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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE EASTERN DISTRICT OF WASHINGTON**

9 **ESTATE OF TRENT YOHE,**
10 **deceased, and A. Y., a minor child,**
11 **by and through SERRINA**
12 **FRANCIS, Administratrix for**
13 **representative of the Estate of**
14 **Trent Yohe and next friend of A.**
15 **Y.,**

16 **Plaintiffs,**

17 **vs.**

18 **COUNTY OF SPOKANE, SCOTT**
19 **BONNEY, MIKE WALL, JOHN**
20 **COOK, each in their personal and**
21 **representative capacities.**

22 **Defendants.**

23 **Case No.:**

24 **COMPLAINT FOR DAMAGES**
25 **FOR VIOLATION OF CIVIL**
RIGHTS AND STATE-BASED
CLAIMS

JURY DEMANDED

26 **I. PARTIES**

27 1.1 Plaintiff ESTATE OF TRENT YOHE was created on May 30, 2007.

28 Prior to his death, Trent Yohe was at all times pertinent to this litigation, a resident

1 of Washington State, residing in the Eastern District of Washington. Serrina
2 Francis (FKA Serrina Guthrie) was appointed Administratrix for the Estate of
3 Trent Yohe on May 30, 2007.
4

5 1.2 Plaintiff A. Y. is the minor child of Trent Yohe and has been at all times
6 pertinent to this litigation a resident of the State of Washington, residing in the
7 Eastern District of Washington. Plaintiff A. Y.'s interests are represented in this
8 matter by her natural mother and custodial parent, Serrina Francis.
9

10 1.3 Defendant COUNTY OF SPOKANE is a County situated in the State of
11 Washington, and employer/principal of the individual defendants and those
12 responsible for determining custom and policy for its Sheriff's Department's use of
13 force and investigations.
14

15 1.4 Defendant Scott Bonney, at all times pertinent to this complaint, was a law
16 enforcement officer employed by the County of Spokane. Deputy Bonney is sued
17 in his personal capacity for federal civil rights violations but only in a
18 representative capacity as a County agent in regards to state law claims.
19

20 1.5 Defendant Mike Wall, at all times pertinent to this complaint, was a law
21 enforcement officer employed by the County of Spokane. Deputy Wall is sued in
22 his personal capacity for federal civil rights violations but only in a representative
23 capacity as a County agent in regards to state law claims.
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25

1 1.6 Defendant John Cook, at all times pertinent to this complaint, was a law
2 enforcement officer employed by the County of Spokane. Deputy Cook is sued in
3 his personal capacity for federal civil rights violations but only in a representative
4 capacity as a County agent in regards to state law claims.
5

6 **II. JURISDICTION AND VENUE**

7 2.1 All acts complained of occurred in the Eastern District of Washington.
8

9 2.2 Venue is proper in the United States District Court for the Eastern District
10 of Washington.

11 2.3 Jurisdiction is proper in the United States District Court pursuant to Title
12 42, United States Code § 1988; Title 28 USC § 1331; and 28 USC § 1343(a)(3).
13

14 2.4 This court has personal and subject matter jurisdiction.

15 **SUPPLEMENTAL JURISDICTION**

16 2.5 This complaint seeks relief for state law claims.
17

18 2.6 On April 23, 2009, Plaintiffs presented a non-judicial notice of claim to the
19 County of Spokane alleging solely state-law claims.

20 2.7 Over 60 days have passed since the presentation of the non-judicial notice
21 of claim.
22
23
24
25

1 **III. FACTS**

2 3.1 Spokane County Sheriff's Deputies are trained to follow the Sheriff
3 Department's rules, regulations, and policies regarding seizure of suspects.
4

5 3.2 Spokane County Sheriff's Deputies are also given instruction, as part
6 of their initial and on-going training, regarding the civil rights of individuals
7 detained, seized and arrested.
8

9 3.3 Spokane County Sheriff's Deputies are instructed that federal law
10 prohibits deputies from unreasonable search and seizures of persons, including the
11 unreasonable use of force to effectuate a seizure.
12

13 3.4 Spokane County Sheriff's Deputies are instructed that an
14 unreasonable seizure of a person may subject them to civil and criminal liability.
15

16 3.5 Spokane County Sheriff's Deputies are instructed that an
17 unreasonable seizure of a person's private papers, including their confidential
18 medical records, may subject them to civil and criminal liability.
19

20 3.6 The Spokane County Sheriff's Department employs senior deputies to
21 conduct internal investigations of incidents involving questionable use of force by
22 a member of the Office. These deputies have additional training in the methods of
23 investigation appropriate to internal reviews.
24
25

1 3.7 The County of Spokane has agreed to use investigators from other law
2 enforcement agencies to investigate use of force incidents involving Spokane
3 County Sheriff's Deputies and said investigators are agents of Spokane County.
4

5 3.8 Trent Yohe was a thirty-seven (37) year old male who resided at
6 various locations in Spokane, WA, where he could find housing in the months
7 prior to his death.
8

9 3.9 Trent Yohe was single at the time of his death and the father of the
10 minor child A. Y.

11 3.10 On May 1, 2007, Trent Yohe was residing in a Residential Travel
12 Trailer parked outside of 6811 E. 5th, Spokane Valley, WA.
13

14 3.11 On or about May 1, 2007, at approximately 8:37 p.m., Spokane
15 County Deputy Sheriffs were dispatched to 6811 E. 5th, Spokane Valley, WA.,
16 based upon a 911 call placed by an anonymous caller.
17

18 3.12 The anonymous caller stated that her sister was a crack cocaine user,
19 and that she may be involved in Identification Theft at the 6811 E. 5th address.

20 3.13 Upon arrival at 6811 E. 5th, Deputy Bonney contacted the resident of
21 the primary dwelling, Cecile Jones, and asked for information about Trent Yohe.
22

23 3.14 The Spokane County Sheriff's Office Deputies (hereafter "SCSO
24 Deputies") were familiar with Trent Yohe's history of drug involvement and had a
25 felony warrant for his arrest.

1 3.15 Ms. Jones reports that she was threatened by Deputy Bonney with a
2 warrant for her arrest and thus agreed to assist him.

3 3.16 After that contact was made, Deputy Bonney and Deputy Wall
4 approached the subject Residential Travel Trailer with homeowner Cecile Jones
5 observing.

6 3.17 The SCSO Deputies believed that the subject of their warrant, Trent
7 Yohe, was in the trailer and attempted to get him to come out voluntarily.
8

9 3.18 Cecile Jones, mobile homeowner, gave consent to search her mobile
10 home and property, but not consent to search the Residential Trailer where Trent
11 Yohe was residing.
12

13 3.19 Ms. Jones indicated to SCSO Deputies that the Residential Trailer
14 where Trent Yohe was residing belonged to someone else.
15

16 3.20 SCSO Deputies then knocked several times on the Residential Trailer
17 door, and Ms. Jones assisted by yelling for Trent Yohe to come out of the
18 Residence. There was no response by Trent Yohe.
19

20 3.21 Trent Yohe was asleep in the trailer at the time of this contact.

21 3.22 SCSO Deputies Scott Bonney and John Cook next conducted a
22 Warrantless Entry into the private residence of Trent Yohe without permission or
23 other lawful authority.
24

1 3.23 Deputy Bonney put his hand through an open window to push aside a
2 curtain and saw flames. An individual inside the Residential Trailer then exited
3 from the top of the residence and ran from the premises.
4

5 3.24 SCSO Deputies then broke a window and entered the Residential
6 Trailer based upon their alleged need to potentially rescue individuals from a
7 “fire.”
8

9 3.25 Upon entering, the SCSO Deputies confirmed that any previously
10 purported flames were now only smoldering and did not find it necessary to take
11 any fire suppressing actions.
12

13 3.26 The Fire Department upon arrival concluded that there was no fire
14 that needed extinguishing. The residue of the flames appeared to be small pieces
15 of paper that had been burned and did not involve a structural fire.
16

17 3.27 As Deputy Bonney and Deputy Cook entered the residential trailer,
18 they observed a male on a bed just inside the door of the residence.
19

20 3.28 The SCSO Deputies reported that the male appeared to be seizing.
21

22 3.29 Trent Yohe had an alleged history of Grand Mal Seizures and would
23 strike out at someone if touched during one.
24

25 3.30 Deputy Cook observed that Yohe’s arms were twitching violently and
his feet were flopping around....Yohe was lying face up and his eyes were closed.

1 3.31 Deputy Bonney then yelled to Trent Yohe that there was a fire in the
2 residential trailer, and that he needed to get out- despite the fact that any purported
3 flames were now only smoldering.
4

5 3.32 Upon belief, at the time Deputy Bonney contacted Trent Yohe, there
6 was no actual physical danger to Trent Yohe posed by any purported flames or
7 embers.
8

9 3.33 Upon belief, the claim of a fire was merely a pre-textual justification
10 for attempting to remove Trent Yohe from the locked Residential Trailer without a
11 warrant or other legal authority and an attempt to illegally seize Trent Yohe.
12

13 3.34 Deputy Bonney then seized Trent Yohe's hand, and Mr. Yohe
14 responded by reasonably defending himself against being seized.
15

16 3.35 The SCSO Deputies then grabbed Trent Yohe's arms and legs, and
17 removed him from the residential trailer. Mr. Yohe's removal was made without
18 his permission and was not incident to arrest.
19

20 3.36 Deputy Bonney while in the Residential Trailer punched Trent Yohe
21 on the left side of his face with a closed fist.
22

23 3.37 Deputy Bonney struck Mr. Yohe with his fist more than once.
24

25 3.38 Upon belief Trent Yohe was in a post-seizure cognitively impaired
state and the SCSO Deputies Bonney and Scott knew or should of known of his

1 impaired condition based on their observations of him as they entered the trailer
2 and their knowledge of his likely drug use.

3
4 3.39 Upon belief, the SCSO Deputies never told Trent Yohe that he was
5 under arrest, nor did they place him under legal arrest- however they did seize him.

6 3.40 Mr. Yohe reasonably defended himself from the ongoing attempts to
7 seize him without arresting him once he had been extracted from his residential
8 trailer, but he did not use a weapon, pursue the deputies or attempt to flee.
9

10 3.41 Deputy Wall tasered Mr. Yohe at least four times over a 1 minute
11 fifteen second time period.

12 3.42 While attempting to control Yohe, Deputy Bonney used hammer
13 strikes to Mr. Yohe's left shoulder.
14

15 3.43 The SCSO Deputies handcuffed Trent Yohe, tied his legs together,
16 and restrained him in a prone position.
17

18 3.44 Deputy Cook moved up near Yohe's upper body and knelt with his
19 right knee on Yohe's back and his left knee on Yohe's head.

20 3.45 Deputy Cook reported that he grabbed a hold of the handcuffs, and
21 pulled Trent Yohe's arms up to about a 90 degree angle and held them there.
22

23 3.46 Deputy Bonney reported that Yohe momentarily relaxed so he was
24 able to push Yohe's legs up against his buttocks.
25

1 3.47 Deputy Bonney stated that he pushed his weight against Yohe's legs,
2 keeping them pinned against his buttocks area.

3 3.48 Deputy Cook reported that he eventually moved Yohe's arms to a 45
4 degree angle and held him in that position for several minutes.

5 3.49 Deputy Wall performed a knee strike to Trent Yohe on the right side
6 of his back that is consistent with a rib fracture diagnosed by the Medical
7 Examiner during the autopsy.
8

9 3.50 Shortly after the physical assault and taserings, Trent Yohe stopped
10 breathing and exhibited no pulse, but the deputies did not perform CPR.
11

12 3.51 Emergency medical personnel eventually responded and requested
13 that the handcuffs be removed, but the SCSO Deputies intentionally delayed the
14 removal.
15

16 3.52 Emergency medical personnel eventually provided medical
17 intervention, including CPR.
18

19 3.53 Throughout the entire incident, Trent Yohe never responded to the fire
20 or law enforcement personnel with any words or other indication that he wasn't
21 cognitively impaired.
22

23 3.54 Trent Yohe was then transported to Sacred Heart Medical Center on
24 May 1, 2007. Mr. Yohe was taken off life support on May 12, 2007 and was
25 pronounced dead.

1 3.55 Trent Yohe suffered abrasions and contusions of the face, trunk, and
2 extremities along with a fractured toe consistent with being assaulted by SCSO
3 Deputies.
4

5 3.56 On May 16, 2007, Sheriff Ozzie Kenezovich provided a
6 Memorandum to “All Sheriff’s Office Personnel” stating the following admission:
7 “. . . When a person not in custody dies at one of the local hospitals, the hospital’s
8 chaplain makes next of kin notification, and we have no control over who is
9 contacted or how. **Trent Yohe was never under arrest.**” (Emphasis added).
10

11 3.57 Sheriff Ozzie Kenezovich is the elected policy maker for the Spokane
12 Sheriff’s Department and as such has the speaking authority to legally bind
13 Spokane County and its agents in regards to law enforcement matters.
14

15 3.58 The SCSO Deputies use of multiple taserings, kicks, punches,
16 extended positional restraint and denial or reasonable medical care were
17 objectively unreasonable given their knowledge that he was impaired by seizure
18 and/or drug activity, was not fleeing, had no weapons and was not alleged to have
19 committed a serious crime and thus constituted illegal excessive force under the 4th
20 Amendment.
21

22 3.59 The SCSO Deputies use of multiple taserings, kicks, punches,
23 extended positional restraint and denial of medical care given Mr. Yohe’s
24
25

1 compromised physical condition created a substantial risk of death or serious
2 bodily injury and was not justified by any serious threat to their safety and thus
3 constituted illegal use of deadly force under the 4th Amendment.
4

5 3.60 The SCSO Deputies delay in providing medical care once they
6 observed his ‘seizing’ behavior and after Trent Yohe became unresponsive and
7 obstructing the medical care of other emergency personnel by not promptly
8 removing his restraints was objectively unreasonable and not justified by any
9 serious threat to their safety and thus violated the 4th and 14th Amendments.
10

11 3.61 Following his assault, Trent Yohe was in the hospital on life support
12 with no neurological improvement and was not expected to live.
13

14 3.62 Medical notes indicating that “detective called asking for information
15 and were refused” and then “two detectives came to floor asking about patient
16 information, which was further refused.”
17

18 3.63 “The detectives were told that the patient is not under arrest and did
19 not have a power of attorney and were asked to leave.” These events occurred on
20 May 3, 2007.

21 3.64 Sacred Heart nursing notes further indicated that “counsel to contact
22 detectives to request no further attempt at patient’s confidential information.”
23
24
25

1 3.65 In response, on May 3, 2007, Detective Mark Burbridge acting as an
2 agent of Spokane County obtained an Affidavit for Search Warrant to obtain Trent
3 Yohe's medical records, and the blood sample drawn on May 2, 2007.
4

5 3.66 Upon belief, this confidential information was obtained for the
6 purpose of defending any attempt by Trent Yohe's family to petition the
7 government for grievances, and was not intended for the prosecution of a crime by
8 Mr. Yohe, who was functionally brain dead, and not expected to live to be
9 prosecuted.
10

11 3.67 Spokane's training program regarding the use of force applied to
12 individuals suffering from seizure behavior and the deployment of tasers against
13 people suffering from drug use or seizure disorder is constitutionally inadequate in
14 that it is deliberately indifferent to the constitutional rights of said individuals and
15 the lack of such training causes and is likely to continue causing constitutional
16 injury.
17

18 3.68 The County of Spokane through its elected Sheriff has ratified all of
19 the misconduct of the Defendants SCSO Deputies and agents by releasing public
20 statements in support of said conduct and failing to provide any discipline for the
21 misconduct.
22
23
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25

1 3.69 Upon belief, all misconduct undertaken by SCSO Deputies was made
2 within the scope of their duties and according to Spokane County policy and
3 procedure.
4

5 3.70 As a proximate cause of SCSO Deputies' deprivation of Trent Yohe's
6 federal civil rights, Trent Yohe suffered substantial physical injuries and general
7 damages in anticipation of death, including pain and suffering, in an amount to be
8 proven at trial.
9

10 3.71 As a proximate cause of SCSO Deputies' deprivation of Trent Yohe's
11 federal civil rights, his Estate suffered a loss of earnings in an amount to be proven
12 at trial.
13

14 3.72 As a proximate cause of SCSO Deputies' deprivation of Trent Yohe's
15 federal civil rights, his Estate incurred medical and funeral expenses in an amount
16 to be proven at trial.
17

18 3.73 SCSO Deputies deprived Trent Yohe's and his daughter's federal
19 civil rights, with deliberate disregard of the rights of Trent Yohe and his family, for
20 the purpose of harming Plaintiffs without legal justification.
21

22 3.74 Accordingly, under the Fourteenth Amendment's Due Process Clause,
23 A. Y. has suffered general damages related to the interference in the parent child
24 relationship due to the homicide of her father while in police custody, and
25

1 Defendants' invasion of privacy in Trent Yohe's confidential records, in an amount
2 to be proven at trial.

3
4 3.75 As a proximate cause of the County of Spokane's agents and
5 employees' negligence and intentional torts, Trent Yohe suffered substantial
6 physical injuries and general damages in anticipation of death, including pain and
7 suffering, in an amount to be proven at trial.

8
9 3.76 As a proximate cause of the County of Spokane's agents and
10 employees' negligence and intentional torts, the Estate suffered a loss of earnings
11 in an amount to be proven at trial.

12
13 3.77 As a proximate cause of the County of Spokane's agents and
14 employees' negligence and intentional torts, the Estate incurred medical and
15 funeral expenses in an amount to be proven at trial.

16
17 3.78 As a proximate cause of the County of Spokane's agents and
18 employees' negligence and intentional torts, A. Y. suffered the loss of support,
19 companionship, and interference with her parent-child relationship with her father,
20 in an amount to be proven at trial.

21
22 3.79 Accordingly, under the common law of negligence, common law
23 assault, battery and false imprisonment, wrongful death, and the statutory
24 provisions of RCW 4.20.010 and -.020 (wrongful death statutes), and RCW

1 4.20.060 (special survival statute) and -.046 (general survival statute), the Estate
2 and A. Y. have suffered special and general damages related to Trent Yohe's
3 personal injuries and homicide while in SCSO Deputies' custody, the Defendants'
4 interference in the parent-child relationship, in an amount to be proven at trial.
5

6 **IV. FEDERAL CLAIMS FOR RELIEF**

7 *Violations of Title 42, United States Code § 1983*

8
9 4.1 Defendants' conduct constitutes the deprivation of Trent Yohe's
10 federally protected rights under color of law, i.e., unreasonable search and
11 seizure, excessive force, deadly force, denial of reasonably necessary medical
12 treatment and the in-custody homicide of Trent Yohe, in violation of the
13 Fourth and Fourteenth Amendments to the Constitution. This
14 unconstitutional conduct by Defendants caused Trent Yohe to experience
15 injury, fear, and great physical pain during his struggle with SCSO Deputies,
16 and ultimately loss of his life. Said violations were made intentionally or
17 with deliberate indifference to the rights of plaintiffs. This claim is made on
18 behalf of the Estate of Trent Yohe and his daughter, A. Y.
19
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21
22 4.2 As a result of the violations of federal rights described in the
23 preceding paragraph, Defendants caused Plaintiff A. Y. to suffer the loss of
24 financial and emotional support and association of her father.
25

1 under common law negligence; and, RCW 4.20.010 and -.020 (wrongful
2 death statutes), and RCW 4.20.060 (special survival statute), and -.046
3 (general survival statute).
4

5 4.8 The SCSO deputies acting as agents for Defendant Spokane
6 County within the scope of their duties committed the torts of assault, battery
7 and false imprisonment against Trent Yohe, when they seized him and
8 repeatedly struck him with their bodies and a tasers without consent or legal
9 authority in a manner that was offensive, injurious and proximately caused
10 his death subjecting them to liability under RCW 4.20.010-020, 046 and 060.
11

12 4.9 Defendants' illegal conduct caused Trent Yohe's daughter to suffer
13 the loss of love, affection, care, service, companionship, society, and consortium
14 of her father. This claim is made on behalf of A. Y.
15

16 4.10 State based claims for relief are brought only against Defendant
17 County of Spokane, which is liable for all the acts of individual defendants, and
18 other agents and employees, acting within the scope of their duties by respondent
19 superior.
20

21 4.11 Plaintiff's request a jury trial for all issues.
22

23 **V. PRAYER FOR RELIEF**

24 Plaintiffs respectfully demand a jury trial and further, that Plaintiffs be
25 awarded:

1 5.1 Economic and non-economic damages in an amount to be proven at trial;

2 5.2 Punitive damages to the extent authorized by law, in an amount to be
3 proven at trial;

4
5 5.3 Plaintiffs' reasonable attorneys fees and costs, pursuant to 42 USC § 1988,
6 or as otherwise provided by law; and

7 5.4 For such other and further relief as the court deems just and equitable.

8
9 DATED this 30th day of June, 2009.

10 s/Breean L. Beggs, WSBA #20795

11 CENTER FOR JUSTICE

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