

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JANE DOE,

Plaintiff,

V.

**ROGER “CHILLY” VALENTINE,
HARRISON COUNTY, TEXAS,
SHERIFFS’ ASSOCIATION OF TEXAS,**

Defendants.

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CIVIL ACTION NO. 2:19-cv-254

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff Jane Doe files this Complaint, and in support thereof, respectfully shows the Court as follows:

**I.
PARTIES**

1. Plaintiff Jane Doe, proceeding under a pseudonym, is an individual who resides in Dallas County, Texas.

2. Defendant Roger “Chilly” Valentine (“Valentine”) is a former Harrison County Sheriff’s Office deputy and transport officer. Valentine is being sued in his individual capacity. He may be served with service of process at 403 S. College Street, Marshall, Texas 75670.

3. Defendant Harrison County is a political subdivision of the State of Texas. Defendant Harrison County may be served by and through its County Judge, the Honorable Chad Sims, Harrison County Court House, #1 Peter Whetstone Square, Room 314, Marshall, Texas 75670. At all relevant times Defendant was acting under the color of law.

4. Defendant Sheriffs' Association of Texas is a non-profit organization maintaining its principal place of business in the State of Texas, and may be served with process through its President, Sheriff Gerald Yezak, at 113 W. Decherd Street, Franklin, Texas 77856.

II. **JURISDICTION**

5. The Court has jurisdiction over this lawsuit under 28 U.S.C. §1331, as it arises under the Constitution, laws, or treaties of the United States, as well as 42 U.S.C. §1983. Additionally, the Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. §1367(a).

III. **VENUE**

6. Venue is proper in this Court under 28 U.S.C. §1391(b), as this is the judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.

IV. **FACTS**

7. During a transport from a state jail to Harrison County Jail by Defendant Valentine on or about March 22, 2019, Defendant Valentine assaulted Plaintiff while on duty.

8. Plaintiff was being transferred from the Linda Woodman State Jail to the Harrison County Jail on or about March 22, 2019. Linda Woodman State Jail in Gatesville, Coryell County, Texas released Plaintiff into the custody of a lone, male transport officer, Defendant Valentine for the approximately four and a half hour trip. Linda Woodman State Jail is located some 250+ miles from Harrison County Jail. Defendant Harrison County employed the lone, male transport officer, Defendant Valentine, who transported Plaintiff. Plaintiff is roughly 5'5, and Defendant Valentine stood much taller than Plaintiff and is heavysset. Plaintiff was handcuffed and placed in the rear of the transport van. Notably, Defendant Valentine stood

closely behind Plaintiff to handcuff and shackle her, which is not protocol and resulted in Defendant Valentine rubbing the front of his body up against Plaintiff's back and buttocks. A female guard or employee of Linda Woodman State Jail was present when Defendant handcuffed and shackled Plaintiff inappropriately.

9. During the first part of the drive, Defendant Valentine continued to make several sexual advances to Plaintiff, stating that he "bet she was ready to get home," indicating that she needed sexual activity, and discussing his own various sexual exploits. When Plaintiff asked to use the restroom on the multiple hour drive, Defendant Valentine stopped at a gas station/convenience store in Corsicana that he knew to have no surveillance cameras. Directly across the street was a larger gas station, which Defendant Valentine initially pulled into, but he then changed course and chose the smaller station that was not as heavily populated and which did not have surveillance.

10. Defendant Valentine and Plaintiff exited the vehicle, and Defendant Valentine followed Plaintiff into the gas station restroom. Plaintiff could not object to the officer's actions, and further assumed he came into the restroom with her in order to remove her shackles so that she could use the restroom without falling. However, once in the restroom, Defendant Valentine cornered Plaintiff into a stall, and Plaintiff realized Defendant Valentine had opened his pants and exposed himself to her. Defendant Valentine then forced Plaintiff to turn around and proceeded to rape her. Plaintiff was shackled for the duration of the rape. Defendant Valentine then removed Plaintiff's handcuffs, left, washed his hands, and as she exited the restroom, he handcuffed her again and returned her to the vehicle.

11. Defendant Valentine continued on the journey towards Harrison County Jail, and further continued making sexually abusive and harassing remarks to Plaintiff. Plaintiff was in

continual fear for the remainder of the drive, as Defendant Valentine continued to ask her if she “wanted a quickie” and “whether it was good.”

12. Defendant Valentine arrived at the Harrison County Jail at about 2 p.m. As Plaintiff was booked in, a female officer took Plaintiff to undress and inspect her. Plaintiff had previously overheard Defendant Valentine and the female officer exchanging flirtatious remarks, so she did not feel comfortable reporting the rape to the female officer. However, when a sergeant arrived, Plaintiff immediately relayed what had occurred while she had been transported alone with Defendant Valentine, and was then taken to a nurse’s office and subsequently, to Christus Mother Francis Hospital.

13. Notably, Defendant Valentine was under investigation from at least one other instance of sexual misconduct when he resigned. According to records obtained from Gregg County Jail, supervisors were investigating claims from at least one female employee that Roger “Chilly” Valentine, 53, asked her to touch his groin area “inappropriately and without her consent” and that he grabbed her buttocks in February 2013 while on a jail elevator. Prior to the outcome of that investigation, he submitted a one-sentence resignation to supervisors. Valentine continued to work for Harrison County Sheriff’s Office, after no further investigation was launched into his misconduct. Upon information and belief, the Sheriffs’ Association of Texas failed to take any action to investigate Defendant Valentine’s sexual misconduct.

14. Defendants Harrison County and the Sheriffs’ Association of Texas failed to protect Plaintiff, and other female inmates, from the unwanted assault by Defendant Valentine or any of its employees by its failure to train or supervise the transport of female inmates to prevent incidents of sexual assault from occurring. Defendant Harrison County also failed to adequately screen potential hires or conduct background checks to ensure the safety of inmates.

15. Upon information and belief, special arrangements were made by Defendant Valentine to transport Plaintiff alone during the long transport which gave rise to this complaint. Alternatively, Defendants ignored their own policies and procedures regarding having two officers conduct transports. Defendant Valentine, as well as Defendant Harrison County, wholly failed to ensure national standard jail policies were adhered to and failed to provide any safeguards to prevent incidents of sexual assault and harm against inmates. Specifically, Defendants did not require at least two officers to be present during all transports, especially those of considerable duration and length; did not require at least one female officer to be present during female inmate transfers; nor did Defendants require safeguards such as video cameras within transport vans during single officer transports, mileage checks, or communications with other officers or supervisors, either en route or upon final destination, to ensure officers upheld their duties as prescribed by law.

16. In addition to those reasons stated above, Defendants negligently failed to protect Plaintiff, and other female inmates, from the unwanted assault by Defendant Valentine despite the knowledge of previous sexually inappropriate behavior, and in spite of common national jail standards of requiring at least two officers during any transport of inmates for officer safety.

17. At all times material to this Complaint, Defendant Valentine and Defendant Harrison County acted under the color of the laws, statutes, customs, ordinances, and usage of the State of Texas and Harrison County, Texas.

18. Defendants Harrison County and the Sheriffs' Association of Texas failed to protect Plaintiff, and other female inmates, from the unwanted assault by Defendant Valentine or any of its employees by its failure to train or supervise the transport of female inmates to prevent incidents of sexual assault from occurring. Defendant Harrison County also failed to adequately

screen potential hires or conduct background checks to ensure the safety of inmates. Defendant Sheriffs' Association of Texas further failed to investigate, warn of, or provide any safeguards against sexual misconduct and perpetrators of same being passed through the Sheriff's offices of this state. Defendants' failures led directly to Plaintiff's assault, and caused her physical pain and injury as well as emotional and mental anguish and trauma.

V.
CAUSES OF ACTION

**COUNT 1: 42 U.S.C. §1983 – FAILURE TO TRAIN OR SUPERVISE
(Against Defendant HARRISON COUNTY)**

19. Paragraphs 1-18 set forth above are incorporated herein by reference.

20. At the time of the incidents described above, Defendant Harrison County including its jailors, staff, and warden, was acting under the color of laws and regulations of the State of Texas and Harrison County, on behalf of the Harrison County Sheriff's Office, and within the scope of their employment with Defendant Harrison County.

21. The constitutional violations in this case were the direct result of inadequate training and supervision of Harrison County.

22. Defendant Harrison County failed to provide the adequate supervision and training to its jailors at the Harrison County Jail that would have alerted its employees not to release Plaintiff, and the other women harmed by Defendant Valentine, to a single, male officer, especially during transports of significant length and duration, on a recurring basis for nearly a year. Harrison County failed to provide training and supervision to its jailors that, in reasonable probability, would have prevented the Plaintiff, and others, from being sexually assaulted.

23. The above-described failure to train and supervise Defendant Harrison County's employees was a direct cause, and moving force, of the constitutional deprivations suffered by Plaintiff, which led to her sexual assault.

24. As a direct result of these acts, Plaintiff has suffered severe mental and/or emotional injuries and has been deprived of her constitutional rights, resulting in her damage.

25. As a direct and/or proximate result of Defendants' actions and/or inactions, Plaintiff suffered and continues to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life, was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life, and has sustained and will continue to sustain loss of earnings and earning capacity; and has required and will continue to require treatment, therapy, counseling, and hospitalization to address the mental anguish and despair which Defendants' conduct caused.

**COUNT 2: 42 U.S.C. §1983 – FAILURE TO TRAIN OR SUPERVISE
(Against Defendant HARRISON COUNTY)**

26. Paragraphs 1-25 set forth above are incorporated herein by reference.

27. At the time of the incidents described above, Defendant Valentine was acting under the color of laws and regulations of the State of Texas and the Harrison County Sheriff's Office and within the scope of his employment with Defendant Harrison County.

28. During all relevant times, the Harrison County Sheriff was the County's final policymaker regarding the conduct of its deputies and had actual or constructive knowledge of the inadequate supervision and training that, in reasonable probability, caused the incidents that forms the basis of this lawsuit. Additionally, the constitutional violations in this case were the direct result of inadequate supervision and inadequate training of Defendant Valentine, a transport deputy. Upon information and belief, Defendant Valentine made "special arrangements" with other officers and supervisors, so that he would be the sole transporting officer of female inmates during lengthy transports. Defendant Harrison County via Defendant

Valentine's direct supervisor knew or should have known of Valentine's transport assignments including which inmates were being transported, the pick-up and destination locations, approximate duration and mileage, officers assigned to the transport, and any alterations in a scheduled transport. Defendant Harrison County purposefully or recklessly ignored Defendant Valentine's pattern as the sole, male transport officer for female inmates in violation of jail policies on a recurring basis and entirely failed to provide the adequate supervision or training that, in reasonable probability, would have prevented the Plaintiff from being sexually assaulted.

29. More specifically, Defendants Valentine and Harrison County did not require at least two officers to be present during all transports, especially those of considerable duration and length; did not require at least one female officer to be present during female inmate transfers; nor did he or Defendant Harrison County require safeguards such as video cameras within transport vans during single officer transports, mileage checks, or communications with other officers or supervisors, either en route or upon final destination, to ensure officers upheld their duties as prescribed by law.

30. The above-described failure to train and supervise Defendant Valentine was a direct cause, and moving force, of the constitutional deprivations suffered by Plaintiff, which led to her sexual assault.

31. As a direct result of these acts, Plaintiff has suffered severe mental and/or emotional injuries and has been deprived of her constitutional rights, all to her damage.

32. As a direct and/or proximate result of Defendants' actions and/or inactions, Plaintiff suffered and continues to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life, was prevented and will continue to be prevented

from performing Plaintiff's daily activities and obtaining the full enjoyment of life, and has sustained and will continue to sustain loss of earnings and earning capacity; and has required and will continue to require treatment, therapy, counseling, and hospitalization to address the mental anguish and despair which Defendants' conduct caused.

**COUNT 3: 42 U.S.C. §1983 – UNREASONABLE SEIZURE, SUBSTANTIVE DUE
PROCESS, AND ABUSE OF POWER
(Against All Defendants)**

33. Paragraphs 1-32 set forth above are incorporated herein by reference.

34. As a result of Defendant Valentine's malicious physical abuse, unconscionable and egregious abuse of power, and sexual assault as set forth above, he deprived Plaintiff of her constitutional rights in violation of the Fourth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. §1983.

35. The sexual assault against Plaintiff was an unreasonable physical seizure of Plaintiff under the Fourth Amendment of the United States Constitution. In the alternative, the assault by Defendant Valentine was a violation of Plaintiff's due process rights protected by the Fourteenth Amendment of the United States Constitution by violating her rights to bodily integrity.

36. As a direct result of Defendant Valentine's illegal, malicious, willful, and deliberately indifferent conduct, Plaintiff suffered mental/emotional injuries and was deprived of her constitutional rights, all to her damage.

37. As a direct and/or proximate result of Defendants' actions and/or inactions, Plaintiff suffered and continues to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life, was prevented and will continue to be prevented

from performing Plaintiff's daily activities and obtaining the full enjoyment of life, and has sustained and will continue to sustain loss of earnings and earning capacity; and has required and will continue to require treatment, therapy, counseling, and hospitalization to address the mental anguish and despair which Defendants' conduct caused.

**COUNT 4: 42 U.S.C. §1983 – VIOLATION OF BODILY INTEGRITY
(Against All Defendants)**

38. Paragraphs 1-37 set forth above are incorporated herein by reference.

39. Plaintiff, as a female, is a member of a protected class under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

40. Plaintiff also enjoys the constitutionally protected Due Process rights guaranteed by the Fourteenth Amendment to be free from invasion of bodily integrity through sexual assault, abuse, or molestation.

41. At all relevant times, Defendants were acting under color of federal and/or state law.

42. The acts by Defendants as alleged herein amount to a violation of these clearly established constitutionally protected rights, of which reasonable persons in the Defendants' positions should have known.

43. At all relevant times, Defendants had the ultimate responsibility and authority to train and supervise their employees, subordinates, agents, members, and/or representatives in the appropriate manner of detecting, reporting, and preventing sexual abuse, assault, and molestation and as a matter of acts, custom, policy, and/or practice, failed to do so with deliberate indifference.

44. Defendants are personally liable to Plaintiff because they sanctioned, directed or actively participated in the commission of the wrongful conduct which injured Plaintiff.

45. As a matter of custom, policy, and and/or practice, the Defendants had and have the ultimate responsibility and authority to investigate complaints against their employees, subordinates, and representatives from all individuals, and failed to do so with deliberate indifference.

46. At all relevant times, Defendants had a duty to prevent sexual assault, abuse, and molestation on their premises, that duty arising under the above-referenced constitutional rights.

47. Defendant Harrison County and Defendant Sheriffs' Association of Texas at all relevant times had an unconstitutional custom, practice, and/or policy of failing to address complaints of sexual harassment by Defendant Valentine, including sexual violence in a prompt and equitable manner which caused and may have contributed to a continuation of the sexually hostile environment.

48. By failing to prevent the above-mentioned sexual assault, abuse, and molestation upon Plaintiff, and by failing to appropriately respond to reports of Defendant Valentine's sexual assault, abuse, and molestation in a manner that was so clearly unreasonable it amounted to deliberate indifference, all Defendants are liable to Plaintiff pursuant to 42 U.S.C. 1983.

49. The Defendants' conduct and failures to act shocks the conscience deprived Plaintiff of rights secured by the Fourteenth Amendment to the United States Constitution in violation of 42 U.S.C. §1983.

50. The Defendants authorized and/or permitted a custom, policy, practice or procedure of insufficient supervision and failed to adequately screen, counsel, or discipline Valentine, with the result that Valentine could violate the rights of persons such as Plaintiff with impunity.

51. The constitutional right alleged in this Count was clearly established and Defendants knew or should have known that their conduct violated this constitutional right.

52. As a direct and/or proximate result of Defendants' actions and/or inactions, Plaintiff suffered, among other things, humiliation, degradation, intimidation, confusion and emotional distress.

53. As a direct result of Defendants' illegal, malicious, willful, and deliberately indifferent conduct, Plaintiff suffered mental/emotional injuries and was deprived of her constitutional rights, all to her damage.

54. As a direct and/or proximate result of Defendants' conduct, Plaintiff suffered and continues to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life, was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life, and has sustained and will continue to sustain loss of earnings and earning capacity; and has required and will continue to require treatment, therapy, counseling, and hospitalization to address the mental anguish and despair which Defendants' conduct caused.

**COUNT 5: NEGLIGENT SUPERVISION
(Against Defendant HARRISON COUNTY)**

55. Paragraphs 1-54 set forth above are incorporated herein by reference.

56. Defendant Harrison County had a duty to provide reasonable supervision of its employee, agent, and/or representative, Valentine while he was in the course of his employment, agency and/or representative of Harrison County and while he interacted with female prisoners including Plaintiff.

57. It was reasonably foreseeable given the known sexual abuse in prisons in particular that Valentine, who had prior allegations against him, had or would sexually abuse prisoners, including Plaintiff, unless properly supervised.

58. Defendant knew or reasonably should have known of Valentine's conduct and/or that Valentine was an unfit employee, agent, and/or representative because of his prior misconduct.

59. Defendant breached its duty to provide reasonable supervision of Valentine, and its failure permitted Valentine, who was in a position of trust and authority, to commit the acts against Plaintiff.

60. The sexual abuse occurred while Valentine was acting in the course of his employment, agency and/or representation of Harrison County.

61. Defendant Harrison County tolerated, authorized and/or permitted a custom, policy, practice or procedure of insufficient supervision and failed to adequately screen, counsel or discipline Valentine, with the result that Valentine could violate the rights of persons such as Plaintiff with impunity.

62. Defendant Harrison County is liable to Plaintiff because it sanctioned, directed or actively participated in the commission of the wrongful conduct which injured Plaintiff.

63. As a direct and/or proximate result of Defendants' negligent supervision, Plaintiff suffered and continues to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life, was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life, and has sustained and will continue to sustain loss of earnings and earning capacity; and has required and will

continue to require treatment, therapy, counseling, and hospitalization to address the mental anguish and despair which Defendants' conduct caused.

**COUNT 6: NEGLIGENT FAILURE TO WARN OR PROTECT
(Against Defendants HARRISON COUNTY and SHERIFFS'
ASSOCIATION OF TEXAS)**

64. Paragraphs 1-63 set forth above are incorporated herein by reference.

65. Given the direct or indirect knowledge of sexual abuse by Defendant Valentine and in prisons generally, it was reasonably foreseeable that sexual abuse may occur if proper procedures were not taken by Defendants.

66. Defendants knew or should have known that Valentine posed a risk of harm to Plaintiff or those in Plaintiff's situation.

67. Defendants had direct and/or constructive knowledge as to the dangerous conduct of Valentine and failed to act reasonably and responsibly in response.

68. Defendants knew or should have known that Valentine previously committed sexual assault, abuse, and molestation and/or was continuing to engage in such conduct.

69. Defendants had a duty to warn or protect the Plaintiff and others in Plaintiff's situation against the risk of injury by Valentine.

70. The duty to disclose this information arose by the special, trusting, confidential, and fiduciary relationship between Valentine in his capacity as employee, agent, member, and/or representative of Defendants.

71. Defendants breached said duty by failing to warn Plaintiff and/or by failing to take reasonable steps to protect the Plaintiff from Valentine.

72. Defendants failed to warn Plaintiff about prior complaints regarding Valentine.

73. Defendants breached their duties to protect Plaintiff by failing to detect and/or uncover evidence of sexual abuse and sexual assault, investigate Valentine, adjudicate and suspend and/or terminate Valentine.

74. Defendants willfully refused to notify, give adequate warning, and implement appropriate safeguards to protect Plaintiff from Valentine's conduct.

75. As a direct and/or proximate result of Defendants' negligent failure to warn or protect, Plaintiff suffered and continues to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life, was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life, and has sustained and will continue to sustain loss of earnings and earning capacity; and has required and will continue to require treatment, therapy, counseling, and hospitalization to address the mental anguish and despair which Defendants' conduct caused.

**COUNT 7: NEGLIGENT FAILURE TO TRAIN OR EDUCATE
(Against Defendant HARRISON COUNTY)**

76. Paragraphs 1-75 set forth above are incorporated herein by reference.

77. Defendant breached its duty to take reasonable protective measures to protect the Plaintiff and other individuals from the risk of abuse by Valentine.

78. Defendant failed to implement reasonable safeguards to: (a) Prevent acts of sexual assault, abuse, and molestation by Valentine; and (b) Avoid placing Valentine in positions where he would have unsupervised contact and interaction with Plaintiff and other female prisoners;

79. Defendant failed to train or educate their members regarding the foreseeability and danger of sexual abuse by single transporting officers.

80. Defendant is personally liable to Plaintiff because it sanctioned, directed or actively participated in the commission of the wrongful conduct which injured Plaintiff.

81. As a direct and/or proximate result of Defendants' negligent failure to train or educate, Plaintiff suffered and continues to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life, was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life, and has sustained and will continue to sustain loss of earnings and earning capacity; and has required and will continue to require treatment, therapy, counseling, and hospitalization to address the mental anguish and despair which Defendants' conduct caused.

**COUNT 8: NEGLIGENT RETENTION
(Against Defendant HARRISON COUNTY)**

82. Paragraphs 1-81 set forth above are incorporated herein by reference.

83. Defendant had a duty when credentialing, hiring, retaining, screening, checking, regulating, monitoring, and supervising employees, agents and/or representatives to exercise due care, but they failed to do so.

84. Defendant was negligent in the retention of Valentine as an employee, agent, and/or representative in their failure to adequately investigate, report, and address complaints about his conduct of which they knew or should have known.

85. Defendant was negligent in the retention of Valentine when after they discovered, or reasonably should have discovered Valentine's conduct which reflected a propensity for sexual misconduct.

86. Defendant's failure to act in accordance with the standard of care resulted in Valentine gaining access to and sexually abusing and/or sexually assaulting Plaintiff.

87. The aforementioned negligence in the credentialing, hiring, retaining, screening, checking, regulating, monitoring, and supervising of Valentine created a foreseeable risk of harm to Plaintiff as well as other female prisoners

88. As a direct and/or proximate result of Defendant's negligent retention, Plaintiff suffered and continues to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life, was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life, and has sustained and will continue to sustain loss of earnings and earning capacity; and has required and will continue to require treatment, therapy, counseling, and hospitalization to address the mental anguish and despair which Defendants' conduct caused.

**COUNT 9: NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS
(Against All Defendants)**

89. Paragraphs 1-88 set forth above are incorporated herein by reference.

90. Defendants allowed Valentine to be in a position where he could sexually assault and/or abuse women such as Plaintiff.

91. A reasonable person would not expect Defendants to tolerate or permit their employee, agent, member, or representative to carry out sexual assault, abuse, or molestation.

92. Defendants' conduct as described above was reckless and outside the bounds of civilized society.

93. As a direct and/or proximate result of Defendants' conduct, Plaintiff suffered and continues to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life, was prevented and will continue to be prevented from performing Plaintiff's

daily activities and obtaining the full enjoyment of life, and has sustained and will continue to sustain loss of earnings and earning capacity; and has required and will continue to require treatment, therapy, counseling, and hospitalization to address the mental anguish and despair which Defendants' conduct caused.

COUNT 10: VICARIOUS LIABILITY
(Against Defendants HARRISON COUNTY and TEXAS SHERIFF'S ASSOCIATION)

94. Plaintiff re-alleges and incorporates by reference the allegations contained in the previous paragraphs.

95. Vicarious liability is indirect responsibility imposed by operation of law where an employer is bound to keep its employees within their proper bounds and is responsible if it fails to do so.

96. Vicarious liability essentially creates agency between the principal and its agent, so that the principal is held to have done what the agent has done.

97. Valentine was an employee, agent, member, representative and/or servant of Defendant Harrison County and/or the Sheriffs' Association of Texas, or was under their complete control or active supervision at all relevant times alleged above.

98. Defendant Harrison County is vicariously liable for the actions of Valentine as described above that were performed during his employment, representation, or agency with Harrison County and while he had unfettered access to Harrison County inmates such as Plaintiff. Defendant Sheriffs' Association of Texas is vicariously liable for the actions of Valentine as described above that were performed during his representation, membership, or agency with the Sheriffs' Association of Texas and while he had unfettered access to inmates such as Plaintiff.

99. As a direct and/or proximate cause of Valentine's negligence carried out in the course of his employment, agency, and/or representation with Defendant Harrison County and

Defendant Sheriffs' Association of Texas, Plaintiff suffered and continues to suffer pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, and enjoyment of life, was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life, and has sustained and will continue to sustain loss of earnings and earning capacity; and has required and will continue to require treatment, therapy, counseling, and hospitalization to address the mental anguish and despair which Defendants' conduct caused.

**COUNT 11: STATE LAW CLAIM – NEGLIGENCE
(Against All Defendants)**

100. Paragraphs 1-99 set forth above are incorporated herein by reference.

101. Defendant Harrison County, as custodian of Plaintiff during her incarceration, owed Plaintiff a duty to prevent her from unwanted sexual advances and sexual assaults. Defendant Harrison County should not have allowed its transport officer, Defendant Valentine, to be conducting lone transports as he did. Instead, Defendant Harrison County violated national jail standards regarding the transport of female inmates by releasing Plaintiff to Defendant Valentine alone. Defendant Harrison County thus breached its duty to prevent Plaintiff from being assaulted and/or sexually assaulted.

102. Defendant Sheriffs' Association of Texas, as an association purporting to represent Sheriff's offices across the state, owed Plaintiff a duty to prevent her from unwanted sexual advances and sexual assaults. Defendant Sheriffs' Association of Texas should not have allowed a sheriff's office such as Harrison County's to allow an officer previously investigated for sexual misconduct, such as Defendant Valentine, to be employed, much less conducting lone transports as he did. Instead, Defendants violated national jail standards regarding the transport of female

inmates by employing a known sexual predator, and by releasing Plaintiff to the predator, Defendant Valentine, alone. Defendants thus breached their duties to prevent Plaintiff from being assaulted and/or sexually assaulted.

103. Defendants' negligence was the direct and proximate cause of Plaintiff's injuries, including severe emotional and mental distress and anguish.

VI. DAMAGES

104. Paragraphs 1-103 as set forth above are incorporated herein by reference.

105. As a direct and proximate result of Defendants' actions and/or omissions, Plaintiff has been damaged as set forth above and herein.

106. Plaintiff seeks all past and future damages as a result of the physical pain and injury to her person and the emotional and mental anguish and trauma she has suffered.

107. Plaintiff seeks compensatory damages in an amount deemed sufficient by the trier of fact to compensate them for her damages, which includes physical pain and injuries, and mental anguish, and pain and suffering.

108. Plaintiff also seeks exemplary damages against Defendant Valentine.

109. Plaintiff has retained the services of the undersigned attorney and claim entitlements to an award of reasonable and necessary attorney's fees under 42 U.S.C. §§ 1983 and 1988.

VII. JURY DEMAND

110. Plaintiff respectfully requests trial by jury.

VIII. PRAYER

For these reasons, Plaintiff seeks a judgment against Defendants for:

- a. compensatory and actual damages in an amount deemed sufficient by the trier of fact;
- b. exemplary damages;
- c. attorney's fees under 42 U.S.C §§ 1983 and 1988;
- d. costs of court;
- e. interest allowed by law for prejudgment or post-judgment interest; and
- f. Such other and further relief at law or in equity as the Court deems just and proper, to which Plaintiff may show herself justly entitled.

Dated: July 25, 2019

Respectfully submitted,

By: /s/ T. Micah Dortch

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