herein, responsible for the policies, practices and customs of the Jefferson
6 County Sheriff's Department, which is a law enforcement agency for
7 Jefferson County, Montana.

8 30. Defendant Tom Dawson was, at all times relevant herein,
9 Sheriff of Jefferson County and a resident of the State of Montana. Upon
10 information and belief, Mr. Dawson remains a resident of the State of
11 Montana. Mr. Dawson is being sued in both his official and individual
12 capacity.

13 31. Defendant Tim Campbell was, at all times relevant herein,
14 Undersheriff of Jefferson County and a resident of the State of Montana.
15 Upon information and belief, Mr. Campbell remains a resident of the State
16 of Montana. Mr. Campbell is being sued in both his official and individual
17 capacity.

18 32. Defendant Jay Carlson was, at all times relevant herein, a
19 Deputy Sheriff of Jefferson County and a resident of the State of Montana.
20 Upon information and belief, Mr. Carlson remains a resident of the State of

1 Montana. Mr. Carlson is being sued in both his official and individual
2 capacity.

3 33. Defendant Lewis and Clark County is a political organization
4 existing under the laws of the State of Montana and was, at all times
5 relevant herein, responsible for the policies, practices, and customs of the
6 Lewis and Clark County Sheriff's Office which is a law enforcement agency
7 for Lewis and Clark County, Montana.

8 34. Defendant Chuck O'Reilly was, at all times relevant herein,
9 Sheriff of Lewis and Clark County and a resident of the State of Montana.
10 Upon information and belief, Mr. O'Reilly is a resident of the State of
11 Arizona. Mr. O'Reilly is being sued in his official and individual capacity.

12 35. Defendant Sam McCormack was, at all times relevant herein, a
13 Detective with the Lewis and Clark County Sheriff's Office and a resident of
14 the State of Montana. Upon information and belief, Mr. McCormack
15 remains a resident of the State of Montana. Mr. McCormack is being sued
16 in his official and individual capacity.

17 36. Defendant Ravalli County is a political organization existing
18 under the laws of the State of Montana and was, at all times relevant
19 herein, responsible for the policies, practices, and customs of the Ravalli
20 County Sheriff's Office which is a law enforcement agency for Ravalli

1 County, Montana.

2 37. Defendant Sterling Maus was, at all times relevant herein, a
3 Detective with the Ravalli County Sheriff's Office and a resident of the State
4 of Montana. Upon information and belief, Mr. Maus remains a resident of
5 the State of Montana. Mr. Maus is being sued in his official and individual
6 capacity.

7 38. Defendant Reed Scott was at all times relevant herein, a
8 Detective with the Montana Department of Justice, Division of Criminal
9 Investigation and a resident of the State of Montana. Upon information and
10 belief, Mr. Scott remains a resident of the State of Montana. Mr. Scott is
11 being sued in his official and individual capacity.

12 39. The true names and capacities of Defendants John Does 1–10
13 are unknown to Plaintiffs. Plaintiffs therefore bring this action against the
14 aforementioned Defendants by such fictitious names and will seek leave to
15 amend this Complaint and Jury Demand when their true identities are
16 ascertained, together with additional and further appropriate allegations.

17 **JURISDICTION AND VENUE**

18 40. This action arises under the United States Constitution, the
19 Montana Constitution, and Montana law.

20 41. This Court has original jurisdiction over this matter pursuant to

1 28 U.S.C. § 1331, because some of the claims arise under the United
2 States Constitution. Alternatively, this Court has jurisdiction over this
3 matter pursuant to 28 U.S.C. § 1343 because Defendants acted under the
4 color of state law to deprive Mr. Jenkins of his rights secured by the United
5 States Constitution.

6 42. This Court has supplemental jurisdiction over Mr. Jenkins's
7 claims arising under the Montana Constitution and Montana law pursuant
8 to 28 U.S.C. § 1367(a) because these claims are so related to the original
9 jurisdiction claims that they form part of the same case or controversy.

10 43. Pursuant to 28 U.S.C. § 1391(b)(2), venue is proper in the
11 United States District Court for the District of Montana because a
12 substantial part of the events or omissions giving rise to the claim occurred
13 here.

14 44. Pursuant to Montana Code Annotated § 2-9-301, on December
15 5, 2018, a letter was sent to the Montana Department of Administration
16 (herein the "Department") notifying them of the claims arising out of the
17 allegations contained therein. On December 12, 2018, the Department
18 acknowledged receipt of this letter, but failed to issue a final disposition of
19 the claim within one-hundred and twenty (120) days. Consequently, Mr.
20 Jenkins's claim has received a final denial under Montana Code Annotated

1 § 2-3-301(2).

2 **FACTUAL ALLEGATIONS**

3 **A. Donna Meagher is Murdered by David Nelson.**

4 45. In the early morning hours of January 12, 1994, Mrs. Meagher
5 was closing up the JCS, just off I-15, south of Helena, Montana. Mrs.
6 Meagher was a thirty-four (34) year-old mother of two (2) and sister of the
7 JCS's owners. Mr. D. Nelson entered and robbed the JCS before
8 abducting Mrs. Meagher.

9 46. Mr. D. Nelson forced Mrs. Meagher to give him the keys to the
10 JCS's gaming machines and cash register. Wearing gloves so as to leave
11 no fingerprints, Mr. D. Nelson opened the JCS's gaming machines in rapid
12 succession, stealing the money inside (which totaled less than \$3,500). He
13 also removed money from the JCS's "Shake a Day" prize jar, and took five-
14 dollar bills stamped with a signature red star from a drawer by the cash
15 register.

16 47. Mr. D. Nelson bound Mrs. Meagher at the wrists and ankles
17 with two (2) different lengths of rope and looped a third rope around her
18 neck. He then forced her into his older model, blue-green vehicle and
19 moved her vehicle across the road to hide it.

20 48. Mr. D. Nelson then drove thirteen (13) miles to the edge of

1 Colorado Gulch Road, a rural secluded road near Montana Highway 12
2 west of Helena.

3 49. Mr. D. Nelson forcibly removed Mrs. Meagher, still bound, from
4 his vehicle, leading her by the rope around her neck. Mr. D. Nelson struck
5 Mrs. Meagher with the claw end of a hammer in a blow so forceful the
6 hammer stuck in her head and knocked her to the ground. Mr. D. Nelson
7 then continued beating Mrs. Meagher to ensure she was dead, inflicting no
8 fewer than ten (10) blows to her head, causing eight (8) skull fractures, and
9 heavy bleeding.

10 50. Mr. D. Nelson dragged Mrs. Meagher's body from the side of
11 the road into a ditch, leaving a piece of rope behind before driving off.

12 51. Mr. D. Nelson is a known serial killer and has been convicted of
13 multiple robberies and murders. He is also suspected of having committed
14 multiple additional robberies, abductions, and murders in Florida,
15 California, Nevada, and Washington.

16 52. Mr. D. Nelson is currently serving a life sentence in Montana
17 State Prison after pleading guilty to the 2015 homicides of Greg
18 Giannonatti and his seventy-nine (79) year-old mother, Beverley
19 Giannonatti. Greg Giannonatti died after Mr. D. Nelson repeatedly struck
20 him with a hammer about twelve (12) times, the same way he killed Mrs.

1 Meagher.

2 53. On March 31, 1999, Mr. F. Nelson reported to members of the
3 Ravalli County Sheriff's Office that his uncle, Mr. D. Nelson, confessed to
4 him that "he killed this chick in Helena and robbed the casino she was
5 workin' at" and described taking the woman outside of town in the trunk of
6 his vehicle and hitting her with a hammer, continuing to beat her while she
7 was dying, and then placing her body off the side of the road.

8 54. In 2018, DNA testing matched Mr. D. Nelson to the major male
9 DNA profile present on a rope found near Mrs. Meagher's unbound arm,
10 which had ligature marks on it. The rope also contained Mrs. Meagher's
11 DNA. No DNA from either Mr. Jenkins or Mr. Lawrence—the two men
12 wrongly convicted of the murder—was found at either the Colorado Gulch
13 crime scene where Mrs. Meagher's body was recovered or at the JCS
14 where she was abducted. Mr. Lawrence and Mr. Jenkins have no
15 connection to Mr. D. Nelson.

16 55. Law enforcement authorities continue to investigate Mr. D.
17 Nelson for Mrs. Meagher's murder.

18 **B. Defendants Mr. McCormack and Mr. Scott Begin**
19 **Investigating Mrs. Meagher's Murder at the Direction of**
20 **Mr. Dawson and Mr. O'Reilly.**

20 56. When Mrs. Meagher did not come home from work on the

1 morning of January 12, 1994, her husband drove to the JCS and found the
2 doors to the bar's gaming machines opened and his wife missing.

3 57. Defendants Mr. Dawson—then Jefferson County Sheriff—and
4 his deputy, Mr. Carlson, immediately responded to the JCS and began
5 investigating. The two called for help from both the Montana Criminal
6 Investigation Bureau (herein the "MCIB") and the Montana Department of
7 Justice's Gambling Investigation Bureau (herein the "GIB").

8 58. Before 10:00 a.m. that morning, as the investigation at the JCS
9 was under way, deputies from Lewis and Clark County Sheriff's Office were
10 dispatched to Colorado Gulch after residents of the area discovered Mrs.
11 Meagher's body. Mrs. Meagher's vehicle had already been found behind
12 the Exchange Club, a bar across the road from the JCS.

13 59. Law enforcement officers from Lewis and Clark County,
14 Jefferson County, and the MCIB were given joint responsibility to
15 investigate Mrs. Meagher's murder. Defendant Mr. McCormack of Lewis
16 and Clark County, at the direction of then-Sheriff Mr. O'Reilly was
17 responsible for the investigation at the Colorado Gulch crime scene.
18 Jefferson County Sheriff Mr. Dawson and his deputies took initial
19 responsibility for the scene at the JCS. Mr. Scott from the MCIB also
20 assisted with the investigation.

1 **C. Initial Evidence Points Towards Mr. D. Nelson but**
2 **Defendants Fail to Connect the Dots.**

3 60. From the time Mrs. Meagher's body was discovered, there was
4 very high interest in her brutal murder. Several witnesses called to report
5 seeing unusual cars around the JCS on the night of the crime, and
6 numerous Colorado Gulch residents called in to report seeing unfamiliar
7 cars in the neighborhood in the days following the murder. Several of their
8 descriptions matched the 1984 blue-green Dodge Charger with beige top
9 that Mr. D. Nelson owned in 1994.

10 61. In particular, Mr. D. Nelson's Charger matches the description
11 provided by Kelly Bates (herein "Mr. Bates") within two (2) days of the
12 murder. Mr. Bates said he saw a green, older model 4-door vehicle with a
13 beige top in the parking lot of the JCS between 1:15 and 1:30 a.m. on
14 January 12, 1994. On January 15, 1994, Joe and Barb Shaffer (herein the
15 "Shaffers") gave a description of a similar vehicle driving recklessly near
16 Colorado Gulch Road at around 6:30 a.m. on January 12th, just a few
17 hours before Mrs. Meagher's body was found. All three described the
18 vehicle as possibly having a beige top, as Mr. D. Nelson's vehicle did at the
19 time.

20 62. The Shaffers also described the vehicle as turning left onto
Williams Street in Helena, just a mile from where Mr. D. Nelson lived in

1 1994. The Shaffers also gave a cursory description of the license plate on
2 the vehicle they had observed. Either the investigating Defendants failed to
3 follow-up on all these early leads pointing to Mr. D. Nelson, or they failed to
4 connect the sightings to his involvement.

5 **D. Under Immense Pressure to Solve the Crime, the**
6 **Investigation Stalls.**

7 63. From the time it was first discovered, there was strong media
8 attention paid to Mrs. Meagher's brutal abduction and murder. Mrs.
9 Meagher's family put up wanted posters identifying cars sighted near the
10 crime scenes and offered a growing monetary reward for catching the killer.

11 64. The JCS's owners reported that the bar had been robbed of
12 money, including a stack of five-dollar bills stamped with a distinctive red
13 star, and the key ring for closing the bar and emptying the machines.
14 Nothing else had been taken.

15 65. Along with Officer Gary Carrell (herein "Mr. Carrell") from the
16 GIB, Mr. Scott from the MCIB, and forensic scientists from the Montana
17 State Crime Lab, Mr. Carlson began sweeping the bar for evidence. They
18 found no latent fingerprints on the machines or elsewhere in the bar,
19 because Mr. D. Nelson had worn gloves.

20 66. Mr. Carrell and Joseph Uribe (herein "Mr. Uribe"), another GIB
investigator, spent the weeks after the murder investigating similar

1 robberies at casinos and bars with gaming machines and turned up no
2 solid leads. They also attempted to track the movement of the stamped
3 five-dollar bills, but once Mr. Jenkins and Mr. Lawrence were the focus,
4 they abandoned this despite receiving at least one legitimate lead
5 consisting of an account of an individual using numerous \$5 bills to
6 purchase items at a department store.

7 67. The only evidence officers were able to recover from the scene
8 at the JCS were tire prints from Mrs. Meagher's car, an earring of Mrs.
9 Meagher's, photographs of a boot print, and a tag from a pair of gloves.
10 The investigating Defendants failed to track the gloves back to any suspect.
11 Subsequent investigation of the area at the Exchange Bar where Mrs.
12 Meagher's car was found turned up nothing.

13 68. The investigating Defendants took possession of several items
14 at the scene of Mrs. Meagher's murder at Colorado Gulch, including the
15 pieces of rope with which she had been bound. None of these items
16 yielded any physical connection to Mrs. Meagher's murderer until DNA
17 testing was performed in 2016 and revealed the presence of Mr. D.
18 Nelson's DNA.

19 69. In the days following the murder, law enforcement was unable
20 to find any other items of interest.

1 70. The investigating Defendants conducted dozens of interviews,
2 including polygraph tests, in the days and months following the murder
3 without identifying a viable suspect. They had no forensic leads.

4 71. By August of 1994, seven (7) months after Mrs. Meagher's
5 murder, the investigating Defendants were still without a prime suspect and
6 had run out of new leads. With Lewis and Clark County Sheriff, Mr.
7 O'Reilly, and Jefferson County Sheriff, Mr. Dawson, both facing re-election
8 races in November 1994, political pressure was mounting to solve the high-
9 profile case.

10 **E. With No Other Leads, the Investigating Defendants Focus**
11 **on the Vulnerable Mr. Lawrence Based on the Obviously**
12 **Unreliable Statements of the Knipschields.**

13 72. In August of 1994, Mr. Knipschield alleged that his son-in-law,
14 Mr. Lawrence, had confessed to murdering Mrs. Meagher with Mr. Jenkins
15 months earlier. Mr. Knipschield sent this false tip in a note to Jefferson
16 County Undersheriff, Mr. Campbell, from the Jefferson County Jail, where
17 Mr. Knipschield was serving time for trespassing. Mr. Knipschield was
18 known to law enforcement as a liar who had provided local police with false
19 leads in the past.

20 73. At this point, police were already aware of Mr. Knipschield's
history of lying and schizophrenia diagnosis. The investigating Defendants

1 were aware that in March of 1994, Mr. Knipschield and his wife had tried
2 unsuccessfully to pass themselves off as witnesses to a murder in a
3 different county, in exchange for reward money. That attempt had been
4 rejected immediately.

5 74. The investigating Defendants were also aware that Mr.
6 Knipschield had already provided a false tip with respect to Mrs. Meagher's
7 murder. Previously, Mr. Knipschield had told a Boulder police officer that
8 he had evidence implicating *Undersheriff Tim Campbell* in Mrs. Meagher's
9 murder—the very same officer he later reached out to directly with his false
10 claim that Mr. Lawrence had confessed to the crime.

11 75. Mr. Knipschield was more than willing to falsely accuse his son-
12 in-law for the reward Mrs. Meagher's family was promising, which had by
13 this point grown to \$4,000. The week before Mr. Knipschield's interview
14 with the investigating Defendants, he had been served with a foreclosure
15 notice on his property.

16 76. Notwithstanding these facts known to the investigating
17 Defendants about Mr. Knipschield's unreliability and motivation to seek
18 reward money, Mr. Knipschield reached out to Mr. Campbell with his note
19 claiming that Mr. Lawrence and Mr. Jenkins were responsible for Mrs.
20 Meagher's murder.

1 77. The story Mr. Knipschield provided about Mrs. Meagher's
2 murder was nonsensical and contradicted basic facts about the crime.

3 78. At this time, it was the investigating Defendants working theory
4 that Mrs. Meagher had been bludgeoned to death with a crowbar. There
5 were no signs that Mrs. Meagher had been stabbed.

6 79. Mr. Knipschield's statement, however, indicated that the murder
7 weapon was a knife that Mr. Jenkins had allegedly disposed of in the days
8 following the murder.

9 80. Mr. Knipschield also said Mr. Jenkins and Mr. Lawrence had
10 produced a green and yellow toy truck they had stolen from the JCS,
11 calling it "the only thing of value" they had gotten during the robbery.

12 81. At this time, however, the investigating Defendants knew that
13 no toy truck had been taken from the JCS. No owner, employee, or patron
14 of the JCS had ever mentioned it, and the owners had specifically reported
15 that only money and a single key ring had been stolen.

16 82. Even though Mr. Knipschield's account was obviously
17 worthless, both because it came from a known liar and because it was
18 wholly inconsistent with known facts about the murder, the investigating
19 Defendants jumped at this chance to close the case. Based solely on Mr.
20 Knipschield's account, they began focusing on Mr. Jenkins and Mr.

1 Lawrence in earnest.

2 83. The day after Mr. Knipschield's initial statement, on August 5,
3 1994, Mr. Campbell, Mr. McCormack, and Mr. Carlson arranged for him to
4 be let out of the Jefferson County Jail so he could wear a wire while talking
5 to Mr. Lawrence, in an attempt to record a confession to Mrs. Meagher's
6 murder. On information and belief, these Defendants went to the
7 extraordinary trouble of setting up a wire because they realized Mr.
8 Knipschield was such an unreliable witness that his statement that Mr.
9 Lawrence had confessed to him would never be credited on its own.

10 84. After Mr. Knipschield made contact with Mr. Lawrence in Basin,
11 Montana, Mr. Lawrence's car broke down and the two men walked to Mr.
12 Knipschield's property in Boulder, Montana. During this walk, Mr.
13 Knipschield claimed that the wire became dislodged and ceased
14 transmitting to the monitoring officers. During the hours of recorded
15 conversation, Mr. Lawrence said nothing incriminating. But Mr. Knipschield
16 conveniently claimed that Mr. Lawrence had again provided a full
17 confession to Mrs. Meagher's murder during the time not captured on the
18 wire. In truth, and as the Investigating Defendants knew or should have
19 known, Mr. Lawrence never confessed to Mr. Knipschield. Mr. Knipschield
20 fabricated the confession.

1 85. In addition to being unrecorded, yet again, the alleged
2 “confession” was completely inconsistent with the basic known facts about
3 the crime. For example, Mr. Knipschield claimed that Mr. Lawrence
4 confessed to murdering Mrs. Meagher after holding her at knifepoint. But
5 no evidence ever pointed to a knife being used on Mrs. Meagher or at the
6 crime scenes. The alleged confession did not mention a blunt instrument,
7 which was the actual murder weapon.

8 86. After Mr. Knipschield reported back to the investigating
9 Defendants, he was returned to custody in the Jefferson County Jail. While
10 there, he contacted Mr. Dawson directly, and told him about suspicions that
11 Mrs. Meagher’s own mother was involved in her murder. Despite these
12 continuing indications that Mr. Knipschield’s account was completely
13 unreliable and a desperate attempt to recover the reward money, these
14 investigating Defendants continued to rely on him as a reason to target Mr.
15 Lawrence and Mr. Jenkins.

16 87. Mr. Knipschield told the Investigating Defendants that his wife,
17 Judith Knipschield (herein “Mrs. Knipschield”), could corroborate his
18 account that Mr. Lawrence had confessed to committing Mrs. Meagher’s
19 murder. Despite pressure to close the case, the Investigating Defendants
20 inexplicably waited three weeks, until August 26, 1994, the day after Mr.

1 Knipschield had been released from Jefferson County Jail, to interview Mrs.
2 Knipschield. Upon information and belief, the Investigating Defendants
3 acceded to Mr. Knipschield's request to wait to talk to his wife until he was
4 out of jail (so that he could make sure their false stories matched), which
5 should have been another huge red flag to the Investigating Defendants
6 that the Knipschields' statements were false.

7 88. Solely on the basis of these obviously worthless statements
8 from the Knipschields, the investigating Defendants began treating Mr.
9 Lawrence and Mr. Jenkins as their prime suspects for Mrs. Meagher's
10 murder.

11 **F. The Investigating Defendants Manufacture Evidence to**
12 **Support the Knipschields' False Allegations Against Mr.**
Jenkins and Mr. Lawrence.

13 89. In the days and weeks after Mrs. Meagher's murder, the
14 investigating Defendants received a number of descriptions of allegedly
15 suspicious vehicles that had been spotted near the JCS and Colorado
16 Gulch Road around the time of the murder. None had been connected to
17 Mr. Lawrence or Mr. Jenkins at that time. But after Mr. Knipschield claimed
18 Mr. Lawrence had confessed, Mr. McCormack began securing false
19 identifications of Mr. Lawrence's and Mr. Jenkins's vehicles.

20 90. One witness Mr. McCormack interviewed, Dawn North (herein

1 “Ms. North”), had seen a dark vehicle on the exit ramp outside the JCS a
2 week before the murder, with a driver acting suspiciously. Ms. North had
3 given an initial statement to Mr. McCormack two (2) days after the murder
4 on January 14, 1994, in which her description of the vehicle matched Mr. D.
5 Nelson’s vehicle. However, Mr. McCormack edited Ms. North’s statement
6 in his report, falsely changing it to more strongly suggest a match to Mr.
7 Lawrence’s truck. After learning how her statement had been inaccurately
8 reported by Mr. McCormack, Ms. North testified on behalf of Mr. Jenkins
9 and Mr. Lawrence at trial, stating that Mr. McCormack’s report contained
10 details she specifically told him she could not testify to.

11 91. On August 12, 1994, Mr. McCormack wrote a report of a
12 witness interview he had supposedly conducted on January 12, 1994, the
13 day of the murder, in which a nurse at the Veterans’ Affairs hospital, Tracy
14 Butala (herein “Ms. Butala”), described a large older model greenish/blue
15 vehicle leaving the parking lot of the JCS around 1:00 a.m. as she was
16 coming home from work.

17 92. Mr. McCormack revisited Ms. Butala on August 8, 1994 and
18 obtained an identification of Mr. Lawrence’s truck by conducting a
19 suggestive show-up identification of the truck with her. At the time, Mr.
20 Lawrence’s truck was black in color—not at all resembling the

1 greenish/blue color she originally reported seeing, which instead matched
2 Mr. D. Nelson's vehicle.

3 93. On information and belief, and consistent with his practice, Mr.
4 McCormack misrepresented Ms. Butala's initial description to more closely
5 match Mr. Lawrence's truck—just as he had done with Ms. North's
6 statement. Mr. McCormack failed to report that Ms. Butala initially
7 described a vehicle with a "topper"— Mr. D. Nelson's vehicle at the time
8 had a beige topper.

9 94. Once the investigating Defendants had secured their falsified
10 corroboration of Mr. Knipschild's statement, and suggestive, falsified
11 vehicle identifications, they set out to locate Mr. Lawrence. Defendants
12 broadcasted an All-Points Bulletin for Mr. Lawrence's arrest.

13 **G. The Investigating Defendants Coerce Mr. Lawrence to Give**
14 **False Inculpatory Statements.**

15 95. Mr. Lawrence was arrested on August 28, 1994, by
16 Yellowstone National Park Police on an outstanding warrant for not
17 maintaining automobile insurance. Mr. Campbell, Mr. McCormack, and Mr.
18 Scott, were then notified and traveled to a facility in Livingston, Montana
19 where Mr. Lawrence was being held in order to interview him about Mrs.
20 Meagher's murder.

96. When Mr. Lawrence was found, he was living in isolation in his

1 car, away from his family, with no identification and no money on him. He
2 was clearly disoriented. The investigating Defendants took advantage of
3 his vulnerable state and cognitive disabilities to coerce him into giving false
4 statements inculcating Mr. Jenkins in the murder of Mrs. Meagher.

5 97. While Mr. Lawrence was in custody for driving without
6 insurance, Mr. McCormack, Mr. Scott, and Mr. Campbell commenced the
7 first of three (3) illegal custodial interrogations over the course of three (3)
8 days.

9 98. Mr. Lawrence was first interrogated on August 31, 1994 for
10 seven (7) hours with minimal breaks. Almost immediately, Mr. Lawrence
11 asked for an attorney, but the investigating Defendants ignored the request
12 and continued questioning him. These Defendants only recorded the final
13 hour of the nearly seven (7) hour interrogation which they deemed to be
14 valuable in their case against Mr. Lawrence and Mr. Jenkins. Mr.
15 McCormack admitted to going over questions "several times" with Mr.
16 Lawrence before turning on the tape recorder.

17 99. Off tape, Mr. Lawrence was threatened with prosecution for
18 Mrs. Meagher's murder, additional prison time for perjury, and the loss of
19 his wife and children, if he did not cooperate with law enforcement and
20 implicate his acquaintance Mr. Jenkins as Mrs. Meagher's murderer. Mr.

1 Lawrence was exhausted and crying, terrified he would never be able to
2 see his children and wife again. Mr. Campbell told Mr. Lawrence that if he
3 confessed to the murder, it was possible he could be moved to Jefferson
4 County Jail so that he could see his wife.

5 100. Mr. Lawrence finally acquiesced to the investigating
6 Defendants' coercion, offering an inculpatory statement falsely implicating
7 Mr. Jenkins, and less directly, himself, in Mrs. Meagher's murder. But,
8 because Mr. Lawrence was innocent, he did not have any nonpublic
9 knowledge about how the crime was committed.

10 101. Using Mr. Lawrence's fear and vulnerabilities to their
11 advantage, the investigating Defendants fed him non-public details about
12 both Mrs. Meagher's murder and Mr. Knipschild's prior statements in
13 order to have him corroborate their false theories about the crime.

14 102. At the time, even though the murder weapon had not been
15 located, based on information from the Medical Examiner, the officers
16 believed the murder weapon was a crowbar. That detail had never been
17 reported publicly or to the press. Instead, consistent with their investigative
18 training, the investigating Defendants deliberately held that detail back from
19 the public, knowing that if a suspect's statement later included this detail, it
20 would corroborate the reliability of that statement.

1 103. To falsely make Mr. Lawrence's statement appear reliable, the
2 investigating Defendants fed him the nonpublic detail about the crowbar,
3 and falsely claimed it had originated with him. Mr. Lawrence indicated that
4 Mr. Jenkins had used a crowbar or a crowsfoot in the killing and had
5 subsequently thrown it into a nearby body of water, fitting his statement to
6 the investigating Defendants' theory of the case.

7 104. As it turned out, the investigating Defendants' belief was
8 incorrect. In reality, Mr. D. Nelson had murdered Mrs. Meagher with a
9 hammer. It was the back end or "claw" of the hammer that had caused the
10 injuries the Medical Examiner had mistakenly believed were caused by a
11 crowbar. But the investigating Defendants wrongly believed that the blunt
12 object used to kill Mrs. Meagher was a crowbar, so they instructed Mr.
13 Lawrence to falsely identify a crowbar as Mr. Jenkins's weapon in his
14 statement.

15 105. In an effort to corroborate Mr. Knipschild's false statements
16 about Mr. Lawrence and Mr. Jenkins recovering a toy truck from the JCS,
17 the investigating Defendants fed Mr. Lawrence the false story about the toy
18 truck, pushing him to corroborate Mr. Knipschild's claim that Mr. Jenkins
19 said on tape the toy truck was the only thing of value they received from the
20 JCS.

1 106. Mr. Campbell later referred to the toy truck as the “meat and
2 gravy” of the State’s case against Mr. Lawrence and Mr. Jenkins, despite
3 never locating any proof that any toy truck had been in the JCS. In reality,
4 the toy truck had no connection to Mrs. Meagher’s murder and it had been
5 acquired over (2) years earlier in Oklahoma.

6 107. In the coerced, police-fabricated statement, Mr. Lawrence
7 offered that Mr. Amos, the severely mentally impaired man who was living
8 with Mr. Jenkins at that time, had confessed to him that he and Mr. Jenkins
9 had robbed the JCS together and killed Mrs. Meagher. Of note,
10 subsequent DNA testing did not reveal the presence of Mr. Amos’s DNA
11 either.

12 108. Once released from the interrogation room, Mr. Lawrence
13 disavowed his coerced statements the following day, on September 1,
14 1994. When the investigating Defendants learned this, they were openly
15 furious and pressured him again to stick to the original coerced, police-
16 fabricated story.

17 109. Mr. Lawrence was again interrogated that day by Mr.
18 McCormack, Mr. Scott, Mr. Carlson, and Mr. Campbell. These Defendants
19 threatened Mr. Lawrence that he could not change his account at this point,
20 that they would not accept it, and that he would face additional criminal

1 charges if he attempted to do so. These Defendants also conveniently did
2 not tape this interview in the hopes of convincing Mr. Lawrence to change
3 his mind and stick to the story they had fabricated.

4 110. The following day, September 2, 1994, Mr. McCormack, Mr.
5 Scott, and Mr. Campbell again met with Mr. Lawrence at length. These
6 Defendants coerced Mr. Lawrence to change his prior statements to better
7 suit their narrative of the case. They instructed him to specify that he
8 learned the details of the crime and Mr. Jenkins's involvement from Mr.
9 Jenkins himself rather than Mr. Amos, who they knew was severely
10 mentally impaired.

11 111. The investigating Defendants recorded only eight (8) minutes of
12 interrogation which would be used to inculcate Mr. Lawrence and Mr.
13 Jenkins. During those eight (8) minutes, they got Mr. Lawrence "back on
14 track," and he agreed the story came from Mr. Jenkins himself.

15 112. The investigating Defendants deliberately did not tape any of
16 the exculpatory statements Mr. Lawrence made over the course of the
17 three (3) days of interrogation, their own improper or coercive tactics, or the
18 evidence that they had fed Mr. Lawrence the nonpublic details they falsely
19 claimed he had volunteered.

20 //

1 **H. The Investigating Defendants Coerce Mrs. Jenkins, Who**
2 **Was Suffering from Dementia, to Falsely Incriminate Mr.**
3 **Lawrence and Mr. Jenkins.**

4 113. Once the investigating Defendants had solidified their accounts
5 of Mrs. Meagher's murder, Mr. Scott, Mr. McCormack, and Mr. Carlson
6 traveled to Oklahoma to arrest Mr. Jenkins in September of 1994. They
7 arrested Mr. Jenkins at his detail shop on September 28, 1994.

8 114. Upon arresting Mr. Jenkins, Mr. Scott gleefully told Mrs. Combs
9 that she would never see her father again.

10 115. While in Oklahoma, Mr. Scott, Mr. McCormack and Mr. Carlson
11 interrogated Mrs. Jenkins, the witness that the Lewis and Clark County
12 Attorney would later describe as the crux of the State's case against Mr.
13 Jenkins and Mr. Lawrence.

14 116. Mrs. Jenkins suffered from early onset Alzheimer's disease.
15 When the investigating Defendants interrogated her in September of 1994
16 and the months following, she had no short-term memory. She died from
17 the disease five (5) years after her husband's trial.

18 117. At this time, Mrs. and Mr. Jenkins took care of Mr. Amos, a
19 severely developmentally disabled man they treated as their adopted son.
20 Mr. Amos suffered from obvious intellectual disability and had an IQ of fifty
(50).

1 118. After Mr. Jenkins's arrest, the investigating Defendants
2 attempted to fabricate incriminating statements from both Mr. Amos and
3 Mrs. Jenkins, two obviously unreliable and vulnerable sources. Neither had
4 any incriminating evidence to offer. Given their obvious cognitive
5 impairments, neither was even able to volunteer any coherent information
6 about the night of Mrs. Meagher's murder. Nevertheless, the investigating
7 Defendants conducted separate interrogations of both witnesses,
8 suggesting, coercing, and feeding details to both in order to fabricate
9 statements from each implicating Mr. Jenkins and Mr. Lawrence in Mrs.
10 Meagher's murder.

11 119. At this time, Mr. McCormack and Mr. Scott contacted Ms.
12 Stansberry, an investigator with the Pittsburg County, Oklahoma District
13 Attorney's Office, to assist with the investigation. At all times relevant
14 herein, Ms. Stansberry was acting at the behest of and as an investigative
15 agent of the State of Montana and of the Lewis and Clark County Sheriff's
16 Office.

17 120. Mr. McCormack and Ms. Stansberry first conducted an
18 unrecorded interview of Mr. Amos directly after Mr. Jenkins's arrest on
19 September 28, 1994. It was obvious during this interview that Mr. Amos
20 was not providing any inculpatory information as he was unable even to

1 coherently discuss Mrs. Meagher's murder.

2 121. Mr. McCormack fabricated a report claiming that, during this
3 unrecorded interrogation, Mr. Amos had offered an account implicating
4 himself, Mrs. Jenkins, Mr. Jenkins , and "the other boy," who Mr.
5 McCormack later himself identified as Mr. Lawrence, as the abductors of
6 Mrs. Meagher. This was false. Mr. Amos never volunteered any
7 information implicating himself, Mrs. Jenkins, Mr. Jenkins, or Mr. Lawrence.

8 122. Due to his cognitive limitations, Mr. Amos was suggestible,
9 vulnerable, easily led, and extraordinarily susceptible to coercion. Later in
10 the day on September 28, 1994, Mr. McCormack conducted his second
11 interrogation of the mentally impaired Mr. Amos. In an effort to corroborate
12 his falsified report, Mr. McCormack coached Mr. Amos on what to say, and
13 threatened him with jail time if he failed to cooperate.

14 123. Mr. McCormack selectively tape recorded only portions of the
15 interrogation to falsely suggest Mr. Amos was providing reliable information
16 incriminating Mr. Lawrence and Mr. Jenkins, and falsely suggesting that the
17 information originated with Mr. Amos. Mr. Amos was incapable of providing
18 any coherent account himself on the recording. The investigating
19 Defendants and Ms. Stansberry hid the true circumstances of the interview,
20 which would have made clear that Mr. Amos was unable to provide any

1 reliable evidence.

2 124. The efforts to fabricate and compel Mr. Amos's false testimony
3 did not stop there, however. In January of 1995, Mr. Amos was residing in
4 a mental hospital in Oklahoma. Desperate for more corroboration, the
5 investigating Defendants and Ms. Stansberry entered the hospital without
6 permission or clearance from hospital staff. They took Mr. Amos into an
7 unused group room and questioned and recorded him without permission.
8 They told Mr. Amos they wanted him as a witness in Mr. Lawrence's and
9 Mr. Jenkins's trials or he would go to jail.

10 125. After securing the taped statement from Mr. Amos, the
11 investigating Defendants repeated their pattern with Mrs. Jenkins, using
12 suggestion and coercion to manipulate a similarly incriminating account
13 from her. At the time, Mrs. Jenkins's dementia had reached a stage where
14 she could not remember events even in the hours after they had occurred.
15 She was unable to volunteer narrative accounts of any event, but was
16 highly suggestible, compliant, eager to please, and would give yes or no
17 answers to questions if she was pushed to do so.

18 126. The investigating Defendants used the symptoms of Mrs.
19 Jenkins's dementia to their advantage, as they had with Mr. Amos's
20 developmental disabilities. They interrogated her five (5) times over the

1 five (5) months preceding trial, using suggestion and coercion in attempts
2 to get her to say she was at the JCS on the night of Mrs. Meagher's
3 murder, and had seen Mr. Jenkins and Mr. Lawrence slap Mrs. Meagher
4 and abduct her from the JCS.

5 127. The first of these interrogations occurred on September 28,
6 1994, the day of Mr. Jenkins's arrest, in the hours following Mr. Amos's first
7 interrogation. The investigating Defendants interrogated Mrs. Jenkins for
8 nearly two (2) hours that day, but she was unable to volunteer any
9 information about Mrs. Meagher's murder or the supposed involvement of
10 her husband, Mr. Jenkins.

11 128. Mrs. Jenkins told Mr. McCormack that, due to her serious
12 illness, she "couldn't remember anything about Montana." Failing to get
13 any coherent incriminating statements from Mrs. Jenkins, the investigating
14 Defendants declined to tape this interview, just as they had failed to tape
15 Mr. Amos's initial interview in which he was similarly unable to volunteer
16 information without continued suggestion and coercion.

17 129. Desperate to beef up their case against Mr. Jenkins, the
18 investigating Defendants changed their tactics. Mr. McCormack and Mr.
19 Scott fabricated reports that just two (2) days later on September 30, 1994,
20 after Mr. McCormack threatened to prosecute her, Mrs. Jenkins suddenly

1 and vividly recalled being at the JCS on the morning of January 12, 1994.

2 130. According to Mr. McCormack, Mrs. Jenkins told them she had
3 seen Mr. Lawrence place Mrs. Meagher in the back of his vehicle and drive
4 off with Mr. Jenkins. This was false. Mrs. Jenkins never volunteered any
5 such story and her dementia prevented her from giving such a narrative
6 account of an event.

7 131. The investigating Defendants then set out to fabricate
8 corroboration of their false reports. While back in Montana, they instructed
9 Ms. Stansberry to interview Mrs. Jenkins a third time. In October of 1994,
10 Ms. Stansberry interviewed Mrs. Jenkins in her car in Oklahoma for
11 approximately one (1) hour.

12 132. Ms. Stansberry claimed this interview was tape recorded, but
13 that the tape was lost by the United States Postal Service when she
14 allegedly mailed it to Montana two (2) weeks prior to trial—even though she
15 was herself traveling to Montana for the trial at the same time. The
16 investigating Defendants claimed the county attorney received only an
17 envelope and a notice from the post office instead. Ms. Stansberry failed to
18 produce a report or a transcript of the contents of the tape during the four
19 (4) months it was allegedly in her possession.

20 133. On information and belief, one or more of the investigating

1 Defendants destroyed the tape of the interview when it became clear that
2 they were unable to coerce any incriminating statements from Mrs. Jenkins
3 and to hide exculpatory evidence of Mrs. Jenkins's memory issues.

4 134. Still desperately trying to coax a confession from Mrs. Jenkins,
5 Mr. Scott and Mr. McCormack travelled to Oklahoma in November of 1994
6 specifically to interview her again, for a fourth time.

7 135. Prior to that interview, they either did not review Ms.
8 Stansberry's tape of her third interview with Mrs. Jenkins, which was still in
9 her personal possession, or did not document that review, intentionally
10 hiding the exculpatory implications of the tape—that Mrs. Jenkins was still
11 unable to give a narrative account of, or even recall, her time in Montana.
12 Nor did Mr. Scott and Mr. McCormack take custody of that tape and bring it
13 back to Montana.

14 136. During their interrogation of Mrs. Jenkins, Mr. McCormack and
15 Mr. Scott threatened her repeatedly with prosecution and with the loss of
16 her children if she did not cooperate. Mr. McCormack and Mr. Scott used
17 her dementia against her, and interrogated her for three (3) hours,
18 instructing her on which details to provide on tape. Like Mr. Amos, Mrs.
19 Jenkins was suggestible, easily led, and extraordinarily susceptible to
20 coercion. Only half of this interrogation and none of the prior alleged

1 “preparation” was recorded.

2 137. The investigating Defendants were able to exploit Mrs.
3 Jenkins’s dementia and cognitive limitations to fabricate evidence making it
4 seem that she was implicating Mr. Jenkins and Mr. Lawrence as Mrs.
5 Meagher’s murderers, and that those details originated with Mrs. Jenkins.
6 Defendants posed leading questions—to which the confused and
7 suggestible Mrs. Jenkins responded affirmatively—and selectively turned
8 on the tape recorder to produce a thoroughly misleading account of the
9 interview.

10 138. The investigating Defendants hid the true circumstances of the
11 interview, which made clear that Mrs. Jenkins was unable to provide any
12 reliable evidence or volunteer any independent account of the events that
13 occurred on the night of Mrs. Meagher’s murder.

14 139. During this interview, the following exchange occurred:

15 Mr. McCormack: “I believe you had told us that on
16 an early date that there was plans
to rob the Jackson Creek Saloon.”

17 Mrs. Jenkins: “I never did say that.”

18 Mr. McCormack: “Ah, . . .”

19 Mrs. Jenkins: “I did not say that.”

20 Mr. McCormack: “Can you tell me what happened?”

1 Mrs. Jenkins: “I don’t know what happened, but I
2 didn’t (sic) not say that.”

3 Mr. McCormack: “Okay. What did you say?”

4 Mrs. Jenkins: “You’re putting words in my mouth
5 and I won’t . . .”

6 140. Following this exchange, Mr. McCormack and Mr. Scott turned
7 off the tape recorder and took “a lengthy break to clarify some things,”
8 coercing Mrs. Jenkins to stick to their story, just as they turned off their
9 recording of Mr. Lawrence’s statement until they got him “back on track.”

10 141. Distraught from the pressure of her husband’s wrongful arrest,
11 her interrogation, and the threats leveled by the investigating Defendants,
12 in the days following her November interview with Mr. Scott and Mr.
13 McCormack, Mrs. Jenkins was admitted to a mental health facility in
14 Oklahoma for residential treatment.

15 142. After her discharge from the facility, Mrs. Jenkins met with
16 members of Mr. Jenkins’s defense team and said she had no recollection
17 of the events Mr. McCormack, Mr. Scott, and Ms. Stansberry had reported
18 she had witnessed and described in her four (4) statements, and stated she
19 had just told the officers what they wanted to hear.

20 143. The investigating Defendants were concerned that Mrs. Jenkins
 would not be able to stick to the fabricated story when she testified at trial,

1 given her clear memory issues and documented distress from her
2 interrogations. Consequently, Mr. McCormack and Ms. Stansberry made a
3 final effort to solidify her false statements days before trial, after Mrs.
4 Jenkins had arrived back in Helena, Montana to testify

5 144. After meeting with Mrs. Jenkins in her hotel room, Mr.
6 McCormack and Ms. Stansberry fabricated a succinct report that was
7 similar in content, but more detailed, than the report Mr. McCormack had
8 prepared following his two (2) September interrogations of Mrs. Jenkins.

9 145. Mr. McCormack and Ms. Stansberry again fabricated that Mrs.
10 Jenkins had volunteered and originated the statement that she had
11 witnessed Mr. Jenkins and Mr. Lawrence assault Mrs. Meagher and drive
12 her away from the JCS in the trunk of their vehicle—but these investigators
13 added two (2) additional details to corroborate loose ends in their case.
14 They wrote that Mrs. Jenkins corroborated the use of a crowbar in the
15 homicide and that she had seen Mr. Lawrence pick up the toy car from the
16 bar.

17 146. Mrs. Jenkins was not present for Mrs. Meagher's murder and
18 did not have any actual knowledge about how it was committed or who
19 committed it. She was also, due to her dementia and cognitive limitations,
20 incapable of volunteering a coherent narrative account of the night of the

1 crime. Defendants falsely reported that Mrs. Jenkins had volunteered
2 these corroborating details about the crowbar and the toy car.

3 **I. Mr. Lawrence and Mr. Jenkins Move to Bar Testimony from**
4 **Mr. Amos and Mrs. Jenkins Due to Their Obvious Mental**
5 **Limitations.**

6 147. As trial approached, with Mr. Lawrence having disavowed his
7 incriminating statements as coerced and Mr. Knipschild presenting as a
8 clearly unreliable witness, the State's case rested primarily on the taped
9 statements and fabricated reports from the two (2) highly suggestible and
10 mentally disabled witnesses, Mr. Amos and Mrs. Jenkins.

11 148. It was obvious to anyone who interacted with either Mrs.
12 Jenkins or Mr. Amos that they had severe cognitive limitations rendering
13 any alleged statements they would offer extremely suspect. Furthermore,
14 in the weeks before trial, Mrs. Jenkins had represented to Mr. Jenkins's
15 defense counsel that her statements were coerced as well and that she
16 had no true recollection of ever being at the JCS. Mr. Jenkins and Mr.
17 Lawrence moved to bar either witness from offering testimony at trial,
18 arguing their respective cognitive disabilities rendered them incompetent as
19 witnesses.

20 149. Although the bar for a witness to be ruled competent is
extraordinarily low, after Mr. Amos testified at the competency hearing, the

1 Court ruled he did not meet it. Mr. Amos was unable to coherently respond
2 to any question that was asked of him.

3 150. This left only Mrs. Jenkins as the star witness. The county
4 attorney then told the court that:

5 We are in a situation where we have two eye
6 witnesses [Mary and Jimbo] to this crime, one of
7 whom [Jimbo] now has been excluded from even
8 looking at the jury. . . . Now they want to preclude
9 the use of what in effect is the compelling evidence
10 from Mary Jenkins. Without this evidence we don't
11 have a case. We are not able to proceed
12 Without the eye witnesses we have no case. We
13 can't put in the rest of our evidence.

14 151. Though Mrs. Jenkins displayed obvious memory issues on the
15 stand at the pre-trial competency hearing, had scant recollection of her
16 statements to the investigating Defendants, and had accused them of
17 attempting to coerce her statement on tape, twice, Mrs. Jenkins was ruled
18 competent to testify based on the investigating Defendants'
19 misrepresentations about her ability to express herself conversationally—
20 even despite expert testimony that this did not speak to her ability to
reliably recall past events.

18 **J. Mr. Jenkins is Wrongfully Convicted**

19 152. At trial, because the statements of Mr. Lawrence could not be
20 used against Mr. Jenkins, two juries were empaneled.

1 153. The State presented no physical evidence linking Mr. Lawrence
2 or Mr. Jenkins to Mrs. Meagher's murder. While the investigating
3 Defendants had requested that several forensic tests be run, none yielded
4 any connection between Mr. Lawrence, Mr. Jenkins, and the crime.

5 154. In the absence of any physical evidence against them, the
6 State's case rested on the investigating Defendants' fabricated statements
7 attributed to Mrs. Jenkins and Mr. Lawrence, as well as their fabricated car
8 identifications, principally that of Ms. Butala. Mr. Knipschild also testified,
9 but given the obvious problems with his account and his credibility, the
10 prosecution downplayed its reliance on this evidence, which in fact was the
11 entire reason Mr. Lawrence and Mr. Jenkins were investigated in the first
12 place.

13 155. The county attorney stressed that the statements attributed to
14 each of the three (3) principal witnesses—Mr. Knipschild, Mr. Lawrence,
15 and Mrs. Jenkins—had corroborated non-public details of the crime,
16 namely the presence of the toy truck in the bar that all three (3) had
17 mentioned, and the use of the crowbar as the murder weapon, which was a
18 key detail in the coerced statements taken from Mrs. Jenkins and Mr.
19 Lawrence. The investigating Defendants falsely represented to the State
20 that these and other details had independently originated with Mrs. Jenkins

1 and Mr. Lawrence, when in fact they had originated with from the
2 investigating Defendants themselves.

3 156. In presenting Mrs. Jenkins's alleged accounts, the county
4 attorney emphasized the written and recorded statements that the
5 investigating Defendants fabricated. When Mrs. Jenkins actually took the
6 stand to testify at trial, she could not replicate the coherent account the
7 investigating Defendants falsely claimed she gave in earlier interviews,
8 could not concretely remember any details about the crime, and denied that
9 Mr. Lawrence and Mr. Jenkins were ever present at the JCS.

10 157. This was exploited by the State, enabling it to introduce the
11 fabricated reports of Mrs. Jenkins's prior statements. Only the fabricated
12 reports of her alleged statements to law enforcement served to establish
13 her incriminating account, and Mr. Lawrence and Mr. Jenkins were
14 convicted largely on the basis of these fabrications.

15 158. Though the jury was privy to claims about Mr. Knipschild's
16 unreliability, they did not know that the statements made by Mr. Lawrence
17 and Mrs. Jenkins were completely fabricated by the investigating
18 Defendants based on Mr. Knipschild's interviews and their own theories of
19 the case.

20 159. The State specifically argued that Mr. Lawrence had been the

1 first person to mention a crowfoot or crowbar in the course of his multiple
2 interrogations, emphasizing that this was non-public information which
3 corroborated Mr. Lawrence's guilt.

4 160. At trial and at a pre-trial suppression hearing, the investigating
5 Defendants repeatedly denied that Mr. Lawrence had ever been coerced or
6 fed non-public facts.

7 161. The investigating Defendants also repeatedly denied that Mrs.
8 Jenkins had been improperly led or coerced. In its closing, the State
9 acknowledged that tapes of Mrs. Jenkins showed the use of "leading
10 questions" but it and the investigating Defendants maintained that Mrs.
11 Jenkins suddenly grew vague when tape recorded, and that the jury should
12 rely on the investigating Defendants' fabricated accounts of her statements
13 implicating herself, Mr. Jenkins, and Mr. Lawrence in Mrs. Meagher's
14 murder.

15 162. None of the false details of the murder highlighted at trial—not
16 the "meat and gravy" facts about the toy truck, nor the investigating
17 Defendants' crowbar theory—corresponds to what actually occurred on the
18 morning of January 12, 1994, when Mr. D. Nelson murdered Mrs. Meagher
19 with the claw end of a hammer, and left the JCS with only stolen cash and
20 key.

1 163. Mr. Lawrence testified in his own defense, explaining that he
2 was innocent, that he had no information inculcating Mr. Jenkins, and that
3 the statements the investigating Defendants had taken from him had been
4 coerced. Mr. Jenkins's and Mr. Lawrence's defense counsel also
5 presented several witnesses who discredited the Knipschields' false
6 statements, as well as a forensic psychiatrist who testified to the gravity of
7 Mrs. Jenkins's dementia.

8 164. In February of 1995, Mr. Jenkins and Mr. Lawrence were
9 convicted of the aggravated kidnapping and deliberate homicide of Mrs.
10 Meagher.

11 165. On May 1, 1995, Mr. Jenkins and Mr. Lawrence were each
12 sentenced to two (2) concurrent life sentences and a concurrent sentence
13 of forty (40) years for the robbery, without the possibility of parole.

14 **K. Ravalli County Sheriff's Office Deputies Ignore Reports of**
15 **Mr. D. Nelson's Confession in 1998 and Leads that Could**
16 **Have Pointed to Mr. D. Nelson as the True Perpetrator**
17 **Before 2016.**

18 166. In 1999, four (4) years after Mr. Lawrence and Mr. Jenkins were
19 convicted, Mr. F. Nelson relayed to Ravalli County Sheriff's Office
20 detectives that his uncle, Mr. D. Nelson, had murdered a woman at a
Helena casino. Mr. F. Nelson was interviewed by Ravalli County
Detectives Mr. Chinn and Mr. Maus.

1 167. Mr. F. Nelson relayed to police that his uncle, Mr. D. Nelson,
2 had said “two mentally challenged . . . kids” were “taking the rap” for his
3 Helena murder, referring to Mr. Lawrence and Mr. Jenkins.

4 168. Mr. F. Nelson had been living with his uncle and described him
5 as a “bad guy” who described himself as “close to being a demon.”

6 169. Mr. F. Nelson related his uncle’s confession to Mr. Chinn and
7 Mr. Maus while being questioned for a robbery he had committed with his
8 uncle. In the commission of the robbery, Mr. D. Nelson wrestled a female
9 victim to the floor and bound her wrists, as he had bound Mrs. Meagher’s
10 wrists while robbing the JCS.

11 170. Mr. F. Nelson told Mr. Chinn and Mr. Maus that Mr. D. Nelson
12 had described accurate, non-public details of Mrs. Meagher’s murder, such
13 as the fact that Mrs. Meagher was murdered with the claw end of a
14 hammer. He also related that Mr. D. Nelson had thrown the hammer into a
15 pond, explaining why police could never locate a murder weapon.

16 171. Mr. F. Nelson also implied that Mr. D. Nelson had used his
17 1984 blue-green Dodge Charger with beige topper during Mrs. Meagher’s
18 murder. Mr. D. Nelson’s Charger matches the description provided by Mr.
19 Bates, who saw a green older model vehicle with a beige top in the parking
20 lot of the JCS between 1:15 a.m. and 1:30 a.m. The Shaffers gave a

1 similar description of a vehicle driving recklessly near Colorado Gulch Road
2 at around 6:30 a.m., hours before Mrs. Meagher's body was found.

3 172. Mr. D. Nelson still owned his 1984 Dodge in 1999, and Mr.
4 Chinn ordered that photographs of the vehicle be taken.

5 173. Despite the credibility of Mr. F. Nelson's account of Mr. D.
6 Nelson's confession, Mr. Chinn and Mr. Maus failed to pass along any
7 information or the photographs taken of Mr. D. Nelson's vehicle to the
8 MCIB, the Lewis and Clark County Sheriff's Office, or any other agency
9 involved in the investigation and prosecution of Mrs. Meagher's murder.

10 174. In the alternative, if the Ravalli County officers did relay this
11 information to the Montana Criminal Investigation Bureau, the Lewis and
12 Clark County Sheriff's Department, or any of the other Defendants, officers,
13 or agencies involved in the investigation of Mrs. Meagher's homicide, those
14 Defendants failed to take any action to disclose this plainly exculpatory
15 information to Mr. Lawrence, his defense attorney, the prosecution, or the
16 Court.

17 175. No action in furthering the investigation of Mr. D. Nelson was
18 taken until eighteen (18) years later, in 2016, when Mr. F. Nelson reiterated
19 his previous statements about his uncle's involvement in Mrs. Meagher's
20 murder to Dillon Police Officers who finally alerted MCIB agents, resulting

1 in a re-investigation of the homicide twenty-two (22) years after the fact.

2 176. Mr. D. Nelson became the focus of the State's reopened
3 investigation into Mrs. Meagher's murder.

4 **L. DNA Evidence Exonerates Mr. Lawrence and Mr. Jenkins**
5 **and Identifies Mr. D. Nelson as the True Perpetrator.**

6 177. Mr. Lawrence and Mr. Jenkins continually maintained their
7 innocence for murder of Mrs. Meagher both before and after they were
8 wrongfully convicted.

9 178. In 2012, the Montana Innocence Project (herein "MIP") began
10 investigating the cases of Mr. Lawrence and Mr. Jenkins, and on July 23,
11 2015, attorneys from the MIP filed petitions on their behalf to have DNA
12 testing conducted on evidence collected during the investigation into Mrs.
13 Meagher's murder.

14 179. While Mr. Lawrence's and Mr. Jenkins's petitions were pending,
15 their attorneys uncovered new evidence of innocence—that Mr. D. Nelson,
16 known violent criminal, had admitted to murdering Mrs. Meagher back in
17 1999, and that his nephew Mr. F. Nelson had reported these admissions to
18 the Ravalli County Sherriff's Office in 1999.

19 180. In 2016, Mr. F. Nelson reiterated his previous statements about
20 his uncle's involvement in Mrs. Meagher's murder to different law
enforcement officers who finally alerted Montana Department of Justice,

1 MCIB agents, resulting in a reinvestigation of the homicide twenty-two (22)
2 years after the fact.

3 181. On June 9, 2016, in the midst of their reinvestigation, the State
4 agreed that DNA testing should be conducted.

5 182. Testing by Bode Cellmark Forensics Laboratory in 2017
6 isolated DNA profiles from the rope found near Mrs. Meagher's arm, which
7 was unbound and had ligature marks on it at the time the body was
8 recovered. The testing identified one female DNA profile that matched Mrs.
9 Meagher, and a major male profile that ultimately, in early 2018, was found
10 to match Mr. D. Nelson, whose profile was on file in the State's convicted
11 felon DNA database.

12 183. Mr. Jenkins and Mr. Lawrence were both excluded as the
13 sources of any of the profiles found on the rope and no DNA evidence
14 linked them to any of the items tested. Of note, Mr. Amos and Mrs.
15 Jenkins, persons who the investigating Defendants also implicated in the
16 crime through their falsified and fabricated evidence was also not linked to
17 any of the evidence tested.

18 184. On January 22, 2018, lawyers from the MIP moved to vacate
19 the convictions of Mr. Jenkins and Mr. Lawrence.

20 185. Following a hearing on March 9, 2018, the Court granted the

1 motion. The Court noted in its decision that no physical evidence linked
2 Mr. Lawrence or Mr. Jenkins to Mrs. Meagher's murder, and that instead
3 "the physical evidence, and the statements and testimony of Fred Nelson,
4 support the theory that David Nelson, a known killer, was involved in the
5 robbery, kidnapping and homicide of Donna Meagher."

6 186. The Court also stated "David Nelsons' admissions to Fred
7 Nelson are more consistent with the physical evidence from the crime
8 scene and the DNA results than any other statement offered in these
9 cases."

10 187. On April 17, 2018, Mr. Lawrence and Mr. Jenkins were
11 released from prison after serving more than twenty-three (23) years for a
12 crime they did not commit.

13 188. On June 1, 2018, the State dismissed all charges against Mr.
14 Lawrence and Mr. Jenkins.

15 **M. Mr. Jenkins' Damages.**

16 189. Mr. Jenkins spent more than twenty-three (23) years in prison
17 for crimes he did not commit. During his wrongful incarceration, his wife
18 died, and he was unable to have a normal and intimate relationship with his
19 children.

20 190. As a result of the foregoing, Mr. Jenkins suffered tremendous

1 damages, including physical sickness, injury, and emotional damage, all
2 proximately caused by Defendants' misconduct. Mr. Jenkins sustained
3 injuries and damages including: loss of freedom for more than twenty-three
4 (23) years; physical pain and suffering, including the loss of his legs due to
5 poor medical care; severe mental anguish; emotional distress; loss of
6 family relationships; severe psychological damage; loss of property; legal
7 expenses; loss of income and career opportunities; humiliation, indignities,
8 and embarrassment; degradation; permanent loss of natural psychological
9 development; and restrictions on all forms of personal freedom including
10 but not limited to diet, sleep, personal contact, educational opportunity,
11 vocational opportunity, athletic opportunity, personal fulfillment, sexual
12 activity, family relations, reading, television, movies, travel, enjoyment, and
13 expression, for which Mr. Jenkins is entitled to monetary relief.

14 191. As a direct result of Defendants' intentional, bad faith, willful,
15 wanton, reckless, and/or deliberately indifferent acts and omissions, Mr.
16 Jenkins sustained physical injuries and damages, including physical pain
17 and suffering, personal injuries, physical illness, and inadequate medical
18 care, for which he is entitled to monetary relief.

19 192. These injuries and damages to Mr. Jenkins were foreseeable to
20 Defendants at the time of their acts and omissions.

1 193. All of the acts and omissions committed by Defendants were
2 done intentionally, unlawfully, maliciously, wantonly, recklessly, negligently,
3 and/or with bad faith, and said acts meet all of the standards for imposition
4 of punitive damages.

5 **N. Mr. K. Jenkins' and Mrs. Combs' Damages.**

6 194. During Mr. Jenkins wrongful incarceration, it was impossible for
7 Mr. K. Jenkins or Mrs. Comb to maintain a traditional child/parent
8 relationship with their father.

9 195. Mr. Jenkins ultimate condition of being physically incarcerated
10 and restrained proved so overwhelming and severe that it destroyed the
11 child/parent relationship he shared with Mr. K. Jenkins and Mrs. Combs.

12 196. Following their father's incarceration, Mr. K. Jenkins and Mrs.
13 Combs were forced into the custody of an abusive family member causing
14 them serious emotional and physical trauma.

15 197. As a result of the foregoing acts and omissions described
16 herein, Mr. K. Jenkins and Mrs. Combs suffered tremendous damages,
17 including, but not limited to severe emotional damage, physical pain and
18 suffering, mental anguish, loss of familial relationships, embarrassment,
19 and indignities all proximately caused by Defendants' misconduct.

20 198. These injuries entitle Mr. K. Jenkins and Mrs. Combs to

1 monetary relief.

2 199. These injuries and damages to Mr. K. Jenkins and Mrs. Combs
3 were foreseeable to Defendants at the time of their acts and omissions.

4 200. All of the acts and omissions committed by Defendants were
5 done intentionally, unlawfully, maliciously, wantonly, recklessly, negligently,
6 and/or with bad faith, and said acts meet all of the standards for imposition
7 of punitive damages.

8 **COUNT I**

9 **42 U.S.C. § 1983 Claim for Deprivation of Liberty Without Due Process**
10 **of Law, Deprivation of Right to Fair Trial, Deprivation of Right to be**
11 **Free From Reckless Investigation, Deprivation of Right to be Free**
12 **From Use of Fabricated Evidence and Deprivation of Right to be Free**
13 **From Law Enforcement Conduct Constituting Deliberate Indifference**
14 **or Reckless Disregard for the Truth Under the Fourteenth Amendment**

15 ***By Mr. Jenkins Only***

16 ***Against Mr. O'Reilly Mr. McCormack, Mr. Dawson,***
17 ***Mr. Carlson, Mr. Campbell, Mr. Maus, and Mr. Scott***

18 201. Plaintiffs hereby incorporate each of the allegations of this
19 Complaint as if fully set forth herein, and further allege as follows.

20 202. Defendants fabricated false evidence of Mr. Jenkins's guilt and
suppressed exculpatory and material evidence of Mr. Jenkins's innocence,
thereby violating Mr. Jenkins's right to a fair trial, right to be free from a
reckless investigation and the use of fabricated evidence by law

1 enforcement, right to be free from law enforcement conduct constituting the
2 deliberate indifference or reckless disregard for the truth and causing him
3 to be deprived of his liberty without due process of law.

4 203. Rather than conduct an adequate and unbiased investigation,
5 Defendants, individually and in concert, acted in a manner that shocks the
6 conscience and followed through with the unlawful prosecution of Mr.
7 Jenkins, thereby depriving him of his right not to be deprived of liberty
8 without due process of law.

9 204. As described in greater detail above, Defendants and others
10 fabricated evidence in a number of ways prior to trial, and they did so
11 knowingly or with deliberate indifference or reckless disregard for the truth.
12 The fabricated evidence was used to arrest Mr. Jenkins, to prosecute him,
13 and was the basis for the jury's guilty verdict.

14 a. Defendants, individually and in concert, used investigative
15 techniques that were so coercive and abusive that they
16 knew or should have known that those techniques would
17 yield false information, including but not limited to:

18 i. Defendants threatened Mr. Lawrence, who was
19 highly susceptible to suggestion, with prosecution
20 and removal from his wife and children, and falsely

1 implied that he would be released without charges if
2 he inculpated Mr. Jenkins.

3 ii. When Mr. Lawrence attempted to recant his
4 statements inculpating Mr. Jenkins, Defendants
5 threatened him with perjury charges.

6 iii. When Mr. Amos and Mrs. Jenkins who both had
7 severe cognitive limitations, could not offer coherent
8 narratives of past events, Defendants used leading
9 questions, coercion, and suggestion to cause them
10 to implicate Mr. Lawrence and Mr. Jenkins in the
11 murder.

12 b. Defendants, individually and in concert, deliberately
13 misrepresented witness statements, including but not
14 limited to:

15 i. Defendants fabricated reports falsely claiming that
16 Mr. Amos and Mrs. Jenkins had provided more
17 compelling narrative accounts implicating Mr.
18 Lawrence and Mr. Jenkins when they were not
19 being recorded.

20 ii. Defendants manipulated tape recordings by turning

1 on and off the tape to falsely create the appearance
2 that Mr. Amos and Mrs. Jenkins were implicating
3 Mr. Jenkins and Mr. Lawrence in the murder.

4 iii. Defendants fabricated report falsely claiming that
5 Mr. Lawrence had originated inculpatory statements
6 about Mrs. Meagher's murder.

7 iv. Defendants manipulated tape recordings by turning
8 on and off the tape to falsely create the appearance
9 that Mr. Lawrence was originating accurate details
10 about the murder, and to hide exculpatory
11 statements made by Mr. Lawrence.

12 c. Defendants, individually and in concert, used identification
13 procedures that were so suggestive that they knew or
14 should have known that those techniques would yield
15 false information. For example, many months after the
16 crime, Defendants unlawfully obtained accounts linking
17 Mr. Lawrence's and Mr. Jenkins's vehicles to the crime
18 scene even though initial reports of vehicle sightings near
19 the crime scene more closely matched those owned by
20 Mr. D. Nelson, the true perpetrator.

1 d. Defendants, individually and in concert, continued their
2 investigation of Mr. Jenkins despite the fact that they
3 knew or should have known that he was innocent. In
4 particular, in addition to ignoring the lack of any physical
5 evidence tying Mr. Jenkins to the crime, Defendants
6 ignored Mr. Jenkins's repeated protestations of
7 innocence.

8 205. In addition to fabricating evidence, Defendants, individually and
9 in concert, in an effort to secure Mr. Jenkins's conviction with a reckless
10 disregard or deliberate indifference to his actual innocence or the truth,
11 suppressed material, exculpatory information from Mr. Jenkins, Mr.
12 Jenkins's defense counsel, and the prosecution in violation of the
13 Constitution and *Brady v. Maryland*, including but not limited to the
14 following:

15 a. Defendants, individually and in concert, failed to
16 memorialize, intentionally suppressed, and/or recklessly
17 failed to disclose the true circumstances of Mr. Amos's
18 and Mrs. Jenkins's statements.

19 b. Defendants, individually and in concert, failed to
20 memorialize, intentionally suppressed, and/or recklessly

1 failed to disclose the statement of Mr. D. Nelson's
2 nephew, Mr. F. Nelson, that Mr. D. Nelson had confessed
3 to having murdered Mrs. Meagher to him.

4 206. Evidence of Defendants' misconduct could have been used to
5 undermine key evidence relied on by Defendants in this investigation. Had
6 it been disclosed, it could have been used at trial to impeach Defendants
7 as well as the quality of the entire investigation.

8 207. Defendants' actions, individually and cumulatively, played a
9 direct and decisive role in the jury's guilty verdict and were highly
10 prejudicial to Mr. Jenkins's defense. Had Defendants' misconduct been
11 disclosed, the evidence would have tended to prove Mr. Jenkins's
12 innocence, cast doubt on the entire police investigation and prosecution,
13 and most likely would have created a different result at trial.

14 208. The foregoing acts and omissions were deliberate, reckless,
15 wanton, cruel, motivated by evil motive or intent, done in bad faith, and/or
16 involved callous indifference to Mr. Jenkins's federally protected rights.
17 These acts were perpetrated while Defendants were acting under color of
18 state law and in their capacities as employees or agents of Lewis and Clark
19 County, Jefferson County, Ravalli County and MCIB.

20 209. As a direct and proximate result of Defendants' actions, Mr.

1 Jenkins was wrongly arrested, detained, charged with murder, prosecuted,
2 convicted, sentenced to two (2) terms of life in prison and a concurrent forty
3 (40) years, incarcerated for over twenty-three (23) years, and suffered the
4 other grievous injuries and damages set forth above.

5 **COUNT II**

6 **42 U.S.C. § 1983 Claim for Malicious Prosecution and Violation**
7 **of the Fourth and Fourteenth Amendments**

8 ***By Mr. Jenkins Only***

9 ***Against Mr. O'Reilly, Mr. McCormack, Mr. Dawson, Mr. Carlson,***
10 ***Mr. Campbell, and Mr. Scott***

11 210. Plaintiffs hereby incorporate each of the allegations of this
12 Complaint as if fully set forth herein, and further allege as follows.

13 211. The criminal proceedings initiated against Mr. Jenkins in 1994
14 have resulted in a legal termination favorable to Mr. Jenkins. Specifically,
15 on April 13, 2018, the Court granted Mr. Jenkins's motion to vacate his
16 conviction. On April 17, 2018, Mr. Jenkins was released from prison, and
17 on June 1, 2018, the State dismissed all charges against him.

18 212. The criminal proceedings initiated against Mr. Jenkins in 1994
19 were brought without probable cause and without any reasonable belief in
20 guilt.

21 213. The obviously unreliable statement of Mr. Knipschild, the

1 tainted vehicle identifications, and the coerced and/or fabricated statements
2 of Mr. Amos and Mrs. Jenkins failed to provide probable cause to arrest Mr.
3 Jenkins for Mrs. Meagher's murder. Defendants were aware of this fact but
4 nonetheless caused the arrest of Mr. Jenkins, and subsequently,
5 Defendants intentionally continued the prosecution against Mr. Jenkins on
6 the basis of fabricated inculpatory evidence and suppressed material
7 exculpatory evidence, thereby effecting a continuing seizure of Mr. Jenkins
8 in violation of his Fourth and Fourteenth Amendment rights.

9 214. The criminal proceedings against Mr. Jenkins were initiated and
10 continued on the basis of Defendants intentional and knowingly false
11 accusations, fabrication of evidence, suppression of exculpatory evidence,
12 and other malicious conduct.

13 215. In falsely arresting Mr. Jenkins despite the absence of probable
14 cause to believe he had committed a crime, Defendants deprived Mr.
15 Jenkins of his liberty prior to the preliminary hearing, and in maliciously
16 prosecuting him despite the absence of probable cause or existence of
17 other evidence linking Mr. Jenkins to the crime, Defendants caused Mr.
18 Jenkins to suffer the indignity of a public trial, over twenty-three (23) years
19 of emotional distress while serving prison time for a crime he did not
20 commit, and the other injuries and damages set forth above.

1 216. The criminal proceedings against Mr. Jenkins were initiated
2 with malice in that Defendants caused the charges against Mr. Jenkins to
3 be filed by knowingly providing the prosecution misinformation, concealing
4 exculpatory evidence, and otherwise engaging in wrongful and bad faith
5 conduct that was actively instrumental in causing the initiation of the legal
6 proceedings against Mr. Jenkins.

7 217. Defendants' wrongful prosecution of Mr. Jenkins, which was
8 initiated with malice and without probable cause, and was brought for the
9 purpose of denying Mr. Jenkins's constitutional rights, including his right to
10 be free from unreasonable searches and seizures, and his right to not be
11 deprived of liberty without due process of law.

12 218. As a direct and proximate result of Defendants' actions, Mr.
13 Jenkins was wrongly prosecuted, detained, and incarcerated for over
14 twenty-three (23) years and suffered the other grievous injuries and
15 damages set forth above.

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1 incarcerated. These marital and parental relationships were small and
2 exclusive and existed at the exclusion of others.

3 223. The acts and omissions of Defendants, described at length in
4 this Complaint, resulted in the deprivation of Mr. Jenkins's right to intimate
5 association as secured by the Fourteenth Amendment. Mr. Jenkins was
6 unable to share or maintain a normal relationship with his wife or children.
7 Due to his wrongful incarceration and the effect this had on his wife, his
8 children were removed from the family home shortly thereafter. This
9 directly resulted in the breakup of Mr. Jenkins's family and further eroded
10 his right to intimate association with his wife and children.

11 224. The acts and omissions of Defendants, described at length in
12 this Complaint, also resulted in Mr. K. Jenkins and Mrs. Combs right to
13 intimate association with their father, Mr. Jenkins, as secured by the
14 Fourteenth Amendment. Mr. K. Jenkins and Mrs. Combs were unable to
15 share or maintain a normal relationship with their father due to his wrongful
16 incarceration.

17 225. The foregoing acts and omissions outlined in this Complaint
18 were deliberate, reckless, wanton, cruel, motivated by evil motive or intent,
19 done in bad faith, and/or involved callous indifference to Mr. Jenkins's, Mr.
20 K. Jenkins's, and Mrs. Combs' federally protected rights. These acts were

1 perpetrated while Defendants were acting under color of state law and in
2 their capacities as employees or agents of Lewis and Clark County,
3 Jefferson County, Ravalli County, and the MCIB.

4 226. As a direct and proximate result of the Defendants' actions, Mr.
5 Jenkins was unconstitutionally deprived of his right to intimate association
6 with both his wife and children, which has resulted in the grievous injuries
7 and damages outlined above.

8 227. As a direct and proximate result of the Defendants' actions, Mr.
9 K. Jenkins and Mrs. Combs were unconstitutionally deprived of their right to
10 intimate association with their father, Mr. Jenkins, which has resulted in the
11 grievous injuries and damages outlined above.

12 **COUNT IV**

13 **42 U.S.C. § 1983 Loss of Familial Companionship and Violation**
14 **of the Fourteenth Amendment**

15 ***By All Plaintiffs***

16 ***Against Mr. O'Reilly, Mr. McCormack, Mr. Dawson, Mr. Carlson,***
Mr. Campbell, Mr. Maus, and Mr. Scott

17 228. Plaintiffs hereby incorporate each of the allegations of this
18 Complaint as if fully set forth herein, and further allege as follows:

19 229. At the time of Mr. Jenkins's wrongful incarceration, he was
20 actively and consistently involved in Mr. K. Jenkins's and Mrs. Combs's life

1 and was an active participant in child-rearing activities. Mr. Jenkins was
2 one of Mr. K. Jenkins's and Mrs. Combs' primary caregivers. Mr. Jenkins,
3 Mr. K. Jenkins, and Mrs. Combs shared a deep and close child/parent
4 relationship.

5 230. The acts and omissions of the Defendants, described at length
6 in this Complaint, resulted in the deprivation of Mr. Jenkins's right to familial
7 companionship as secured by the Fourteenth Amendment. Mr. Jenkins
8 was unable to share or maintain a normal relationship with his children.
9 Due to his wrongful incarceration and the effect this had on his wife, his
10 children were removed from the family home shortly thereafter. This
11 directly resulted in the breakup of Mr. Jenkins's family and further eroded
12 his right to familial companionship with his children.

13 231. The acts and omissions of the Defendants, described at length
14 in this Complaint, also resulted in Mr. K. Jenkins and Mrs. Combs right to
15 familial companionship with their father, Mr. Jenkins, as secured by the
16 Fourteenth Amendment. This includes the right not to be deprived of their
17 father and his love, comfort, support, guidance, counsel, advice, and
18 income. Mr. K. Jenkins and Mrs. Combs were unable to share or maintain
19 a normal relationship with their father due to his wrongful incarceration.

20 232. The foregoing acts and omissions outlined in this Complaint

1 were deliberate, reckless, wanton, cruel, motivated by evil motive or intent,
2 done in bad faith, and/or involved callous indifference to Mr. Jenkins's, Mr.
3 K. Jenkins's, and Mrs. Combs' federally protected rights. These acts were
4 perpetrated while Defendants were acting under color of state law and in
5 their capacities as employees or agents of Lewis and Clark County,
6 Jefferson County, Ravalli County, and the MCIB.

7 233. As a direct and proximate result of the Defendants' actions, Mr.
8 Jenkins was unconstitutionally deprived of his right to familial
9 companionship with his children, which has resulted in the grievous injuries
10 and damages outlined above.

11 234. As a direct and proximate result of the Defendants' actions, Mr.
12 K. Jenkins and Mrs. Combs were unconstitutionally deprived of their right to
13 familial companionship with their father, Mr. Jenkins, which has resulted in
14 the grievous injuries and damages outlined above.

15 **COUNT V**

16 **42 U.S.C. § 1983 Right to be Released Upon Proof of Actual Innocence**

17 ***By Mr. Jenkins Only***

18 ***Against Mr. Maus***

19 235. Plaintiffs hereby incorporate each of the allegations of this
20 Complaint as if fully set forth herein, and further allege as follows:

1 236. As a direct and proximate result of Defendants' actions, Mr.
2 Jenkins was unconstitutionally deprived of his right to be released upon
3 proof of actual innocence, which has resulted in the grievous injuries and
4 damages outlined above.

5 237. Despite receiving highly specific information about Mr. D.
6 Nelson's confession to an easily identifiable murder, Mr. Maus ignored and
7 failed to transmit evidence directly proving Mr. Jenkins's innocence. This
8 conduct violated Mr. Jenkins's right to be released upon proof of actual
9 innocence and caused him to be further deprived of his liberty without due
10 process of law.

11 238. Rather than transmit directly exculpatory evidence to any law
12 enforcement entity, Defendants acted in a manner that shocks the
13 contemporary conscience and deprived Mr. Jenkins of his right to be
14 released upon proof of actual innocence and further deprived Mr. Jenkins
15 of his right not to be deprived of liberty without due process of law.

16 239. The foregoing acts and omissions were deliberate, reckless,
17 wanton, cruel, motivated by evil motive or intent, done in bad faith, and/or
18 involved callous indifference to Mr. Jenkins's federally protected rights.
19 These acts were perpetrated while Defendants were acting under color of
20 state law and in their capacities as employees or agents of Ravalli County

1 Sheriff's Office.

2 240. As a direct and proximate result of Defendants' actions, Mr.
3 Jenkins remained wrongfully incarcerated for an additional nineteen (19)
4 years, and suffered the other grievous injuries and damages set forth
5 above.

6 **COUNT VI**

7 **42 U.S.C. § 1983 Civil Rights Conspiracy Claim**

8 ***By Mr. Jenkins Only***

9 ***Against Mr. O'Reilly, Mr. McCormack, Mr. Dawson, Mr. Carlson, Mr.
10 Campbell, Mr. Maus, and Mr. Scott***

11 241. Plaintiffs hereby incorporate each of the allegations of this
12 Complaint as if fully set forth herein, and further allege as follows.

13 242. Defendants and others, yet unknown, agreed among
14 themselves and others to act in concert to deprive Mr. Jenkins of his clearly
15 established constitutional rights as protected by the Fourth, Fifth, and
16 Fourteenth Amendments, including his right not to be deprived of liberty
17 without due process of law, to be free from illegal seizures, to be free from
18 a reckless investigation, to be free from the use of fabricated evidence, to
19 be free from law enforcement conduct constituting the deliberate
20 indifference or reckless disregard for the truth, the right to a fair trial, the
right to intimate association, and the right to familial association.

1 243. As described in detail above, in furtherance of the conspiracy,
2 Defendants engaged in and facilitated numerous overt acts in furtherance
3 of the conspiracy, including but not limited to the following:

- 4 a. Acting in concert to suggest, coerce, and/or fabricate Mr.
5 Amos's and Mrs. Jenkins's statements implicating Mr.
6 Jenkins, as well as Mr. Lawrence's statements implicating
7 Mr. Jenkins and inculpating himself;
- 8 b. Acting in concert to conceal that Mr. Amos's, Mrs.
9 Jenkins's, and Mr. Lawrence's statements had been
10 tainted;
- 11 c. Acting in concert to fabricate reports falsely claiming that
12 Mr. Amos and Mrs. Jenkins had provided more
13 compelling narrative accounts implicating Mr. Lawrence
14 and Mr. Jenkins when they were not being recorded;
- 15 d. Acting in concert to conceal the fact that, during Mr.
16 Amos's and Mrs. Jenkins's statements, the recordings
17 were turned on and off to falsely create the appearance
18 that Mr. Amos and Mrs. Jenkins were implicating Mr.
19 Jenkins in Mrs. Meagher's murder.
- 20 e. Acting in concert to suggest, coerce, and/or fabricate

1 vehicle identifications linking Mr. Lawrence's and Mr.
2 Jenkins's vehicles to the crime;

- 3 f. Prior and subsequent to Mr. Jenkins's arrest, charging,
4 and indictment, acting in concert to deliberately ignore
5 and/or recklessly fail to investigate leads pointing to other
6 suspects, such as Mr. F. Nelson's statement regarding
7 Mr. D. Nelson's confession to the murder; and
8 g. Prior and subsequent to Mr. Jenkins's arrest, charging,
9 and indictment, deliberately ignoring and/or recklessly
10 failing to investigate evidence of Mr. Jenkins's innocence.

11 244. As a direct and proximate result of Defendants' overt acts, Mr.
12 Jenkins was deprived of his constitutional rights; wrongly prosecuted,
13 detained, and incarcerated for over twenty-three (23) years; and subjected
14 to other grievous injuries and damages as set forth above.

15 **COUNT VII**

16 **42 U.S.C. § 1983 Supervisor Liability Claim**

17 ***By Mr. Jenkins Only.***

18 ***Against Mr. Dawson, Mr. O'Reilly, and Mr. Campbell.***

19 245. Plaintiffs hereby incorporate each of the allegations of this
20 Complaint as if fully set forth herein, and further allege as follows.

1 246. Mr. Jenkins's wrongful arrest, confinement, prosecution, trial,
2 conviction, and incarceration was caused by the unconstitutional action and
3 inaction of Mr. O'Reilly (then the Lewis and Clark County Sheriff), Mr.
4 Dawson (then the Jefferson County Sheriff), and Mr. Campbell (then the
5 Jefferson County Undersheriff), acting in their individual capacities and
6 under color of law.

7 247. Upon information and belief, Mr. O'Reilly, Mr. Dawson, and Mr.
8 Campbell, directly participated in the misconduct that resulted in Mr.
9 Jenkins's wrongful conviction, including but not limited to coercing,
10 fabricating, or suggesting false statements and vehicle identifications and
11 suppressing exculpatory evidence.

12 248. Mr. O'Reilly, Mr. Dawson, and Mr. Campbell, knowingly refused
13 to terminate the wrongful prosecution of Mr. Jenkins, which, upon
14 information and belief, they knew or should have known, had been initiated
15 based on the coerced, fabricated, or suggested statements and
16 identifications, as well as in spite of suppressed exculpatory information.
17 As a result, Mr. O'Reilly, Mr. Dawson, and Mr. Campbell knew or
18 reasonably should have known that Mr. Jenkins's constitutional rights, as
19 identified above, would be violated.

20 249. Mr. O'Reilly, Mr. Dawson, and Mr. Campbell culpably failed to

1 adequately train, supervise, and/or control their subordinates, who obtained
2 coerced, fabricated, or suggested identifications, and suppressed
3 exculpatory information.

4 250. Mr. O'Reilly, Mr. Dawson, and Mr. Campbell violated Mr.
5 Jenkins's constitutional rights by acquiescing in the deprivation of Mr.
6 Jenkins's constitutional rights by their subordinates, and by generally
7 showing a reckless or callous indifference to Mr. Jenkins's rights.

8 251. Mr. O'Reilly, Mr. Dawson, and Mr. Campbell failure to train,
9 supervise, and/or control their subordinates, their indifference to the actions
10 of their subordinates, and their indifference to Mr. Jenkins's rights,
11 encouraged and permitted their subordinates to fabricate evidence and to
12 fail to document and to disclose exculpatory evidence.

13 252. The actions and omission of Mr. O'Reilly, Mr. Dawson, and Mr.
14 Campbell, in their individual capacities, caused Mr. Jenkins to suffer the
15 constitutional deprivations and grievous personal injuries outlined above.

16 **COUNT VIII**

17 **42 U.S.C. § 1983 *Monell* Claim for Direct Involvement of Policymakers**

18 ***By Mr. Jenkins Only***

19 ***Against Lewis and Clark County Sheriff's Office, and Jefferson***
20 ***County Sheriff's Department***

253. Plaintiffs hereby incorporate each of the allegations of this

1 Complaint as if fully set forth herein, and further allege as follows.

2 254. Defendant Lewis and Clark County was at all times relevant to
3 this Complaint responsible for the policies, practices, and customs of the
4 Lewis and Clark County Sheriff's Office.

5 255. Defendant Jefferson County was at all times relevant to this
6 Complaint responsible for the policies, practices, and customs of the
7 Jefferson County Sheriff's Department.

8 256. Defendants Lewis and Clark County and Jefferson County
9 created and maintained a custom, policy and/or practice of unconstitutional
10 misconduct in homicide investigations, including but not limited to the
11 encouragement and use of, and reliance on, suggestive and/or coercive
12 techniques during interviews and interrogations to obtain false statements,
13 plainly unreliable informants and/or witness statements that law
14 enforcement knew or should have known were false, the fabrication of
15 inculpatory evidence, the suppression of exculpatory and/or impeachment
16 evidence, the intentional failure to utilize constitutionally proper
17 identification procedures, and the intentional failure to conduct adequate
18 investigations of crimes.

19 257. Defendants Mr. O'Reilly (then the Lewis and Clark County
20 Sheriff) and Mr. Dawson (then the Jefferson County Sheriff), the final

1 policymakers of the Lewis and Clark County Sheriff's Office and the
2 Jefferson County Sheriff's Department, respectively, decided to undertake
3 and participate in improper interrogation and interview techniques, as well
4 as the withholding and suppression of material exculpatory evidence from
5 the defense. Mr. O'Reilly and Mr. Dawson's decisions as final policymakers
6 demonstrate the custom, policy and/or practice of unconstitutional
7 misconduct in homicide investigations in Lewis and Clark and Jefferson
8 Counties, respectively.

9 258. Mr. O'Reilly and Mr. Dawson, as the final policymakers of the
10 Lewis and Clark County Sheriff's Office and Jefferson County Sheriff's
11 Department, respectively, also ratified the unconstitutional decisions and
12 actions of the individual defendants as described above.

13 259. These policies, practices, and customs resulted directly in the
14 deprivation of Mr. Jenkins's constitutional rights as outlined and described
15 above, and caused Mr. Jenkins to suffer the constitutional deprivations and
16 grievous personal injuries outlined above.

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COUNT IX

State Law Pendant Claim for False Imprisonment

By Mr. Jenkins Only

Against All Defendants

260. Plaintiffs hereby incorporate each of the allegations of this Complaint as if fully set forth herein, and further allege as follows.

261. The conduct of Defendants directly resulted in Mr. Jenkins's false imprisonment.

262. Mr. Jenkins's liberty of movement and freedom to remain in the place of his own lawful choice was violated by his wrongful conviction causing him to be restrained against his will.

263. The restraint of Mr. Jenkins against his will was caused by Defendants' aforementioned conduct in, among other things, fabricating evidence, concealing exculpatory evidence, and failing to transmit proof of his innocence.

264. The acts and omissions of the individual Defendants described above are attributable to the municipal and governmental Defendants and they are vicariously liable for the actions of the individual Defendants.

265. As a direct and proximate result of Defendants' actions, Mr. Jenkins suffered the grievous injuries and damages set forth above.

COUNT X

State Law Pendant Claim for Negligent Infliction of Emotional Distress

By All Plaintiffs

Against All Defendants

266. Plaintiffs hereby incorporate each of the allegations of this Complaint as if fully set forth herein, and further allege as follows.

267. Mr. Jenkins has suffered serious and severe emotional distress as a direct and proximate result of Defendants' negligent acts including, but not limited to, unlawfully obtaining his wrongful conviction and by failing to turn over evidence directly proving his innocence.

268. Mr. K. Jenkins and Mrs. Combs have suffered serious and severe emotional distress as a direct and proximate result of the Defendants' negligent acts including, but not limited to, unlawfully obtaining their father's wrongful conviction and by failing to turn over evidence directly proving their father's innocence.

269. Mr. Jenkins's, Mr. K. Jenkins's, and Mrs. Combs' serious and severe emotional distress was a reasonably foreseeable consequence of Defendants' negligent acts and omissions.

270. The acts and omissions of the individual Defendants described above are attributable to the municipal and governmental Defendants and

1 they are vicariously liable for the actions of the individual Defendants.

2 271. As a direct and proximate result of Defendants' actions, Mr.
3 Jenkins, Mr. K. Jenkins, and Mrs. Combs have suffered emotional distress
4 which has been accompanied by physical manifestations.

5 272. These physical manifestations include anxiety, depression,
6 weight loss, loss of sleep, and other ailments.

7 **COUNT XI**

8 **State Law Pendant Claim for Intentional Infliction of Emotional Distress**

9 ***By All Plaintiffs***

10 ***Against All Defendants***

11 273. Plaintiffs hereby incorporate each of the allegations of the
12 Complaint as if fully set forth herein, and further allege as follows.

13 274. Mr. Jenkins has suffered serious and severe emotional distress
14 as a direct and proximate result of Defendants' intentional acts including,
15 but not limited to, unlawfully obtaining his wrongful conviction and by failing
16 to turn over evidence directly proving his innocence.

17 275. Mr. K. Jenkins and Mrs. Combs have suffered serious and
18 severe emotional distress as a direct and proximate result of the
19 Defendants' negligent acts including, but not limited to, unlawfully obtaining
20 their father's wrongful conviction and by failing to turn over evidence

1 directly proving their father's innocence.

2 276. Mr. Jenkins's, Mr. K. Jenkins's, and Mrs. Combs' serious and
3 severe emotional distress was a reasonably foreseeable consequence of
4 Defendants' intentional acts and omissions.

5 277. The acts and omissions of the individual Defendants described
6 above are attributable to the municipal and governmental Defendants and
7 they are vicariously liable for the actions of the individual Defendants.

8 278. As a direct and proximate result of Defendants' actions, Mr.
9 Jenkins, Mr. K. Jenkins, and Mrs. Combs have suffered emotional distress
10 which has been accompanied by physical manifestations.

11 279. These physical manifestations include anxiety, depression,
12 weight loss, loss of sleep, and other ailments.

13 **COUNT XII**

14 **State Law Pendant Claim for Loss of Consortium**

15 ***By Mr. K. Jenkins and Mrs. Combs Only***

16 ***Against All Defendants***

17 280. Plaintiffs hereby incorporate each of the allegations of this
18 Complaint as if fully set forth herein, and further allege as follows.

19 281. Defendants' acts and omissions, as described at length above,
20 caused Mr. Jenkins to suffer serious, permanent and disabling mental and

1 physical injuries which are compensable under Montana law. These
2 damages have been described at length throughout this Complaint.

3 282. Mr. Jenkins ultimate condition of physical incarceration,
4 physical restraint, physical injury, emotional injury, and mental anguish was
5 so overwhelming and severe that is caused the parent-child relationship
6 between Mr. Jenkins, Mr. K. Jenkins, and Mrs. Combs to be destroyed.

7 283. As a direct and proximate result of Defendants' actions in
8 causing this ultimate condition, Mr. K. Jenkins, and Mrs. Combs have
9 suffered the grievous injuries and damages set forth above.

10 **COUNT XIII**

11 **State Law Pendant Claim for Violation of the Montana Constitution**

12 ***By All Plaintiffs***

13 ***Against All Defendants***

14 284. Plaintiffs hereby incorporate each of the allegations of this
15 Complaint as if fully set forth herein, and further allege as follows.

16 285. The foregoing acts and omissions of Defendants, as outlined at
17 length above, constitute a violation of Mr. Jenkins's, Mr. K. Jenkins's, and
18 Mrs. Combs' rights under the Montana Constitution.

19 286. These rights include Mr. Jenkins right to be free from unlawful
20 seizures under Article II, Section 11 and to due process of law under Article

1 II, Section 17.

2 287. Mr. Jenkins also enjoys certain un-enumerated and substantive
3 rights including, the right to a fair trial, the right to be free from a reckless
4 investigation, the right to be free from a wrongful conviction, the right to be
5 free from the use of fabricated evidence, the right to have exculpatory
6 evidence transmitted to law enforcement authorities, the right to be free
7 from law enforcement conduct constituting a deliberate indifference and/or
8 reckless disregard for the truth, the right to intimate association, the right to
9 familial companionship, the right to parent his children, and the right to be
10 released upon proof of actual innocence.

11 288. Defendants' foregoing acts and omissions violated these un-
12 enumerated and substantive rights.

13 289. Mr. K. Jenkins and Mrs. Combs also un-enumerated and
14 substantive rights including, the right to intimate association, and the right
15 to familial companionship.

16 290. Defendants' forgoing acts and omissions violated these un-
17 enumerated and substantive rights.

18 291. As a direct and proximate result of Defendants' actions, Mr.
19 Jenkins was wrongfully arrested, detained, charged with murder,
20 prosecuted, convicted, sentenced to two (2) terms of life in prison and a

1 concurrent forty (40) years, incarcerated for over twenty-three (23) years,
2 and suffered the constitutional deprivations, other grievous injuries and
3 damages set forth above.

4 292. As a direct and proximate result of Defendants' actions, Mr. K.
5 Jenkins and Mrs. Combs were wrongfully deprived of a familial and intimate
6 relationship with their father, and suffered the constitutional deprivations,
7 other grievous injuries and damages set forth above.

8 293. The acts and omissions of the individual Defendants described
9 above are attributable to the municipal and governmental Defendants and
10 they are vicariously liable for the actions of the individual Defendants.

11 WHEREFORE, Plaintiffs pray for the following relief:

- 12 A. Judgment in their favor against all above-named Defendants;
- 13 B. Compensatory damages against all Defendants in an amount to
14 be determined at trial;
- 15 C. Punitive damages as permitted by law;
- 16 D. An award of attorneys' fees and costs pursuant to 28 U.S.C. §
17 1988;
- 18 E. An award of attorneys' fees and costs under the private
19 attorney general doctrine, as this action involves the failure of
20 the State to properly enforce interests that are significant to the
citizenry and the vindication of constitutional interests; and
- F. Such other relief as this Court deems just and proper.

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DATED this 27th day of August, 2019.

REEP, BELL, LAIRD & JASPER, P.C.

By: /s/ Robert T. Bell
Attorneys for Plaintiff Mr. Jenkins

KOVACICH SNIPES JOHNSON, P.C.

By: /s/ Mark M. Kovacich
Attorneys for Plaintiff Mr. K. Jenkins

DATSOPOULOS, MACDONALD & LIND, P.C.

By: /s/ Dennis E. Lind
Attorneys for Plaintiff Mrs. Combs

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury on all issues so triable.

DATED this 27th day of August, 2019.

REEP, BELL, LAIRD & JASPER, P.C.

By: /s/ Robert T. Bell
Attorneys for Plaintiff Mr. Jenkins

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Attorneys for Plaintiff Mr. K. Jenkins

DATSOPOULOS, MACDONALD & LIND, P.C.

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