

JAN -7 2015

U.S. DISTRICT COURT
MID. DIST. TENN.

ALEXANDER L. BAXTER

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>
>

v.

Case No. _____

SPENCER R. HARRIS

BRAD BRACEY and/or

OFFICER JOHN DOE

(Jury Demand)

42 U.S.C. 1983 CIVIL RIGHTS COMPLAINT

Introduction

This is a 42 U.S.C. 1983 Civil Rights Complaint being brought by Alexander L. Baxter, an inmate presently incarcerated in the Davidson County Sheriff's Office at the Correctional Development Center located on Harding Place in Nashville, Tennessee. The petitioner submits that officers of the Metropolitan Nashville Police Department violated his constitutional rights by using excessive force against him, and that the force was sadistic, malicious intentional and deliberately done to arbitrarily inflict serious bodily injury upon the body of the petitioner. The petitioner submits that not only was his constitutional rights violated, but that Officer Harris and Officer Bracey committed the tort action of especially aggravated assault and/or its statutory equivalent, and as a result, the plaintiff suffered serious bodily injury, personal humiliation, emotional distress and mental anguish because of this criminal act done by Officer Harris and Officer Bracey.

In addition to the above, the petitioner admittedly submits that during the course of an arrest he ran and hid in the basement of a house. Officer Harris and Officer Bracey soon entered the basement with a K-9. The petitioner sat close to the window upon which the officers entered with the K-9. The petitioner watched the K-9 running around on the other side of the basement. The officers located the petitioner first, then the K-9 ran up and one of the officers was holding the K-9 by the collar. The petitioner sat on the ground, frozen still, with his hands raised in the air. The K-9 was barking and rearing up trying to get at the petitioner. When the K-9 ran up to the officer, the petitioner had surrendered. The petitioner was at gunpoint with a flashlight shining on him. It was daylight outside, and there was lots of light shining through the windows. One officer was in front of the petitioner, and one officer was behind the petitioner. The petitioner was not physically resisting. The petitioner did nothing to provoke any force. The officer in front of the petitioner then released the K-9, and both officers stood and watched as the K-9 attacked. The officer behind had an opportunity to intervene and stop the attack. He didn't. The officer in front eventually stepped in and removed the K-9. The called it a K-9 apprehension, but there were no bites under^{ON} the petitioner's arms, no bites under/on the petitioner's legs, no bits on the petitioner's hands, nor were there any other bites on any part of the

petitioner's body. The petitioner was transferred to Metro Nashville General Hospital with deep lacerations under the pit of his arm only. The officers then lied in their police reports because the officers located and had the petitioner at gunpoint first. What they did to the petitioner was a criminal act under the authority invested in them by the Metropolitan Nashville Police Department.

The petitioner exhausted all of his administrative remedies. The petitioner filed a complaint/grievance first in DC50. When he received a response, the petitioner filed a grievance appeal. No response to the grievance appeal was received by the petitioner.

The petitioner also filed a formal complaint by way of a Sworn Affidavit as well as a letter to the Office of Professional Accountability of the Metropolitan Nashville Police Department. The petitioner next filed a complaint/appeal to Sgt. Chris Warner, a complaint/appeal to Lt. Christopher Gilder, a complaint/appeal to K-9 Captain Dhana Jones, a complaint/appeal to Chief Steve Anderson, and a complaint/appeal to Mayor Karl Dean. All of the complaint/appeals and responses are included with this mailing.

Respectfully submitted,
Alex L. Baxter 12-29-14
Mr. Alexander L. Baxter, pro se.

IN THE UNITED STATES DISTRICT COURT FOR **RECEIVED**
THE MIDDLE DISTRICT OF TENNESSEE **IN CLERK'S OFFICE**

MIDDLE DIVISION

JAN - 7 2015

U.S. DISTRICT COURT
MID. DIST. TENN.

ALEXANDER L. BAXTER)

_____)

PLAINTIFF(S))

vs.)

CIVIL ACTION NO. _____

SPENCER R. HARRIS)

(Jury Demand)

BRAD BRACEY and/or)

OFFICER JOHN DOE)

DEFENDANT(S))

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER
42 U.S.C. §1983

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ___ NO X

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs: N/A

N/A

Defendants: N/A ~~OFFICER SPENCER R. HARRIS~~
N/A ~~OFFICER Brent [unclear]~~

2. Court (if federal court, name the district, if state court, name the county):
N/A
3. Docket Number: N/A
4. Name of judge to whom case was assigned: N/A
5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
6. Approximate date of filing lawsuit: N/A
7. Approximate date of disposition: N/A

II. Place of present confinement DAVIDSON COUNTY SHERIFF'S OFFICE (CDC)

- A. Is there a prisoner grievance procedure in this institution? YES NO
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure?
YES NO
- C. If your answer is Yes:
1. What steps did you take?:
Filed GRIEVANCE & GRIEVANCE Appeal
Also Filed Complaint and Appeals with MNRD
2. What was the result? Filed to INTERNAL Affairs, Sgt. WARNER, Lt. GILDER,
Captain JONES, Chief ANDERSON, Mayor DEAN & OPA.
- D. If your answer is No, explain why not:
N/A

III. Parties

(In Item B below, place the full name of the defendant in the blank marked B his official position and place of employment. In Item A, place your full name and address. Do the same for additional plaintiffs, if any).

- A. Name of Plaintiff Alexander L. BAKER, OCA #68360
Address DCSO P.O. BOX 196383 Nashville, TN 37219

- B. Defendant SPENCER R. HARRIS is employed as Police
Officer at METRO Nashville Police Department
- C. Additional Defendants: Brad Bracey, MNPJ OFFICER
200 James Robertson Parkway
Nashville, TN 37201

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph.

On January 8, 2014 I was arrested by Officers Harris and
Bracey. The officers entered the basement with a K9. The
officers located me first then the K-9 ran up to the officer.
I was sitting on the ground, frozen still, with my hands
raised in the air. One officer stood behind me while
the officer with the K-9 stood in front of me. The K-9
was rearing up and barking trying to get at me. One
officer had a flashlight pointing on me. I was surrounded
and I was caught. I was not physically resisting. I did
nothing to provoke any force. The officer in front of me
then released the dog, and they both stood and watched
as the dog attacked me. The officer behind me had an
opportunity to intervene and/or stop the attack. He didn't.
They called it a K-9 apprehension, but there were no bites
on my arms, my hands, my legs or on any other part of my
body. The only bites I had were under the pit of my arm.

I was apprehended and had surrendered. The attack was deliberate, malicious, sadistic and intentional. I received serious bodily injury, personal humiliation, mental anguish, emotional distress, and other injury. The officers intentionally lied. I was caught first by the officers.

V. Relief sought:

1. \$100,000 Compensatory Damages
2. \$100,000 Punitive Damages
3. \$100,000 Punitive Damages
- 4.
- 5.

(We) hereby certify under penalty of perjury that the above petition is true to the best of my (our) information, knowledge and belief.

Signed this 29th day of DECEMBER, 2014

Ally L. Bayle

Signature(s) of Plaintiff(s)

DAVIDSON COUNTY SHERIFF'S OFFICE
INMATE GRIEVANCE FORM
ELCONDADO DE DAVIDSON LA OFICINA DE SHERIFF
FORMA DE AGRAVIOS DEL ENCARCELADO

ORIGINAL/ORIGINAL

APPEAL/APELAR

Name/Nombre: Alexander Baxter OCA/OCA: 068360

Facility and Cell/Facilidad Celda: HDC Pod B Bed 1

Rules/Reglas

1. Grievances should be submitted within seven (7) calendar days of the occurrence.
Las quejas deben ser sometidas dentro de siete (7) días de calendario de la ocurrencia.
2. The issue being grieved must affect the inmate filing the complaint. If it does not, the grievance will not be processed.
La persona afectada por el incidente es la personal que debe llenar la forma. De no ser así, la queja se será procesada.
3. Duplicate grievances will not be processed. An inmate is allowed to submit no more than one grievance for any incident.
Más de una queja para el mismo incidente no será procesada. Un preso es permitido someter no más de una queja por cada incidente.
4. Grievances with vulgar or inappropriate language will not be processed.
Quejas con palabras vulgares o lenguaje inapropiado no serán procesadas.
5. If more than one inmate files a grievance about the same incident, the responses may be consolidated. If so, it will be noted on the response.
Si más de un preso archiva una queja acerca del mismo incidente, las respuestas pueden ser consolidadas. Si eso es el caso, será notado en la respuesta.
6. An appeal should be submitted within no more than five (5) days after notification of the original response.
Una apelación debe ser sometida dentro de no más de cinco (5) días después de la notificación de la respuesta original.
7. Grievances and appeals must be placed in the designated grievance box by the inmate.
Las quejas y apelaciones deben de ser colocadas en la caja designada de quejas en la celda.

Alexander Baxter

1-13-14

Inmate's Signature

Date Signed

Details: On 1-8-14 I was arrested by the police.

When the police found me I sat frozen with my

hands in the air. The officer then released the

dog and it attacked me. The officer then stood

and watched while the dog tore and ripped at me.

SH9018A
Rev. 09/16/2010

DAVIDSON COUNTY SHERIFF'S OFFICE

Case Note Details for 696578-BAXTER,ALEXANDER :

1/15/2014

Note Id:	128625			
Entry Type:	Grievance	Housing Location:	HDC-AB	B
				User ID: dblaylock
Contact Date:	01/15/2014 15:10	Entry Date:	01/15/2014 15:10	Last Update: 01/15/2014 15:10
Inmate submitted a grievance that was not within the scope of DCSO jurisdiction.				

Not DCSO related

DAVIDSON COUNTY SHERIFF'S OFFICE
INMATE GRIEVANCE FORM
ELCONDADO DE DAVIDSON LA OFICINA DE SHERIFF
FORMA DE AGRAVIOS DEL ENCARCELADO

ORIGINAL/ORIGINAL

APPEAL/APELAR

Name/Nombre: Alexander Baxter OCA/OCA: 068360

Facility and Cell/Facilidad Celda: HDC Pod B Bed 1

Rules/Reglas

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Una apelación debe ser sometida dentro de no más de cinco (5) días después de la notificación de la respuesta original.
7. Grievances and appeals must be placed in the designated grievance box by the inmate.
Las quejas y apelaciones deben de ser colocadas en la caja designada de quejas en la celda.

Alex Baxter
Inmate's Signature

1-18-14
Date Signed

Details: On 1-8-14 I was arrested by the police
When the police found me I sat frozen with my
hands in the air. The officer then released the
dog and it attacked me. The officer then stood
and watched while the dog tore and ripped at me.

February 7, 2014

Office of Professional Responsibility / Accountability of MNP
1417 Murfreesboro Rd.
Nashville, TN 37219

Alexander L. Baxter #68360
DCSO
P.O. Box 196383
Nashville, TN 37219

RE: Complaint for Use of Excessive Force w/ Serious Bodily Injury

Dear OPR,

Please find enclosed my Sworn Declaration making oath to the facts I have listed therein. I will admit that I ran and hid in the basement of a house, but it was during broad daylight with windows uncovered all around. Officers came into the basement and I saw the dog running around free, but once they found me the dog went to the K-9 officer. As I sat on the ground with my hands raised in the air, the K-9 officer deliberately released the dog to attack me. Then he stood and watched as the dog ripped my flesh open. DCSO got pictures.

I was apprehended, in the beam of their flashlights with my hands raised high in the air. There was no reasonable reason to release the dog, and it was not justified by any legitimate purpose. To release the dog then stand and watch as it attacked me was malicious and sadistic and, I believe, was a criminal act.

In closing, please allow me to thank you for your time and attention to this matter. I have never contacted the Office of Professional Accountability before, so would you please let me know the correct procedure. Thank you again, and I will look forward to hearing back from you at your earliest possible convenience. I am requesting to be compensated and the officers punished.

Very truly yours,



METROPOLITAN POLICE DEPARTMENT
of Nashville and Davidson County

Karl F. Dean, Mayor

Steve Anderson
Chief of Police

April 9, 2014

Alexander Baxter (OCA 68360)
C/O Davidson County Sheriff's Office
P. O. Box 196383
Nashville, TN. 37219

Mr. Baxter,

I have completed my investigation of your allegations concerning Officer Harris. After reviewing the facts present I have determined the complaint against Officer Harris to be exonerated.

Officer Harris' actions were found to be consistent with Metro Police Departmental Policy.

If you have any further questions please do not hesitate to ask. I can be reached at 862-7623.

Thank you,

Sgt. Chris Warner
Metro/Nashville Police Department
Canine Section
(615) 862-7623



To: Office of Professional Accountability / Lt. GILDER
P.O. Box 1963000
Nashville, TN 37219

4-24-14

From: Alexander Baxter, OCA #68360
JCSO
P.O. Box 196883
Nashville, TN 37219-6883

Re: Request for Follow-Up Information / Response

Dear OPA,

This is a follow-up to a request/complaint I filed against officers of the Metropolitan Nashville Police Department for a vicious and deliberate K-9 attack. Once again I would like to reiterate that there were no bites on my leg, no bites on my arms, nor were there any bites on my hands or any other part of my body. The only bites I had were under the pit of my arm. That's because I was completely surrounded, at gunpoint, sitting on the ground frozen still with my hands cuffed in the air.

More than 45 days have now passed. MNPD has had ample time to respond. I respectfully request that punitive actions be taken to the fullest extent possible. Please regard at your earliest possible convenience.

Respectfully yours

Alex J. Baxter 4-24-14
Mr. Alexander J. Baxter

see page 50 file



METROPOLITAN POLICE DEPARTMENT
of Nashville and Davidson County

Karl F. Dean, Mayor

Steve Anderson
Chief of Police

Lt. Christopher Gilder
Office of Professional Accountability
Metropolitan Nashville Police Dept.
200 James Robertson Pkwy
Nashville, TN 37201
April 30, 2014

Mr. Alexander Baxter
OCA# 68360
Davidson County Sheriff's Office
P.O. Box 196383
Nashville, TN 37219-6383

Dear Mr. Baxter:

I am in receipt of your letter dated April 24, 2014. Your original complaint was received and forwarded to Captain Dhana Jones, who oversees the MNPD's K-9 Unit, for investigation. As such, I do not have a status update on this matter. I have, however, forwarded your correspondence to her. If you need to contact Capt. Jones, you may do so by writing to the address supplied at the top of this letter or by calling 862-7755.

Sincerely,

A handwritten signature in black ink, appearing to read "Lt. Christopher Gilder".

Lt. Christopher Gilder

Alexander L. Baxter
OCA #68360
DCSO
P.O. Box 196383
Nashville, Tennessee 37219-6383

April 30, 2014

Lt Christopher Gilder, MNPD
200 James Robertson Parkway
Nashville, TN 37201

Re: Appeal/Excessive Use of Force

Dear Lt. Gilder,

I filed a complaint/grievance against two officers for a deliberate and malicious K-9 assault and attack. I received a response from K-9 Sgt. Chris Warner exonerating the two officers. This letter represents an appeal of that decision.

Respectfully submitted,

Alex L. Baxter 4-30-14
Mr. Alexander L. Baxter, pro se.

cc: pro se file

To: STEVE ANDERSON, Chief of Police
Metropolitan Nashville Police Department
200 James Robertson Parkway
Nashville, TN 37201

5-1-14

From: Alexander L. Baxter, OCA #68360
Davidson County Sheriff's Office
P.O. Box 196383
Nashville, TN 37219

Re: Citizen Complaint / Administrative Appeal / Excessive Force

Dear Chief Anderson,

Please be advised that I am in receipt of a letter from K-9 Sgt. Chris Warner, dated April 9, 2014, exonerating Officer Harris at this level of this complaint. Pursuant to the Prison Mailbox Rule, the letter was received by me on April 29, 2014. This timely response follows. The reply submitted by Sgt. Warner failed to mention a second officer present who participated and/or acquiesced and/or failed to intervene to stop a malicious and deliberate K-9 assault and attack. The complaint is against both officers.

Please be further advised that this correspondence represents an exhaustive appeal in this action. Once again, it was called a K-9 apprehension, yet there were no bites on my legs, no bites on my arms, nor were there any bites on my hands or any other part of my body. The only bites I had were under the pit of my arm. That's because I was completely surrounded, at gunpoint, sitting on the ground frozen still with my hands raised in the air. The response found such actions to be "... consistent with Metro Police Departmental Policy..."

Submitted respectfully,

Alexander L. Baxter 5-1-14
MR. ALEXANDER L. BAXTER

XCC Mayor Karl Dean
Office of Professional Accountability
Bobby Leggs, Board of Directors, NAACP
United States District Court, Middle District of Tennessee
Eddie Maze, Attorney at Law
Sgt. Chris Warner, MNPD



METROPOLITAN POLICE DEPARTMENT
of Nashville and Davidson County

Karl F. Dean, Mayor

Steve Anderson
Chief of Police

Lt. Christopher Gilder
Office of Professional Accountability
Metropolitan Nashville Police Dept.
200 James Robertson Pkwy.
Nashville, TN 37201
May 8, 2014

Mr. Alexander Baxter
OCA#68360
Davidson County Sheriff's Office
P.O. Box 196383
Nashville, TN 37219-6383

Mr. Baxter:

I am in receipt of your letter dated May 2, 2014. As noted in my correspondence on April 30, 2014, the Office of Professional Accountability did not conduct an investigation in this matter. Instead, the investigation was handled by a supervisor in the Canine Section – Sgt. Chris Warner. Any questions regarding the investigation should be directed to him at the contact information he provided in the letter he sent to you on April 9, 2014. A copy of your most recent correspondence will be forwarded to him.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Gilder". The signature is fluid and cursive.

Lt. Christopher Gilder

Mr. Alexander L. Baxter
OCA #69360
DCSC
P.O. Box 196793
Nashville, Tennessee 37219

May 16, 2014

K-9 Sgt. Chris Warner
200 James Robertson Parkway
Nashville, TN 37201

RE: Response/Request for Guidelines to Properly Appeal

Dear Sgt. Warner,

I am in receipt of a letter from Lt. Christopher Gilder advising that any questions should be directed to you. There are no clear guidelines available here about how exactly to properly appeal your decision exonerating Officer Harris and not mentioning the name of the second officer present.

Please be advised that I wish to appeal your decision. Would you please provide me directions or mail to me any form, if available, to properly file an administrative appeal.

Respectfully yours,

Alex L. Baxter 5-16-14
Mr. Alexander Baxter

MR. ALEXANDER L. BAXTER
OCA #68360
DCSO
P.O. BOX 196383
Nashville, Tennessee 37219

May 16, 2014

Chief STEVE ANDERSON, MNPD
200 James Robertson Parkway
Nashville, TN 37201

RE: Administrative Appeal

I filed a complaint/grievance back in February about a malicious and deliberate K-9 attack after I had surrendered and was caught. I have received a response from K-9 Sgt. Chris Warner and Lt. Christopher Gilder. I wish to appeal the decision exonerating Officer Harris and failing to provide the name of the second officer present. I am requesting compensation for my injuries, the hospital bill paid for, and an investigation resulting in punitive action against the two officers involved.

Respectfully yours,

Alex L. Baxter 5-16-14
Mr. Alexander Baxter

pc: pro se file



METROPOLITAN POLICE DEPARTMENT
of Nashville and Davidson County

Karl F. Dean, Mayor

Steve Anderson
Chief of Police

May 20th, 2014

Alexander Baxter (OCA 68360)
C/O Davidson County Sheriff's Office
P. O. Box 196383
Nashville, TN. 37219

Mr. Baxter,

I have completed my investigation of your allegations concerning Officer Bracey. After reviewing the facts present I have determined the complaint against Officer Bracey to be exonerated.

Officer Bracey actions were found to be consistent with Metro Police Departmental Policy. He was not inside the structure at the time of the incident in question.

If you have any further questions please do not hesitate to ask. I can be reached at 862-7623.

Thank you,

Sgt. Chris Warner
Metro/Nashville Police Department
Canine Section
(615) 862-7623



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



KARL F. DEAN
MAYOR

SAUL SOLOMON
DIRECTOR OF LAW

DEPARTMENT OF LAW
METROPOLITAN COURTHOUSE, SUITE 108
P O BOX 196300
NASHVILLE, TENNESSEE 37219-6300
(615) 862-6341 • (615) 862-6352 FAX

May 22, 2014

Alexander L. Baxter, OCA #68360
Davidson county Sheriff's Office
P.O. Box 196383
Nashville, TN 37219

Re: May 1, 2014 letter

Dear Mr. Baxter:

I am writing in response to your May 1, 2014 letter copied to Mayor Dean where you complained about the conduct of several Metropolitan Nashville Police Department ("MNPD") officers.

I have conveyed the necessary information regarding your complaint about the MNPD officers to the Police Department for further review.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Cavanaugh".

Jennifer Cavanaugh
Assistant Metropolitan Attorney

Alexander L. Baxter
OCA #68360
DCSO
P.O. Box 196383
Nashville, Tennessee 37219

Sgt. Chris Warner, MNPD
200 James Robertson Parkway
Nashville, TN 37201

5-23-14

RE: RENEWAL of Administrative Complaint / Dispute Resolution Request

Dear Sgt. Warner,

I am in receipt of a letter from Jennifer Cavanaugh, Assistant Metropolitan Attorney, informing me that she has conveyed the necessary information regarding my complaint back to the Police Department "for further review." This correspondence is to renew my complaint seeking damages.

In the alternative, my attorney's name is Eddie Maze. He is addressed at 214 2nd Avenue North, Suite 105, Nashville, Tennessee. I have sent him information regarding a ~~petition~~ ~~resolution~~ dispute resolution request.

Thank you, and I will look to hear back from you at your earliest convenience.

Respectfully,

Alex L. Baxter

5-23-14



METROPOLITAN POLICE DEPARTMENT
of Nashville and Davidson County

Karl F. Dean, Mayor

Steve Anderson
Chief of Police

Lt. Christopher Gilder
Office of Professional Accountability
Metropolitan Nashville Police Dept.
200 James Robertson Pkwy
Nashville, TN 37201
June 26, 2014

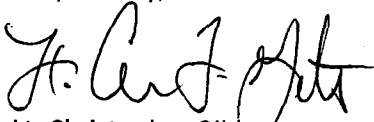
Mr. Alexander Baxter
OCA# 68360
Davidson County Sheriff's Office
P.O. Box 196383
Nashville, TN 37219-6383

Dear Mr. Baxter:

I am in receipt of your letter dated June 17, 2014. A member of my office has reviewed the administrative investigation associated with the incident on January 8, 2014. After reviewing the investigative packet, we find no error to justify reopening the matter.

Given that you are represented by counsel, and that you have already been in touch with the Metropolitan Department of Law, I would request that any future correspondence be directed to them.

Respectfully,


Lt. Christopher Gilder



To: Captain Dhana Jones, MNPD
200 James Robertson Parkway
Nashville, TN 37201

7-25-14

From: Alexander L. Baxter, OCA #68360
DCSC
P.O. Box 196383
Nashville, TN 37219-6300

RE: Administrative Appeal / Compromise Resolution Request

Dear Captain Jones,

I filed a complaint back in January complaining about the malicious and sadistic and violent use of excessive force. I've since received correspondences from Sgt. Chris Warner and Lt. Christopher Gilder providing no relief. The latest correspondence from Lt. Gilder was not dated, but I received it here at the jail on July 3, 2014. The complaint with the facts enumerated therein was sworn to and notarized under penalty of perjury.

The Prison Litigation Reform Act (PLRA) requires that I seek administrative remedy before seeking judicial relief in a federal court of law. It is my position that the action of your officers not only violated my civil rights, but was a violent criminal act (Especially Aggravated Assault) committed against me under the authority of color invested in them by the MNPD.

In the alternative, I am respectfully requesting that a compromise resolution be reached eliminating the need for future litigation. My lawyer's name is Brian Griffith. His telephone number is (615) 254-0202. He is aware of my simple request.

Respectfully yours,
Alex L. Baxter 7-25-14
Mr. Alexander L. Baxter

cc: U.S. District Court, Middle District of Tenn

Bobby Leggs, Board of Directors, NAACP

Jenni Lee Cavanaugh, Asst. Metac Attorney

Brian Griffith, Attorney at Law

To: STEVE ANDERSON, Chief of Police, MNPD
200 JAMES ROBERTSON PKWY.
Nashville, TN 37201

8-10-14

From: ALEXANDER L. BAXTER, OCA #68360
P.O. Box 196383
Nashville, TN 37201

Re: Exhaustion of Administrative Appeal/Compromise Resolution Request

Dear Chief Anderson,

I filed a complaint back in January of this year complaining about the malicious and sadistic and UNNECESSARY use of violent force used against me. I've since received correspondences from Sgt. Chris Warner and Lt. Christopher Gilder providing no relief. The latest correspondence from Lt. Gilder was not dated, but I received it here at the jail on July 3, 2014. The complaint with the facts enumerated therein was sworn to and notarized under penalty of perjury.

The Prison Litigation Reform Act (PLRA) requires that I seek administrative remedy before seeking judicial relief in a federal court of law. Sir, it is my position that the action of your officers not only violated my civil rights, but was also a violent criminal act committed against me under the color of the authority invested in them by the MNPD.

Thusly, this correspondence and the one I will send to the mayor's office, if necessary, represents a total exhaustion of my administrative remedies in this action. I am, however, respectfully requesting that a compromise resolution be considered eliminating the need for future litigation. My new attorney's name is Mr. Brian Griffith. His number is (615) 254-0202. Mr. Griffith is aware of my request should anyone become interested.

cc: Mayor Karl Dean
United States District Court, M.D. of TENN.
Bobby Leggs, Board of Directors, NAACP
Jennifer Cavanaugh, Metro Attorney
Brian Griffith, Attorney at Law

Respectfully submitted,
Alex L. Baxter 8-10-14
Mr. Alexander L. Baxter

To: Mayor Karl Dean
2 Metropolitan Courthouse
P.O. Box 196383
Nashville, TN 37219-6300

8-26-14

From: Alexander L. Baxter, OCA #68360
DCSO
P.O. Box 196383
Nashville, TN 37219-6300

RE: Exhaustion of Administrative Appeal / Compromise Resolution Request

Dear Mayor Dean,

This correspondence represents a follow-up to an action I began back in January of this year complaining about the malicious and sadistic and UNNECESSARY use of violent force used against me by officers of the Metropolitan Nashville Police Department. After appealing to Chief Anderson and then communicating that appeal to your office, per your instruction Attorney Cavanaugh conveyed information regarding my complaint back to MNPD "... for further review..." I began the process over and I've since received correspondencies from K9 Sgt. Chris Warner and Lt. Christopher Gilder providing no relief. Subsequent appeals followed to K9 Captain Dhana Jones and Chief Steve Anderson produced no response.

Your Honor, as respectfully as I know how, this correspondence also represents my sincerely remorseful regret. I am shameful, I am sorrowful, and I apologize to you and this city I love so much. I have even acknowledged on the record and in open court my willingness to assist law enforcement, a request made of me during a visit from other officers, to help recover goods and identify businesses that buy goods. But the problem is that the officers who assaulted me as well as their supervisors have refused to accept any responsibility for their actions. Instead, they have engaged in a conspiracy to cover up what really happened.

If you recall, they called it a K9 apprehension, but there were no bites on my legs, no bites on my arms, no bites on my hands, or on any other place on my body. The only bites I had were under the pit of my arm.

That's because I was completely surrounded, at gunpoint, sitting on the ground frozen still with my hands raised in the air. That is when they released the dog to attack me. It was also like an execution. They stood and watched as the dog ripped me open.

EVEN the police report submitted by Sgt. WARNER stated, in part, as follows: "... Officer Harris advised that once he had a visual of the suspect he gave the suspect commands to show his hands. He advised the suspect complied, and K9 Iwo released..." Common sense would dictate that if I complied with my hands raised in the air for complete surrender, there was no need to release that animal to attack me. It was deliberate. It was intentional. It was especially aggravated assault. That is why it has been my complaint, subscribed and sworn to under penalty of perjury, that the action of those officers not only violated my civil rights, but it was a violent criminal act committed against me under the color of authority invested in them by the MNPD.

In conclusion, the Prison Litigation Reform Act (PLRA) requires that I exhaust my administrative remedies before seeking judicial remedies in a federal court of law. Thusly, this correspondence represents a total exhaustion of my administrative remedies and my final attempt to reach a compromise resolution. My request is simple and very reasonable, eliminating the need for future litigation. I am privileged to be represented by a very good attorney. He is aware of my request.

Brian Griffith, Attorney at Law
1308 Rosa Parks Blvd.
Nashville, TN 37208
(615) 254-0202

Respectfully yours,
Alex L. Baxter 8-26-14
Mr. Alexander L. Baxter
DCSO
P.O. Box 196383
Nashville, TN 37219-6300

United States District Court, Middle District of Tennessee
Jennifer Cavanaugh, Asst. Metropolitan Attorney
Brian Griffith, Attorney at Law
Bobby Leggs, Board of Directors, NAACP

Mr. ALEXANDER L. BAXTER
OCA # 68360
DCSO
P.O. Box 196383
Nashville, TENNESSEE 37219

RECEIVED
IN CLERK'S OFFICE
JAN -7 2015
U.S. DISTRICT COURT
MID. DIST. TENN.

To: Pro SE Court Clerk,
United States District Court / Middle District
800 U.S. Courthouse
801 Broadway St.
Nashville, TN 37203

12-30-14

Re: Filing Information & Motion By Letter For Appointment
Of Counsel

Dear Court Clerk,

I have written this letter to advise the Court that I have put in two requests here at the jail to have copies made, and after several requests I even had to put in a grievance to finally get the affidavit notarized, but I cannot wait any longer to mail it in because my requests have gone ignored and the one-year limitations period is about to end. I am also writing this letter asking for appointment of counsel.

Therefore, please find enclosed my Complaint for Violation of Civil Rights Under 42 U.S.C. 1983, my Application to Proceed In Forma Pauperis, with supporting documentation, my grievances, complaints and administrative appeals, my Sworn Affidavit of Alexander L. Baxter, my "Introduction" to 42 U.S.C. 1983 Civil Rights Complaints and this Motion By Letter For the Appointment of Counsel to be considered.

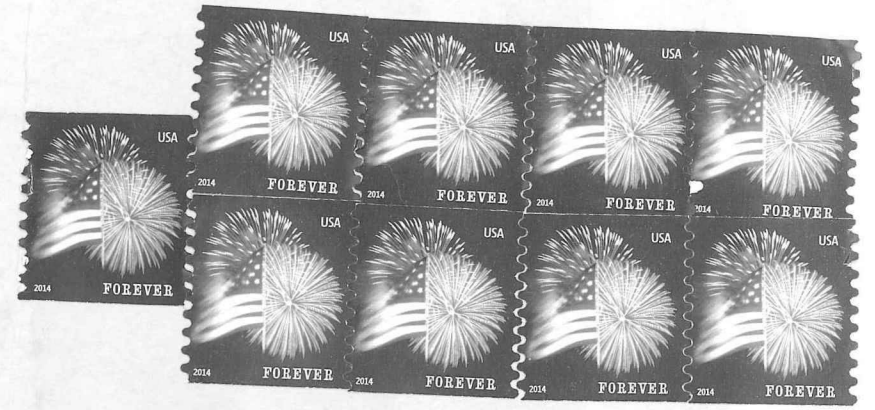
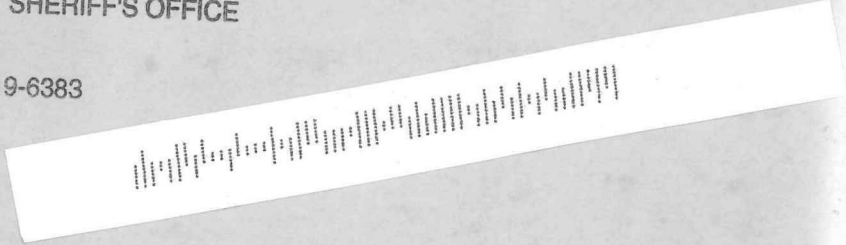
Please be also advised that unlike being in prison where there is access to extensive legal materials, and where there is information and examples to challenge a motion to dismiss or a motion for summary judgment, here in the jail access to legal materials is by policy restricted to challenge ^{to} your sentence or jail conditions. Access to previous and recent decisions, case citations or someone skilled to assist or advise to prosecute a civil case does not exist.

This complaint alleges that the defendants used excessive force. The testimony in this case will conflict because I have stated facts that are the absolute truth, that I was caught and had surrendered and did nothing to provoke force, but the defendants will lie in an effort to suppress the truth. In addition to restricted legal materials, and in addition to conflicting testimony, the case may require discovery, the case involves medical facts, and I have demanded a jury trial.

Therefore, the plaintiff respectfully requests that the Court appoint counsel to assist in this case.

Respectfully submitted,
Alex L. Baxter 12-30-14
Mr. Alexander L. Baxter, pro se.

NAME Alexander Baker
OCA 68360
DAVIDSON COUNTY SHERIFF'S OFFICE
P. O. BOX 196383
NASHVILLE, TN 37219-6383



Clerk, U.S. District Court
800 U.S. Courthouse
801 Broadway
Nashville, TN 37203

RECEIVED
IN CLERK'S OFFICE
JAN - 7 2015
U.S. DISTRICT COURT
MID. DIST. TENN.