

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

CHASEN JOHNSON,

Plaintiff,

Vs.

Case No:

Division:

COMPLAINT

NEW SMYRNA BEACH POLICE
DEPARTMENT AND OFFICE OF
STATE ATTORNEY OF THE
SEVENTH CIRCUIT,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, CHASEN JOHNSON by and through the undersigned counsel Law Office of Jon Lambe, hereby sues Defendants NEW SMYRNA BEACH POLICE DEPARTMENT (hereinafter "SMYRNA") and OFFICE OF STATE ATTORNEY OF THE SEVENTH CIRCUIT (Hereinafter STATE) and states as follows:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of \$50,001, exclusive of interest, costs and attorney fees.
2. Plaintiff is a resident and natural person of Sanford, Florida.
3. New Smyrna Beach Police Department (hereinafter "SMYRNA") was a government agency existing under the direction and control of the City of New Smyrna Beach, Florida.
4. Officers on February 20, 2023, were employees of SMYRNA on working in the course and scope of his employment.
5. At all times hereinafter mentioned and material to this action NEW SMYRNA BEACH employed individuals at the New Smyrna Beach Police Department.

6. At all times material hereto, New Smyrna Beach Police Department Officers were sworn police officer, was an agent, servant, and employee of Defendant SMYRNA acting within the course and scope of his employment.
7. Office of State Attorneys of the Seventh Circuit (hereinafter "STATE") was a government agency existing under the direction and control of Volusia County, Florida.
8. Employees of The Office of State Attorneys of the Seventh Circuit on and after February 20, 2023, were employees of STATE working in the course and scope of his employment.
9. At all times hereinafter mentioned and material to this action STATE employed individuals at the Office of State Attorneys of the Seventh Circuit.
10. At all times material hereto, attorneys at the Office of State Attorneys of the Seventh Circuit were agents, servants, and employees of Defendant STATE acting within the course and scope of his employment.
11. That Volusia County is the proper venue as this incident occurred in Volusia County and defendants are governmental entities established in Volusia County.
12. Pursuant to Florida Statute 768.28(6), that in June and December of 2023, Plaintiff notified Defendants of this claim. More than six months expired since the notification and the claim is deemed denied. All other conditions precedent have been performed or occurred prior to the bringing of this action or they have been waived by the Defendants.

COUNT I- NEGLIGENCE AGAINST NEW SMYRNA BEACH POLICE

DEPARTMENT

13. That on or about February 20, 2023, SMYRNA BEACH owed a duty of care to citizens in Volusia County, Florida.
14. That plaintiff on or about February 20, 2023, was in Volusia County, Florida.
15. That on this date, plaintiff was arrested by SMYRNA officers while in Volusia County, FL.
16. That Officers employed by SMYRNA did not have proper training and used excessive force based on the circumstances of the situation involving the plaintiff, failed to properly investigate the incident based on evidence available.
17. SMYRNA officers were negligent in the handling of the investigation surrounding the eventual arrest of plaintiff based on the evidence.
18. As a result of the negligence of SMYRNA officers, plaintiff was improperly arrested and eventually incarcerated as a result of their actions and/or inactions.
19. As a direct and proximate result of the defendant SMYRNA's negligence plaintiff suffered incarceration for an extended period of time in corrections, interruption of ability to attend school functions, embarrassment, violation of his rights to be free, suffering injuries of a mental nature, mental anguish, inconvenience, loss of capacity to enjoy his life.

**COUNT II- NEGLIGENT TRAINING AGAINST DEFENDANT
NEW SMYRNA BEACH POLICE DEPARTMENT**

20. At all times relevant to this complaint, Defendant SMYRNA had a duty to train the officers to perform their law enforcement duties in a reasonable and safe

manner.

21. Defendant SMYRNA breached that duty by failing to implement and operate appropriate training of the officer that would serve reasonably foreseeable emotional and physical injury that occur during law enforcement.
22. Defendant SMYRNA 's failure to implement and operate appropriate training measures, resulted in the police being ill-equipped to properly handle civilian situations such as the one involving the plaintiff herein.
23. Due to the lack of training of Officers, they conducted themselves in contradiction of proper training in the excessive force used on the plaintiff at the time he was detained by handcuffing and improperly arrested, through their failures to properly investigate the incident that occurred on February 20, 2023.
24. Officers conduct were in the furtherance of and undertaken in the performance of their job duties as SMYRNA police officers.
25. As a direct and proximate result of Defendant SMYRNA through NEW SMYRNA BEACH and failure to train and supervise, plaintiff was improperly arrested, incarcerated and held without probable cause due to the employees of SMYRNA failure to properly investigate the incident on February 20, 2023.
26. As a direct and proximate result of the defendant SMYRNA's negligence plaintiff suffered incarceration for an extended period of time in corrections, interruption of ability to attend school functions, embarrassment, violation of his rights to be free, suffering injuries of a mental nature, mental anguish, inconvenience, loss of capacity to enjoy his life.

**COUNT III-INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS
CLAIM AGAINST NEW SMYRNA BEACH POLICE DEPARTMENT**

27. Officers of SMYRNA had a duty to protect and serve the citizens of the State of Florida and those citizens within their jurisdiction.
28. Officers conduct during the detention and arrest of Plaintiff was intentional, reckless, and outrageous.
29. As a result of his conduct, Officers caused injuries to Plaintiff.
30. As a direct and proximate result of the defendant SMYRNA's negligence plaintiff suffered incarceration for an extended period of time in corrections, interruption of ability to attend school functions, embarrassment, violation of his rights to be free, suffering injuries of a mental nature, mental anguish, inconvenience, loss of capacity to enjoy his life.

**COUNT IV-VIOLATION OF U.S.C.S. ss 1983 AGAINST THE NEW
SMYRNA BEACH POLICE DEPARTMENT**

31. At the time of the incident in question Officers were employed by the New Smyrna Beach Police Department and was on active duty at the time.
32. The conduct of Officers were the result of a common custom and/or practice of the New Smyrna Beach Police Department of:
- a. Poor assessment of their officers;
 - b. Poor hiring practices;
 - c. Tolerance of prior poor job performance;
 - d. Improper, inadequate and/or acceptable policy of training;
 - e. Failing to have proper protocols in place to identify officers who may not be

equipped to properly execute their job duties

- f. Promoting an atmosphere that encourages officers to abuse their power in the community.
33. Officers was working for SMYRNA, under the color of Florida Law, at the time of the incident.
34. As a result of the policies, culture and practice of the SMYRNA, Officers deprived Plaintiff of his rights.
35. As a direct and proximate result of the defendant SMYRNA's negligence plaintiff suffered incarceration for an extended period of time in corrections, interruption of ability to attend school functions, embarrassment, violation of his rights to be free, suffering injuries of a mental nature, mental anguish, inconvenience, loss of capacity to enjoy his life.

**COUNT V-FALSE IMPRISONMENT BY NEW SMYRNA BEACH POLICE
DEPARTMENT**

36. On or about February 20, 2023, SMYRNA police officers investigated an incident beginning with a carjacking in New Smyrna Beach.
37. SMYRNA officers failed to properly investigate the incident, the witnesses they talked to and video at the scene of a gas station, that is viewed would have exonerated Plaintiff of the crimes that he was arrested for.
38. That as a result, plaintiff was wrongfully arrested, detained and incarcerated for an extended period of time as a minor at that time.
39. As a result, Plaintiff was deprived of his right of freedom and held during his senior year at high school, missing school, school activities, sports an social

activities with his classmates.

40. As a direct and proximate result of the defendant SMYRNA's negligence plaintiff suffered incarceration for an extended period of time in corrections, interruption of ability to attend school functions, embarrassment, violation of his rights to be free, suffering injuries of a mental nature, mental anguish, inconvenience, loss of capacity to enjoy his life.

COUNT VI- NEGLIGENCE AGAINST OFFICE OF STATE ATTORNEY
OF THE SEVENTH CIRCUIT

41. That on or about February 20,2023, STATE owed a duty of care to citizens in the Volusia County, Florida.
42. That on and after February 20, 2023, STATE was put in charge through it's employees of the case involving the plaintiff.
43. That with due diligence and investigation STATE should have realized that the plaintiff had been wrongfully detained, arrested and incarcerated if they had reviewed the evidence, spoken to the witness and viewed the video at the gas station at the time of the incident carjacking and would have release the plaintiff immediately.
44. Evidence, testimony and video clearly showed that a white male took the vehicle involved in the carjacking and plaintiff, a black male was seen entering a bathroom as the carjacking took place outside.
45. As a direct and proximate result of the defendant STATE's negligence plaintiff suffered incarceration for an extended period of time in corrections, interruption of ability to attend school functions, embarrassment, violation of his rights to be

free, suffering injuries of a mental nature, mental anguish, inconvenience, loss of capacity to enjoy his life.

COUNT VII-INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
CLAIM AGAINST OFFICE OF THE STATE ATTORNEY OF THE
SEVENTH CIRCUIT

46. Officers of STATE had a duty to protect and serve the citizens of the State of Florida and those citizens within their jurisdiction.
47. That on or about February 20, 2023, STATE owed a duty of care to citizens in the Volusia County, Florida.
48. That on and after February 20, 2023, STATE was put in charge through it's employees of the case involving the plaintiff.
49. That with due diligence and investigation STATE should have realized that the plaintiff had been wrongfully detained, arrested and incarcerated if they had reviewed the evidence, spoken to the witness and viewed the video at the gas station at the time of the incident carjacking and would have release the plaintiff immediately.
50. Evidence, testimony and video clearly showed that a white male took the vehicle involved in the carjacking and plaintiff, a black male was seen entering a bathroom as the carjacking took place outside.
51. As a direct and proximate result of the defendant STATE's negligence plaintiff suffered incarceration for an extended period of time in corrections, interruption of ability to attend school functions, embarrassment, violation of his rights to be free, suffering injuries of a mental nature, mental anguish, inconvenience, loss of

capacity to enjoy his life.

52. As a result of a direct and proximate result of the defendant STATE's negligence plaintiff suffered incarceration for an extended period of time in corrections, interruption of ability to attend school functions, embarrassment, violation of his rights to be free, suffering injuries of a mental nature, mental anguish, inconvenience, loss of capacity to enjoy his life.

COUNT VIII-FALSE IMPRISONMENT BY OFFICE OF STATE ATTORNEY
OFFICE OF THE SEVENTH CIRCUIT

53. On or about February 20, 2023, STATE attorneys investigated an incident beginning with a carjacking.
54. STATE attorneys failed to properly investigate the incident, the witnesses they talked to and video at the scene of a gas station, that is viewed would have exonerated Plaintiff of the crimes that he was arrested for.
55. That as a result, plaintiff was wrongfully arrested, detained and incarcerated for an extended period of time as a minor at that time.
56. As a result, Plaintiff was deprived of his right of freedom and held during his senior year at high school, missing school, school activities, sports and social activities with his classmates.
57. As a direct and proximate result of the defendant STATE's negligence plaintiff suffered incarceration for an extended period of time in corrections, interruption of ability to attend school functions, embarrassment, violation of his rights to be free, suffering injuries of a mental nature, mental anguish, inconvenience, loss of capacity to enjoy his life.

Wherefore, plaintiff requests judgment against Defendants for damages and such other and further relief as the court may deem proper and demands a trial by jury for all triable issues.

/S/ JON LAMBE, ESQ.

By: Jon Lambe, Esquire

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