

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
SEP 30 2024
JEFFREY P. COLWELL
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 24-CV-01730-RTG
(To be supplied by the court)

Garryn A. Jackson, Plaintiff

v.

Jury Trial requested:
(please check one)
☒ Yes ☐ No

Officer Emmett Hurd,

Officer Jonathan Moran,

City of Denver,

_____, Defendant(s).

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

PRISONER COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.

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A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

Garryn A. Jackson #801581 26861 Highway 34 Akron, CO. 80720-9484
(Name, prisoner identification number, and complete mailing address)

(Other names by which you have been known)

Indicate whether you are a prisoner or other confined person as follows: (check one)

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other: (Please explain) _____

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1: Officer Emmett Hurd, Denver Police Department Officer
(Name, job title, and complete mailing address)

Address N/A

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ☒ Yes ☐ No (check one). Briefly explain:

While employed by and on patrol for the Denver Police Department,
Officer Emmett Hurd, acting under color of state law violated my rights.

Defendant 1 is being sued in his/her ☒ individual and/or ☐ official capacity.

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Defendant 2: Officer Jonathan Moran, Denver Police Department Officer
(Name, job title, and complete mailing address)

Address N/A

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ☒ Yes ☐ No (check one). Briefly explain:

While employed by and on patrol for the Denver Police Department, Officer Jonathan Moran, acting under color of state law violated my rights.

Defendant 2 is being sued in his/her ☒ individual and/or ☐ official capacity.

Defendant 3: City of Denver
(Name, job title, and complete mailing address)

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ☒ Yes ☐ No (check one). Briefly explain:

The City of Denver employed and trained Officer Emmett Hurd and Officer Jonathan Moran under color of state law.

Defendant 3 is being sued in his/her ☒ individual and/or ☐ official capacity.

C. JURISDICTION

Indicate the federal legal basis for your claim(s): (check all that apply)

☒ State/Local Official (42 U.S.C. § 1983)

☐ Federal Official

As to the federal official, are you seeking:

☐ Money damages pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971)

☐ Declaratory/Injunctive relief pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1361, or 28 U.S.C. § 2201

☐ Other: (please identify) _____

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D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE: Excessive Force

Claim one is asserted against these Defendant(s):

Officer Emmett Hurd

Officer Jonathan Moran

Supporting facts:

On July 26, 2023 at 1:50 AM, Denver Police Department officers Emmett Hurd and Jonathan Moran were on a proactive patrol when they pulled into a private parking lot to do an area check of a bus stop located at 3375 North Colorado Blvd. After parking their patrol car nose-to-nose with the vehicle myself and 2 other women occupied, officers Hurd and Moran approached the vehicle on foot. After arriving at the window, Officer Moran noticed an open container of alcohol by my feet which prompted him to order me out of the car, immediately subjecting me to a pat down which he sees fringes of a plastic bag sticking out of my pocket. After seeing this, Officer Moran and Hurd both placed my hands behind my back in an attempt to arrest me as I stood there. A struggle ensued at which point officer Emmett Hurd began to immediately use excessive force as he intentionally placed me in a chokehold by wrapping his forearm around my neck ■ restricting my access to air which is prohibited by law CRS 18-1-707 (1)(2.5)(a)(b)(I)(II). After being taken to the ground, I was subdued in a headlock chokehold by Officer Jonathan Moran while officer Hurd furiously and violently punched me with a closed left hand fist 29 times on the left side of my face, jaw, ear and mouth as I was not resisting, non threatening, pleading with these officers to stop and conveying submission to bring this...

(Continued on additional Paper)

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D. STATEMENT OF CLAIMS

Claim 1: Excessive Force

Against Defendants: Officer Emmett Hurd, Officer Jonathan Moran

Supporting Facts (continued): ... Struggle to a rapid close. Officers Hurd and Moran also smashed my head into the rigid asphalt several times which caused bleeding on my head during this egregious and violent use of excessive force done with malicious intent in violation of my 4th Amendment and 14th Amendment rights. This injurious conduct by Officer Emmett Hurd and Officer Jonathan Moran lasted over a span of 2 minutes and 17 seconds as I begged them to stop punching me and pleaded with them to tell me why they were "beating me up" but to no responses as I complied with them as much as I could conveying my submission. Castillo V. Hille 2024 US Dist. Lexis 101248

Claim 2: Assault and Battery

Against Defendants: Officer Emmett Hurd, Officer Jonathan Moran

Supporting Facts: At the very beginning of the ensuing struggle, while simultaneously lodging me into a rear chokehold by wrapping his right forearm around my neck and restricting my access to air, Officer Emmett Hurd then threatened me stating "I'm gonna shoot you" repeatedly which had an extreme effect on my mental state in harm as I began to exhibit an immense amount of fear for this by yelling "No!", "Please Don't!" while the 2 women in the car also began frantically pleading with ~~the~~ Officer Hurd "PLEASE! DON'T!". Officer Emmett Hurd made this threat to me without giving me any directive to follow to prevent this threat from coming true which furthered my fear of this happening. Officer Hurd was armed with a handgun. Officer Jonathan Moran also placed me in an arm bar chokehold while stating "get on the ground" when I already was on the ground and conveying submission to end this struggle. This chokehold restricted my access to air and prompted me to almost lose consciousness as I plead "I'm showing my hands why are yall beating me up!?" while laying flat on the ground. Officers Emmett Hurd and Jonathan Moran conducted this Assault and Battery

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D. STATEMENT OF CLAIMS

In front of 3 civilian witnesses who pleaded with officer Hurd to "please stop punching him!" and were visibly shaken and verbally upset by what Officer Hurd and Moran forced them to witness stating "officers don't have to beat people like that" describing the encounter to the Sargent on scene as "abuse" and wanted to give a statement to this egregious assault and battery done with malice and evil motive, in violation of my 4th Amendment and 14th Amendment rights. Choma v. Tucker 2621 US Dist. Lexis 99673

Claim 3: [REDACTED] Gross Negligence

Against Defendant: City of Denver

Supporting facts: On May 7, 2024, during the pretrial motions hearings in the criminal matter of this case, Officer Emmett Hurd testified that he began striking me with his closed hand left fist in my head because "through his training by the City of Denver's Police Department, he was trained to use distractionary strikes [to the head/face] to try and bring compliance". Officer Emmett Hurd also testified these "strikes" to the head he has been trained to use by the City of Denver's Police Department are used to "...try and get an individual to comply with what we're doing and what we are asking him to do". With Officer Emmett Hurd testifying to this under oath this is what he was trained to do by the City of Denver's Police Department, they are liable as he was acting as instructed by the City of Denver. This negligent training led to direct violations of my 4th Amendment and 14th Amendment rights. Rock v. McCoy 763 F.2d 394, 398

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E. PREVIOUS LAWSUITS

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated? ___ Yes ☒ No (check one).

If your answer is "Yes," complete this section of the form. If you have filed more than one previous lawsuit, use additional paper to provide the requested information for each previous lawsuit. Please indicate that additional paper is attached and label the additional pages regarding previous lawsuits as "E. PREVIOUS LAWSUITS."

Name(s) of defendant(s): _____

Docket number and court: _____

Claims raised: _____

Disposition: (is the case still pending?
has it been dismissed?; was relief granted?) _____

Reasons for dismissal, if dismissed: _____

Result on appeal, if appealed: _____

F. ADMINISTRATIVE REMEDIES

WARNING: Prisoners must exhaust administrative remedies before filing an action in federal court regarding prison conditions. See 42 U.S.C. § 1997e(a). Your case may be dismissed or judgment entered against you if you have not exhausted administrative remedies.

Is there a formal grievance procedure at the institution in which you are confined?

___ Yes ___ No (check one)

Did you exhaust administrative remedies?

___ Yes ___ No (check one)

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G. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "G. REQUEST FOR RELIEF."

Claim 1: Excessive Force

Due to these violations of my 4th Amendment and 14th Amendment rights by Officer Emmett Hurd and Officer Jonathan Moran, I have suffered from ongoing mental injuries due to lack of sleep from nightmares of the incident, emotional distress as I have developed depression and anxiety disorders from this traumatic experience; I have suffered from many physical injuries which consists of multiple lacerations on my head, both hands, right forearm, both knees, left foot, I suffered 4 large lumps along the left side of my face, jawline, cheek, forehead; busted lip and nose; blackened left eye socket, swollen nose, sore left ear, persistent headaches, busted blood vessel in left eyeball which turned eye blood red and reduced blurry vision. (continued)
additional paper

H. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


(Plaintiff's signature)

9/25/2024
(Date)

(Revised November 2022)

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G. REQUEST FOR RELIEF

Claim 1: Excessive Force

Relief Requested (continued): I have also been prescribed psychological medication and pain medication due to the severity of these injuries I've suffered from Officer Emmett Hurd and Officer Jonathan Moran's actions against me and because of this, I am requesting that Officer Emmett Hurd and Officer Jonathan Moran each separately be liable for and ordered to pay me relief in money damages in the order of: \$250,000 Compensatory Damages, \$100,000 Punitive Damages, \$100,000 Exemplary Damages

Claim 2: Assault and Battery

Relief Requested: Due to these violations of my 4th Amendment and 14th Amendments where I was viciously assaulted and battered, I suffered from extreme humiliation as I was helplessly beaten in front of 3 civilian witnesses who begged these officers Hurd and Moran to "stop punching [me]" and "please stop assaulting me". I suffer from anxiety as my heart beats irregularly and I begin to shake at the sight of police officers believing they are all out to harm me unjustly and without cause; I have now developed compounded PTSD complications and have been prescribed psychological medications and pain medications due to the severity of these injuries caused by Officer Emmett Hurd and Officer Jonathan Moran and because of this, I am requesting that Officer Emmett Hurd and Officer Jonathan Moran each separately be liable for and ordered to pay me relief in money damages in the order of: \$100,000 Compensatory Damages, \$100,000 Exemplary Damages, \$200,000 Emotional Distress Damages

Claim 3: Gross Negligence

Relief Requested: Due to the training of Officer Emmett Hurd and Officer Jonathan Moran by the City of Denver through the Denver Police Department which they, together, empowered Officer Emmett Hurd to use

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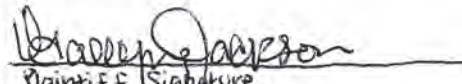
G. REQUEST FOR RELIEF

these "strikes" to my head to "bring compliance" as he testified was his "training" in violation of my 4th Amendment and 14th Amendment rights, I've suffered an egregiously violent assault and battery which I suffered from multiple head injuries, body injuries, and psychological injuries consisting of lasting brain trauma and PTSD complications and anxiety complications which have affected my brain functioning greatly through fear and nerve damage as my body responds frantically to police presence and I am now experiencing social withdrawal from the humiliation I suffered along with the other included injuries I've sustained by the City of Denver's negligent training of their police officers, and for this, I am requesting that the City of Denver be liable for and ordered to pay me relief in money damages in the order of: \$100,000 Actual Damages, \$30,000 compensatory Damages

I hereby certify that a copy of the foregoing pleading/document
was mailed to:

Alfred A. Arroy Courtthouse / Clerk of the Court
901 19th Street, Room A-105
Denver, CO. 80294-3589

On date September 25th, 2024


Plaintiff Signature

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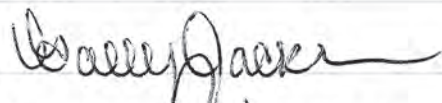
Honorable Judge Gurley,

Sept. 25, 2024

I hope this letter reaches you in pleasant spirits. I am currently writing this letter because as I have outlined previously about my lack of resources here at Washington County Justice Center, unfortunately for me this jail does not have any black ink pens available for purchase on commissary and I also do not have any available for use to complete this action in the preferred black ink.

I am requesting that the court accept this pleading as completed and if there is anything found to be incomplete, or incorrect, or needs to be corrected, I am also requesting the court allow me the opportunity to cure any deficiencies and re submit my complaint.

Thank You!


Garryn A. Jackson

GARRYN A. JACKSON #801581
WASHINGTON COUNTY JUSTICE CENTER
26861 HIGHWAY 34
AKRON, CO. 80720-9484



52049

ADVICE

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CLERK OF THE COURT
901 19TH STREET, ROOM: A-105
DENVER, CO. 80294-3589

