

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

MICHAEL AMICK AND SARA AMICK,)
)
 Plaintiffs,)
)
 v.)
)
 OREGON COUNTY, MISSOURI;)
 ALTON, MISSOURI; SAM BARTON;)
 KASS BRAZEAL; MICHAEL)
 JOHNSON; ERIC KING; DARRIN) **JURY TRIAL DEMANDED**
 SORRELL; TIM WARD; and RUSTY)
 WARREN, INDIVIDUALLY AND IN)
 THEIR OFFICIAL CAPACITIES AS)
 LAW ENFORCEMENT OFFICIALS,)
)
 Defendants.)

COMPLAINT

Plaintiffs, MICHAEL AMICK and SARA AMICK, by their attorneys, LOEVY & LOEVY, complain of Defendants, OREGON COUNTY, MISSOURI; ALTON, MISSOURI; SAM BARTON; KASS BRAZEAL; MICHAEL JOHNSON; ERIC KING; DARRIN SORRELL; TIM WARD; and RUSTY WARREN as follows:

INTRODUCTION

1. Plaintiff Michael Amick was wrongfully convicted of murdering his wife's grandmother, Leona Maxine Vaughan, and burning down the house where she was living.
2. Mr. Amick was innocent of these crimes.
3. Nonetheless, Defendants created false police reports, fabricated evidence, and destroyed exculpatory evidence.

4. Mr. Amick was convicted as a direct result of Defendants' egregious misconduct.

5. Defendants' misconduct resulted in Mr. Amick being wrongfully convicted and sentenced to life in prison.

6. After approximately eight years in prison, Mr. Amick was finally vindicated, and he was released from prison in December 2016.

7. While he was in prison, Mr. Amick was deprived of a normal life, separated from his wife and his young children.

8. His wife, Plaintiff Sara Amick, a schoolteacher and military veteran, was similarly deprived of a normal life with her husband because of Defendants' misconduct.

9. Plaintiffs now bring this action to obtain justice and redress for the devastating injuries that Defendants caused.

JURISDICTION AND VENUE

10. This action is brought pursuant to 42 U.S.C. § 1983 to redress Defendants' deprivation of Plaintiffs' rights secured by the U.S. Constitution.

11. This Court has jurisdiction over the federal claims pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

12. Venue is proper under 28 U.S.C. § 1391(b). The events and omissions giving rise to Plaintiffs' claims occurred within this judicial district, and many if not all of the Defendants reside in this judicial district.

PARTIES

13. Plaintiffs Michael Amick and Sara Amick are lifelong residents of Oregon County, Missouri. They are married and have three young children.

14. At all times relevant hereto, Defendants Eric King, Darrin Sorrell, and Tim Ward were law enforcement officers employed by Oregon County, Missouri, acting under the color of law and within the scope of their employment with Oregon County.

15. Defendant Tim Ward was Sheriff of Oregon County from 1993-2008.

16. Defendant Eric King is the current Sheriff of Oregon County.

17. Defendants King, Sorrell, and Ward are sued in their individual and official capacities.

18. Defendant Oregon County, Missouri, is a county in the State of Missouri and operates the Oregon County Sheriff's Office.

19. At all times relevant hereto, Defendants Sam Barton and Rusty Warren were law enforcement officers employed by Alton, Missouri, acting under the color of law and within the scope of their employment with Alton.

20. At all relevant times, Defendant Warren was the Alton police chief.

21. Defendants Barton and Warren are sued in their individual and official capacities.

22. Defendant Alton, Missouri, is a municipal corporation in the State of Missouri and operates the Alton, Missouri, police department.

23. Defendant Kass Brazeal is an investigator with the Missouri Fire Marshall's Office and a former employee of the Oregon County Sheriff's Department.

24. Defendant Michael Johnson is a retired former investigator with the Missouri Fire Marshall's Office.

25. Collectively, Defendants Barton, Brazeal, Johnson, King, Sorrell, Ward, and Warren will be referred to as the Individual Defendants.

FACTS

26. Leona Maxine Vaughan was murdered on the morning of December 2, 2008.

27. Vaughan was shot to death in the house where she was living, and the house was also burned to the ground.

28. The Individual Defendants were among the initial law enforcement officials assigned to investigate Vaughan's murder.

29. When Vaughan was murdered, she was living with her daughter, Jackie Risner, as well as other relatives, at Jackie Risner's home in Myrtle, Missouri (the "Risner house").

30. Vaughan is Risner's mother and Sara Amick's grandmother.

31. A number of Risner's family members lived in the Risner house, including three of Risner's daughters and her son, Josh Lane.

32. Jackie and Josh Lane sold illegal drugs from the Risner house.

33. Neither Sara Amick nor Michael Amick lived in the Risner house.

34. Before Vaughan was killed, Michael Amick tried to put a stop to Jackie's and Josh's illegal behavior.

35. Shortly before the Vaughan murder, Mr. Amick told Risner that he planned to tell law enforcement authorities about the illegal drug sales at the Risner home.

36. Jackie Risner responded by telling Mr. Amick that there was nothing he could do to stop the drug sales, because she was selling the drugs for Sheriff Ward.

37. When Risner told Mr. Amick that she was selling drugs for Sheriff Ward, Mr. Amick told Risner that he would call federal authorities to stop the illegal drug sales.

38. The day after Mr. Amick told Risner that he would call federal authorities, Defendant Sorrell visited the Risner home.

39. Shortly thereafter, Vaughan was murdered and the Risner home was burned down.

40. Because Mr. Amick did not murder Vaughan or burn down the Risner house, there was no evidence tying him to those crimes. Nonetheless, Defendants decided to pin the crimes on Mr. Amick.

41. Defendants fabricated physical evidence and manipulated and coerced a purported witness, Jake Mayberry, into falsely identifying Mr. Amick as the killer.

42. Almost immediately after the murder, Defendants obtained fabricated statements from Jake Mayberry, in which Mayberry falsely claimed to have seen Michael Amick's pickup truck at the Risner house shortly before the fire started.

43. At Defendants' behest, Mayberry completed at least two written statements, on December 2, 2008 and December 3, 2008, respectively.

44. His first written statement, on December 2, 2008, contained no details about Mr. Amick's truck.

45. After meeting with one or more of the Defendants, Mayberry's second written statement, on December 3, 2008, contained additional details, including that there was "no doubt in [his] mind that the truck" he saw at the Risner house shortly before the fire was Mr. Amick's.

46. In a number of important ways, Mayberry described a truck that investigators knew was not Mr. Amick's truck.

47. The police report containing Mayberry's statement says that the truck Mayberry saw at the Risner house was a 4x4 with shiny rims and an extended cab.

48. Mr. Amick's truck was a crew cab, not an extended cab, and it did not have shiny rims.

49. Moreover, Mr. Mayberry was a known drug user, and yet none of the police reports or Mayberry's statements regarding the Vaughan investigation included the fact that he had been on drugs on December 2, 2008.

50. Multiple Defendants, including Brazeal, met with Mayberry at the Oregon County Sheriff's Office approximately one week after Vaughan was

murdered, and one or more of them took notes of that meeting. Yet, notes of the meeting were not produced.

51. Defendants Brazeal, King, Johnson, and Ward were all involved in obtaining Mayberry's fabricated statements.

52. Beyond securing Mayberry's false statements, Defendants created false reports, including filing a false report to secure a search warrant for Mr. Amick's property.

53. Defendant Ward created a report falsely stating that on December 4, 2008, he went to Mr. Amick's house because he had received a report that Mr. Amick had failed to show up for a scheduled interview with officers, and that while at the house, he saw a cutting torch and chainsaw in Mr. Amick's truck.

54. Defendants then used Defendant Ward's false December 4 report regarding the purported cutting torch and chainsaw to bolster another false report on December 5.

55. Specifically, on December 5, 2008, Defendants searched Mr. Amick's property. They falsely claimed that during the search, they recovered from a pond on Mr. Amick's property multiple pieces of a gun that Mr. Amick had cut up with a torch.

56. Defendants subsequently attempted to tie that purported gun to the Vaughan murder.

57. Defendants further claimed that the ground adjacent to the pond where the gun pieces were purportedly recovered had a burned area, suggesting that the gun had recently been cut with a torch.

58. Defendant King claimed that he took pictures of the ground, and of the gun, during the December 5, 2008 search of Mr. Amick's property.

59. No such pictures were ever provided to prosecutors or to Mr. Amick.

60. Either King lied in that he never took any pictures, or he destroyed the pictures that he took because they contradicted Defendants' false story about burns in the ground and the recovery of a gun from a pond on Mr. Amick's property.

61. Defendants also recklessly and/or intentionally ignored exculpatory evidence, including by failing to talk to multiple witnesses who would have provided alibi evidence for Mr. Amick, and who would have demonstrated that Mr. Amick did not murder Vaughan or burn down the Risner house.

62. Despite the complete lack of physical evidence, the Individual Defendants almost immediately began to focus their investigation on Michael Amick.

63. They thereafter conspired among themselves, and with others, to frame Mr. Amick for the murder.

64. The primary methods of misconduct included obtaining the false identification from Jake Mayberry, fabricating evidence, withholding and destroying exculpatory evidence, and intentionally and/or recklessly failing to

conduct an adequate investigation, including by ignoring evidence of Mr. Amick's innocence.

65. Defendants further worked together to falsely arrest Mr. Amick for the murder.

66. Defendant King filed a sworn statement to obtain an arrest warrant, leading to Mr. Amick's arrest. The statement contained falsehoods and fabricated evidence that King knew to be false. These falsehoods were the basis for the court's ruling of probable cause to arrest Mr. Amick.

67. Among other things, King's sworn statement falsely stated that Defendant Ward said that Ward went to Mr. Amick's residence on December 4, 2008, because he had received reports and believed that Mr. Amick was attempting to flee the area.

68. Defendants Ward and Johnson concocted the false story that Amick was purportedly attempting to flee his house on December 4, 2008.

69. King's sworn statement also repeated the false allegation that Mayberry had identified Amick's truck as being at the Risner house shortly before the murder.

70. Along the same lines, the sworn statement omitted that Mayberry was on drugs.

71. In addition, the sworn statement repeated the false statements that during the December 5, 2008 search of Mr. Amick's property, the Defendants

recovered a gun that appeared to have been recently cut with a torch, as well as the statement that on December 4, 2008 Ward saw a torch in the back of Amick's truck.

72. At the time of Mr. Amick's arrest, the Defendants had no probable cause and no legitimate evidence or other non-fabricated reasons to suspect Mr. Amick of the Vaughan murder. Nevertheless, Defendants ensured that Mr. Amick was arrested without probable cause.

73. The real killer was a man named David Youngblood, who confessed to another inmate while Youngblood was incarcerated for other murders committed in the same way as the Vaughan murder.

74. Youngblood murdered Vaughan with at least one accomplice, Keith Boyles, in a dispute over illegal drug sales.

75. Youngblood and Boyles also burned down the Risner house after murdering Vaughan.

76. Youngblood had been to the Risner house multiple times before he killed Vaughan and burned the house down.

77. Youngblood committed a series of similar murders and arsons close in time to Vaughan's murder, and in the same area.

78. By conducting an unreasonable investigation that ignored evidence of Mr. Amick's innocence and failed to search for the real killers, the Individual Defendants allowed Youngblood to remain free and go on to murder at least four more people.

Michael Amick's Trial and Wrongful Conviction

79. In July 2011, following a jury trial, Mr. Amick was wrongfully convicted of arson, as well as the murder of Maxine Vaughan.

80. Defendants Johnson, King and Ward were called as prosecution witnesses at that trial and testified falsely in furtherance of the scheme to wrongfully convict Mr. Amick.

81. After he was convicted, Mr. Amick was sentenced to life in prison.

82. Without Defendants' misconduct set forth above, Mr. Amick would never have been prosecuted for or convicted of arson or murder.

83. In addition, Defendants did not disclose to Mr. Amick or his defense counsel the concealment of evidence, fabrication of evidence, and eyewitness manipulation that is set forth in this Complaint.

Michael Amick's Innocence and Eventual Exoneration

84. Mr. Amick has always maintained his innocence, because he is innocent.

85. Other than false and fabricated evidence, there has never been probable cause, or any legitimate basis whatsoever, for Mr. Amick's arrest, prosecution, and conviction. There was no fingerprint, ballistic, or firearms evidence pointing to Mr. Amick.

86. Ample additional evidence available to the police showed that Mr. Amick was not the perpetrator. Importantly, Mr. Amick had multiple alibi witnesses for his whereabouts in and around the time of the arson and murder.

Moreover, ballistics evidence that incriminated the real killer, David Youngblood, was available, but was not provided to Mr. Amick.

87. Finally, after being incarcerated for nearly eight years, Mr. Amick was vindicated, and he was released from prison in December 2016.

Plaintiffs' Injuries

88. During his eight years of wrongful imprisonment, Mr. Amick was deprived of the ability to interact freely with his loved ones; to be present for holidays, births, deaths, and other life events; to pursue his passions and interests; and to live freely as an autonomous being, with all the pleasures that entails.

89. Mr. Amick was detained in harsh, dangerous, and isolating conditions in prison. He was branded a murderer.

90. In addition to causing the severe trauma of Mr. Amick's wrongful imprisonment and loss of liberty, Defendants' misconduct caused and continues to cause Mr. Amick pain and suffering, humiliation, fear, anxiety, depression, despair, and other physical and psychological effects.

91. While Mr. Amick was wrongfully incarcerated, Sara Amick was deprived of her relationship with Mr. Amick, and of the physical and emotional aspects of her marriage to Mr. Amick, and she was forced to raise her three young children on her own.

Policy and Practice of Violating Due Process

92. Defendants Oregon County and Alton are responsible for Mr. Amick's wrongful conviction, as the denial of Mr. Amick's rights was done pursuant to the policy of the Oregon County Sheriff's Department and the Alton police department.

93. First, Defendants Oregon County and Alton are liable for Plaintiffs' injuries because Defendants Ward and Warren personally participated in the wrongful actions.

94. As Sheriff, Defendant Ward was the final policymaker for Oregon County.

95. As Chief of Police, Defendant Warren was the final policymaker for Alton.

96. Second, Oregon County is liable because it had a policy of violating due process rights. For example, two Oregon County Sheriff's officers, including Defendant Sorrel, were criminally convicted of violating citizens' rights. Defendant Sorrell admitted that he extorted a payoff from an accused drug dealer.

97. Prior to and during 2008, the year in which Plaintiff was falsely charged with the Vaughan murder, the Oregon County Sheriff's Office failed to discipline officers who committed serious misconduct.

98. Officers correctly believed that they could violate citizens' rights with impunity, as officers at the highest levels of the department were involved in illegal activities.

99. As a matter of both policy and practice, municipal policy makers and supervisors condoned and facilitated a code of silence within the Oregon County Sheriff's Office. In accordance with this code, officers refused to report about misconduct committed by their colleagues, including the misconduct at issue in this case.

100. As a result of these policies and practices of Oregon County, members of the Oregon County Sheriff's Office act with impunity when they violate the constitutional and civil rights of citizens.

101. The Defendants engaged in the foregoing misconduct because they had no reason to fear that Oregon County and the Oregon County Sheriff's Office would discipline them for doing so.

102. The Oregon County Sheriff's Office also failed in 2008 and in the years prior to provide adequate training to its other officers in any of the following areas, among others:

- a. The constitutional requirement to disclose exculpatory evidence, including how to identify such evidence and what steps to take when exculpatory evidence has been identified in order to ensure that the evidence is made part of the criminal proceeding.
- b. The need to refrain from manipulative or potentially coercive conduct in relation to witnesses.
- c. The risks of wrongful conviction and the steps police officers should take to minimize such risks.

- d. The risks of engaging in tunnel vision during investigation.
- e. The need for full disclosure, candor, and openness on the part of all officers who participate in the police disciplinary process, both as witnesses and as accused officers, and the need to report misconduct committed by fellow officers.

103. The need for police officers to be trained in these areas was and remains obvious. Indeed, after George Underwood was elected Sheriff of Oregon County, he publicly acknowledged that “the staff needs more training.”

104. Oregon County’s failure to train officers as alleged in the preceding paragraphs proximately caused Mr. Amick’s wrongful conviction and his injuries.

105. Oregon County’s failure to train, supervise, and discipline its officers, including many of the Defendants, effectively condones, ratifies, and sanctions the kind of misconduct that the Defendants committed against Mr. Amick in this case. Constitutional violations such as those that occurred in this case are encouraged and facilitated as a result of Oregon County’s practices and de facto policies, as alleged above.

106. Oregon County and officials within the Oregon County Sheriff’s Department failed to act to remedy the patterns of abuse described in the preceding paragraphs, despite actual knowledge of the pattern of misconduct. They thereby perpetuated the unlawful practices and ensured that no action would be taken (independent of the judicial process) to remedy Mr. Amick’s ongoing injuries.

107. The policies and practices described in the foregoing paragraphs were consciously approved by Oregon County policymakers who were deliberately indifferent to the violations of constitutional rights described herein.

**Count I – 42 U.S.C. § 1983
Violation of Constitutional Rights**

108. Plaintiffs incorporate each paragraph of this Complaint as if fully restated here.

109. Plaintiff Michael Amick brings this claim against all Defendants.

110. In the manner described more fully above, the Defendants, individually, jointly, and in conspiracy with one another, as well as under color of law and within the scope of their employment, accused Mr. Amick of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Mr. Amick without any probable cause for doing so and in spite of the fact that they knew Mr. Amick was innocent, in violation of his rights secured by the United States Constitution.

111. In so doing, Defendants caused Mr. Amick to be deprived of his liberty without probable cause and subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

112. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, and with malice.

113. Moreover, as described in detail above, Defendants intentionally and/or recklessly failed to adequately investigate the Vaughan murder, pinning it on Mr. Amick rather than attempting to find the real perpetrators.

114. In addition, Defendants fabricated and falsified evidence that was used against Mr. Amick at trial to help secure his wrongful conviction.

115. As a result of the misconduct of the Defendants described in this Count, Mr. Amick suffered loss of liberty, great mental anguish, humiliation, degradation, pain and suffering, and other grievous and continuing injuries and damages.

116. The misconduct described in this Count by the Defendants was undertaken pursuant to the policy and practice of the Oregon County Sheriff's Office and the Alton Police Department, in the manner more fully described above, and below in Count IV.

Count II – 42 U.S.C. § 1983
Conspiracy to Deprive Constitutional Rights

117. Plaintiffs incorporate each paragraph of this complaint as if fully restated here.

118. Plaintiff Michael Amick brings this claim against all Defendants.

119. The Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Mr. Amick for a crime he did not commit and deprive him of his constitutional rights by maliciously causing Mr. Amick's prosecution; by fabricating evidence that would be used to

convict Mr. Amick; and by withholding exculpatory information from Mr. Amick's defense and the prosecution, as described above.

120. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Mr. Amick of these rights.

121. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

122. The misconduct described in this count was objectively unreasonable and was undertaken intentionally with willful indifference to Mr. Amick's constitutional rights.

123. As a result of Defendants' misconduct described in this Count, Mr. Amick suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

124. The misconduct described in this Count by the Defendants was undertaken pursuant to the policy and practice of the Oregon County Sheriff's Office and the Alton Police Department, in the manner more fully described above, and below in Count IV.

Count III – 42 U.S.C. § 1983
Failure to Intervene

125. Plaintiffs incorporate each paragraph of this Complaint as if fully restated here.

126. Plaintiff Michael Amick brings this claim against all Defendants.

127. During the constitutional violations described herein, one or more of the Defendants stood by without intervening to prevent the violation of Mr. Amick's constitutional rights, even though they had the opportunity to do so.

128. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Mr. Amick's constitutional rights.

129. As a result of the Defendants' failure to intervene to prevent the violation of Mr. Amick's constitutional rights, Mr. Amick suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages.

130. The misconduct described in this Count by the Defendants was undertaken pursuant to the policy and practice of the Oregon County Sheriff's Office and the Alton Police Department, in the manner more fully described above, and below in Count IV.

**Count IV – 42 U.S.C. § 1983
Municipal Liability/*Monell* Policy Claim**

131. Plaintiffs incorporate each paragraph of this Complaint as if fully restated here.

132. Plaintiff Michael Amick brings this claim against Defendants Oregon County and Alton.

133. As described more fully above, Oregon County and Alton are liable for the violation of Mr. Amick's constitutional rights.

134. Mr. Amick's injuries were caused by the policies, practices, and customs of Oregon County and Alton, as well as by the actions of policy-making officials for Oregon County and Alton.

135. Mr. Amick's injuries were directly and proximately caused by officers, agents, and employees of Oregon County and Alton, including but not limited to the individually named Defendants, who acted pursuant to one or more of the policies, practices, and customs set forth above in engaging in the misconduct described in this Complaint.

**Count V – State Law Claim
Intentional Infliction of Emotional Distress**

136. Plaintiffs incorporate each paragraph of this Complaint as if fully restated here.

137. Plaintiff Michael Amick brings this claim against all Defendants.

138. In the manner described more fully above, the individual Defendants engaged in extreme and outrageous conduct.

139. The Defendants either intended that their conduct would cause severe emotional distress to Mr. Amick or recklessly disregarded that their conduct would cause severe emotional distress to Mr. Amick.

140. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

141. As a direct and proximate result of this misconduct, undertaken within the scope of Defendants' employment, Mr. Amick suffered injuries, including but not limited to emotional distress, as is more fully alleged above.

**Count VI – State Law Claim
Malicious Prosecution**

142. Plaintiffs incorporate each paragraph of this Complaint as if fully restated here.

143. Plaintiff Michael Amick brings this claim against all Defendants.

144. All of the individual Defendants caused Mr. Amick to be improperly subjected to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued with malice and resulted in injury to Mr. Amick. All such proceedings were ultimately terminated in Mr. Amick's favor in a manner indicative of innocence.

145. The Defendants accused Mr. Amick of murdering Vaughan and burning down the Risner house knowing that he was innocent of the crime.

146. Defendants fabricated evidence, manipulated witnesses, withheld material exculpatory evidence, and ignored evidence of Mr. Amick's innocence.

147. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to Mr. Amick's rights.

148. As a direct and proximate result of this misconduct, undertaken within the scope of Defendants' employment, Mr. Amick suffered injuries, including but not limited to severe emotional distress, as is more fully alleged above.

**Count VII – State Law Claim
Civil Conspiracy**

149. Plaintiffs repeat and re-allege all of the paragraphs in this Complaint as if fully set forth herein.

150. Plaintiff Michael Amick brings this claim against all Defendants.

151. As described more fully in the preceding paragraphs, each of the individual Defendants, acting in concert with one another and other co-conspirators, known and unknown, conspired to accomplish an unlawful purpose by unlawful means.

152. In furtherance of the conspiracy, Defendants committed overt acts and were otherwise willing participants in joint activity.

153. As a direct and proximate result of this misconduct, Mr. Amick suffered injuries, including but not limited to severe emotional distress, as is more fully alleged above.

**Count VIII – State Law Claim
False Arrest**

154. Plaintiffs repeat and re-allege all of the paragraphs in this Complaint as if fully set forth herein.

155. Plaintiff Michael Amick brings this claim against all Defendants.

156. As described more fully in the preceding paragraphs, each of the Individual Defendants, unlawfully arrested Mr. Amick and/or caused Mr. Amick to be arrested.

157. As a direct and proximate result of this misconduct, Mr. Amick suffered injuries, including but not limited to severe emotional distress, as is more fully alleged above.

**Count IX – State Law Claim
Abuse of Process**

158. Plaintiffs repeat and re-allege all of the paragraphs in this Complaint as if fully set forth herein.

159. Plaintiff Michael Amick brings this claim against all Defendants.

160. Defendants' misconduct in falsely implicating Mr. Amick for murdering Maxine Vaughan and burning down the Risner house constituted an improper use of process that was neither warranted nor authorized by the process.

161. Defendants abused legal process as described above, for an illegal purpose and with an illegitimate and collaborative objective, and acted willfully and with an ulterior motive in their use of legal process, by using their authority and office as police officers for purposes other than legitimately investigating and prosecuting criminal acts.

162. As a direct and proximate result of this misconduct, Mr. Amick suffered injuries, including but not limited to severe emotional distress, as is more fully alleged above.

**Count X – State Law Claim
Loss of Consortium**

163. Plaintiffs repeat and re-allege all of the paragraphs in this Complaint as if fully set forth herein.

164. Plaintiffs Michael Amick and Sara Amick bring this claim against all Defendants.

165. In the manner described more fully above, the Defendants tortiously caused each of the Plaintiffs to be deprived of the services, society, support, felicity, and companionship of one another, all without justification.

166. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Mr. Amick's innocence.

167. As a result of Defendants' misconduct described in this Count, Plaintiffs suffered great mental anguish, humiliation, degradation, pain and suffering, and other grievous and continuing injuries and damages.

**Count XI – State Law Claim
Respondeat Superior**

168. Plaintiffs incorporate each paragraph of this Complaint as if fully restated here.

169. In committing the acts alleged in the preceding paragraphs, the Individual Defendants were members and agents of the Oregon County Sheriff's Department, part of Oregon County, or the Alton Police Department, part of Alton, Missouri, and they were acting at all relevant times within the scope of their employment and under color of law.

170. Defendants Oregon County and Alton are liable as principal for all torts committed by their agents.

WHEREFORE, Plaintiffs, Michael Amick and Sara Amick, respectfully request that this Court enter judgment in their favor and against Defendants OREGON COUNTY, MISSOURI; ALTON, MISSOURI; SAM BARTON; KASS BRAZEAL; MICHAEL JOHNSON; ERIC KING; DARRIN SORRELL; TIM WARD; and RUSTY WARREN, awarding compensatory damages, costs, and attorneys' fees against all Defendants, and punitive damages against each of the Individual Defendants in their individual capacities, as well as such further and additional relief as this Court deems just and appropriate.

JURY DEMAND

Plaintiffs, Michael Amick and Sara Amick, hereby demand a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

RESPECTFULLY SUBMITTED:

/s/ Josh Loevy
Attorney for Michael Amick and Sara Amick

Arthur Loevy*
Jon Loevy*
Scott Rauscher*
Josh Loevy
LOEVY & LOEVY
311 N. Aberdeen St., 3rd floor
Chicago, IL 60607
(312) 243-5900
Attorneys for Plaintiffs
* Pro hac vice application forthcoming

JS 44 (Rev 09/10)

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI****CIVIL COVER SHEET**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s):**First Listed Plaintiff:**

Michael Amick ;

County of Residence: Oregon County**Additional Plaintiff(s):**

Sara Amick ;

Defendant(s):**First Listed Defendant:**

Oregon County, Missouri ;

County of Residence: Oregon County**Additional Defendants(s):**

Alton, Missouri ;

Sam Barton ;

Kass Brazeal ;

Michael Johnson ;

Eric King ;

Darrin Sorrell ;

Tim Ward ;

Rusty Warren ;

County Where Claim For Relief Arose: Oregon County**Plaintiff's Attorney(s):**

Josh Loevy (Michael Amick)

Loevy & Loevy

311 N. Aberdeen St., 3rd Flr.

Chicago, Illinois 60607

Phone: 312-243-5900**Fax:** 312-243-5902**Email:** joshl@loevy.com

Arthur Loevy (Sara Amick)

Loevy & Loevy

311 N. Aberdeen St.. 3rd Flr.

Chicago, Illinois 60607

Phone: 312-243-5900**Fax:** 312-243-5902**Email:** arthur@loevy.com

Jon Loevy (Sara Amick)

Loevy & Loevy

311 N. Aberdeen St., 3rd Flr.

Chicago, Illinois 60607

Phone: 312-243-5900**Fax:** 312-243-5902**Email:** jon@loevy.com**Defendant's Attorney(s):**

Scott Rauscher (Sara Amick)
Loevy & Loevy
311 N. Aberdeen St., 3rd Flr.
Chicago, Illinois 60607
Phone: 312-243-5900
Fax: 312-243-5902
Email: scott@loevy.com

Basis of Jurisdiction: 3. Federal Question (U.S. not a party)

Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: N/A

Defendant: N/A

Origin: 1. Original Proceeding

Nature of Suit: 440 All Other Civil Rights

Cause of Action: 42 U.S.C. § 1983 - Wrongful conviction

Requested in Complaint

Class Action: Not filed as a Class Action

Monetary Demand (in Thousands):

Jury Demand: Yes

Related Cases: Is NOT a refiling of a previously dismissed action

Signature: Josh Loevy

Date: 12/8/2017

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.