

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DANNY RUSSELL,
next friend to
B.R
next of kin to
Daniel Jordan Russell, deceased,

Plaintiff

V.

FRANKIE SCOTT,
in his individual
and official capacity;
BLAKE JENKINS,
in his individual
and official capacity;
JOHN DUNN
in his individual capacity;
MIRANDA GARNER
in her individual capacity;

Defendants.

Case No.:

JURY DEMAND

COMPLAINT

1. This lawsuit arises out of the April 20, 2024, death of Daniel Russell, who died because of the Defendants' unlawful actions in

essentially crushing him to death during a law enforcement restraint.

2. The autopsy report of the Office of the Medical Examiner in Nashville, Tennessee concluded that Mr. Russell's manner of death was "homicide," and that the "cause of death" was "cardiopulmonary arrest during law enforcement subdual and restraint with back compression."
3. The autopsy further concluded: "review of available body camera footage showed the decedent stop breathing during law enforcement restraint."
4. The autopsy report is attached as Exhibit A.
5. A multicamera bodycam video assembled by Plaintiff's counsel compiling and syncing three separate body camera files is attached as Exhibit B, which will be manually filed with the Court.
 - a. Also included in Exhibit B are the original bodycam files, obtained from Henry County and the Tennessee Wildlife Resources Agency (TWRA), of which the multicamera file is comprised.

- b. These unedited original files include three separate bodycam files obtained from Henry County and the TWRA through Open Records Act requests under Tennessee law.
- c. The multicamera file produced by Plaintiff's counsel syncs all three videos together, and the audio has been improved for clarity.
- d. However, in the interest of transparency, authenticity, and completeness, the three original unedited files are included in Exhibit B as well.

JURISDICTION AND VENUE

6. Federal Question Jurisdiction exists under 28 U.S.C. § 1331 for claims arising under 42 U.S.C. § 1983.
7. Venue is proper under 28 U.S.C. § 1391(b)(2) as the events occurred in Henry County, Tennessee, within this judicial district.

PARTIES

8. Plaintiff Danny Russell is next friend to B.R., a minor, and the surviving child of Daniel Russell, the decedent. Danny Russell is a citizen and resident of Benton County, Tennessee.
9. Defendant Frankie Scott is a Henry County Deputy Sheriff who initiated pursuit, deployed his taser and pepper spray, and participated in the restraint of Daniel Russell. He is sued in his individual and official capacity.
10. Defendant Blake Jenkins is a Henry County Sergeant who applied a final restraint maneuver and administered Narcan. He is sued in his individual and official capacity.
11. Defendant John Dunn was at all times a TWRA Officer. He is sued in his individual capacity.

12. Defendant Miranda Garner is a TWRA Officer who applied body weight to decedent's back during prone restraint. She is sued in her individual capacity.

FACTUAL ALLEGATIONS

Events of April 20, 2024

13. At approximately 11:15 AM on April 20, 2024, Deputy Frankie Scott began pursuing Daniel Russell for erratic driving, escalating the situation by attempting to box in Russell's vehicle and making contact with it, despite Russell's traveling at low speed.
14. TWRA Sgt. John Dunn joined the pursuit, positioning his vehicle head-on to block Russell, further escalating the encounter without clear necessity.
15. After Russell's vehicle was stopped, Scott, Dunn, and TWRA Officer Miranda Garner exited their vehicles with firearms drawn, immediately treating Russell as a violent threat despite his being unarmed and showing no aggression.
16. Russell exited his vehicle with his hands raised, but officers, including Scott and Dunn, shouted aggressive commands, demanding he lie prone without giving him adequate time or opportunity to comply.

17. When Russell sat or kneeled on the ground, Scott deployed his Taser at Russell, using force prematurely and without exhausting less intrusive means of gaining compliance.
18. After the Taser probes were pulled out by Russell and proved ineffective, Scott escalated force by deploying pepper spray and attempting a drive-stun with the Taser, despite Russell's apparent confusion and impairment.
19. Dunn holstered his firearm and physically grabbed Russell's arm, while Garner assisted in attempting to force Russell's arms behind his back, both applying prone restraint and pressure to Russell's back, a tactic known to risk positional asphyxia.
20. Russell, still impaired and unable to comply, was held face-down on the ground by Dunn and Garner, with Scott holding his cuffed arm, while officers continued to use force rather than adjust their tactics to his medical and mental state.
21. At one point, while Scott utilized his Taser to drive-stun Russell, Russell yelled: "I have heart problems! Stop!"

22. Dunn and Garner continued to apply force to Russell, with Garner sitting on Russell's back while Dunn grabbed Russell's arms.
23. Despite the knowledge that Russell had "heart problems," the Defendants did not move him from his stomach and instead continued to restrain him in a prone position.
24. Scott's Report, Exhibit C, narrates these events as follows:
- "I then attempted to drive stun him to get him to place his other arm behind his back and that was also ineffective. I then grabbed the arm that was cuffed and hold it while TWRA officer's Dunn and Officer Garner was able to control him and **Officer Garner got on subjects back to hold him down** while Officer Dunn kept trying to get him to give them his hand that he hand underneath him." (Emphasis added.)
25. Sgt. Blake Jenkins arrived and forcibly pulled Russell's remaining arm behind his back to complete handcuffing, further contributing to the dangerous prone restraint.
26. After Russell was fully restrained, officers failed to immediately check his vital signs or reposition him, instead focusing on moving him to a patrol car, demonstrating deliberate indifference to his medical needs.

27. Within minutes, Russell became unresponsive, and Jenkins administered two doses of Narcan, incorrectly assuming an opioid overdose, while no officer initiated CPR or proper airway management.
28. EMS arrived and transported Russell to the hospital, where he was pronounced dead, with the autopsy later confirming death by cardiopulmonary arrest due to law enforcement restraint with back compression.
29. The official report by Dunn, attached as Exhibit D, attempted to justify the use of force by blaming Russell's injuries on "self-injury" and drug impairment, despite the autopsy's clear findings of restraint-related trauma.
30. The actions of Scott, Dunn, Garner, and Jenkins collectively demonstrate a pattern of excessive force, failure to accommodate a medical crisis, and deliberate indifference to Russell's constitutional rights, resulting in his preventable death.

CAUSES OF ACTION

I. John Dunn (TWRA Sergeant)

31. Dunn used excessive force by physically restraining Daniel Russell in a prone position and applying pressure to his back during handcuffing, despite Russell's non-violent resistance and obvious impairment.
32. Dunn failed to intervene to stop Deputy Scott's repeated and escalating use of the Taser and pepper spray, even though he had the opportunity and duty to do so.
33. Dunn demonstrated deliberate indifference to Russell's serious medical needs by not checking Russell's breathing or vital signs after he became unresponsive and by failing to initiate CPR or reposition him to prevent positional asphyxia.
34. Dunn's actions violated Russell's clearly established rights under the Fourth and Fourteenth Amendments.

II. Miranda Garner (TWRA Officer)

35. Garner used excessive force by leveraging Russell's arm behind his back while he was prone and impaired, contributing to the risk of positional asphyxia.

36. Garner failed to intervene to stop the excessive force used by Scott and Dunn, despite being present and able to do so.

37. Garner showed deliberate indifference to Russell's serious medical needs by focusing on restraint and handcuffing rather than monitoring his breathing or providing medical assistance when he became unresponsive.

38. Garner violated Russell's rights by sitting on his back, obstructing his airway, and contributing to the risk of positional asphyxia, which ultimately occurred.

39. Garner's actions violated Russell's clearly established rights under the Fourth and Fourteenth Amendments.

III. Frankie Scott (Deputy Sheriff)

40. Scott used excessive force by deploying his Taser multiple times, using pepper spray, and attempting a drive-stun on Russell

after he was already partially restrained and not posing a violent threat.

41. Scott failed to intervene to prevent the continued use of dangerous prone restraint by Dunn and Garner, even as Russell's condition deteriorated.

42. Scott was deliberately indifferent to Russell's serious medical needs by delaying the call for EMS and failing to provide or initiate appropriate medical care when Russell became unresponsive.

43. Scott's actions violated Russell's clearly established rights under the Fourth and Fourteenth Amendments.

IV. Blake Jenkins (Sergeant, Sheriff's Office)

44. Jenkins used excessive force by forcibly twisting Russell's arm behind his back during handcuffing, further increasing the risk of positional asphyxia.

45. Jenkins was deliberately indifferent to Russell's serious medical needs by administering Narcan for a suspected opioid overdose, despite clear evidence of methamphetamine toxicity, and by failing to initiate CPR or proper airway management.

46. Jenkins, as the senior officer on scene, is liable in a supervisory capacity for failing to correct or halt the unconstitutional restraint tactics and for not ensuring that Russell received prompt and appropriate medical care.

47. Jenkins's actions violated Russell's clearly established rights under the Fourth and Fourteenth Amendments.

V. Municipal Liability (Failure to Train) Claim Against Henry County, Tennessee

48. Henry County, Tennessee, exhibited deliberate indifference by failing to train law enforcement officers on positional asphyxia risks, directly causing Daniel Russell's death.

49. The risks of positional asphyxia during law enforcement restraint are well-documented in medical literature, applicable case law, and media reports.

50. A 1995 publication by the United States Dept. of Justice titled "Positional Asphyxia—Sudden Death," warned of the risks of

positional asphyxia. Crucially, the report instructs that if a suspect “continues to struggle, *do not sit on his back.*” (Italics in original.)

The publication is attached as Exhibit D.

51. Utilizing a law enforcement restraint during which positional asphyxia could occur is an inevitability in modern police practice and procedure.

52. Daniel Russell died from “cardiopulmonary arrest during law enforcement subdual and restraint with back compression.”

53. Deputy Scott and Sgt. Jenkins used prolonged prone restraint without repositioning Russell or monitoring his breathing.

54. The Officers’ prolonged prone restraint and pressure on Russell’s back directly caused his cardiopulmonary arrest.

55. Scott failed to monitor Russell’s breathing and failed to turn him from his stomach despite knowledge that Russell expressed that he had “heart problems.”

56. The County’s failure to train Scott and Jenkins with respect to the risks of positional asphyxia and the proper techniques to be used to avoid positional asphyxia was the moving force behind Daniel Russell’s death due to positional asphyxia during law

enforcement restraint at the hands of Henry County Deputies Scott and Jenkins.

DAMAGES

57. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

58. As a direct and proximate result of the unlawful acts and omissions of Defendants, Daniel Russell suffered conscious pain and suffering prior to his death, and his surviving child, B.R., has suffered and will continue to suffer the following damages:

- a. Medical expenses incurred prior to death, if any
- b. Funeral and burial expenses
- c. Loss of financial support and contributions the decedent would have provided to his minor child
- d. Loss of household services and other pecuniary losses
- e. Non-Economic Damages
- f. Pre-death pain and suffering endured by Daniel Russell

- g. Loss of the love, affection, companionship, guidance, comfort, and society of Daniel Russell to his surviving child
 - h. Emotional distress, anguish, and grief suffered by B.R. as a result of the loss of her father
59. Plaintiff further seeks punitive damages against the individual Defendants for their willful, malicious, or reckless disregard of Daniel Russell's constitutional rights, to punish and deter such conduct in the future as permitted by law.
60. Plaintiff seeks reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and other applicable law.

PRAYER FOR RELIEF

61. WHEREFORE, Plaintiff respectfully prays that this Court:
- a. Enter judgment in favor of Plaintiff and against all Defendants, jointly and severally;
 - b. Award compensatory damages in an amount to be determined at trial for the economic and non-economic losses described above;
 - c. Award punitive damages against the individual Defendants in an amount sufficient to punish and deter similar conduct in the future;
 - d. Award reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988;
 - e. Award pre- and post-judgment interest as allowed by law;
 - f. Award such other and further relief as the Court deems just and proper.

JURY DEMAND

62. Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

/s/ Christopher Smith

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