

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF NORTH CAROLINA
 ASHEVILLE DIVISION
 CASE NO. _____

BOBBY CRISP, ET AL., and)
 NORTH CAROLINIANS FOR)
 RATIONAL SEX OFFENDER LAWS)
)
 Plaintiffs,)

v.)

**NOTICE OF REMOVAL OF ACTION
 UNDER 28 U.S.C. § 1441(b)
 [Federal Question]**

DERRICK PALMER, in his)
 official capacity as Sheriff of)
 Cherokee County, North)
 Carolina, and COUNTY OF)
 CHEROKEE, NORTH CAROLINA,)
 Defendants.)

Defendants Derrick Palmer (“Palmer”) and Cherokee County, North Carolina (the “County”) (together, “Defendants”), pursuant to 28 U.S.C. §§ 1441, hereby file their Notice of Removal of this action from the North Carolina General Court of Justice, Superior Court Division, Cherokee County, to the United States District Court for the Western District of North Carolina, Asheville Division, pursuant to 28 U.S.C. § 1441. In support of this removal, Defendants state the following:

1. On October 8, 2020, Plaintiffs filed a Complaint in Cherokee County Superior Court entitled *Bobby Crisp, et al. v. Derrick Palmer and County of Cherokee,*

North Carolina, as Case No. 20-CVS-000502 (the “State Court Action”)¹. Copies of the Summons and Complaint are collectively attached hereto as **Exhibit A**. These documents constitute all “process, pleadings, and orders” served upon Defendants in the State Court Action as required by 28 U.S.C. § 1446(a).

2. Defendants were served on or about October 15, 2020.

3. Accordingly, this Notice of Removal has been filed within thirty days of service on Defendants of Plaintiffs’ Complaint.

4. Pursuant to 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

5. This action includes a claim under 42 U.S.C. § 1983 over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court in its entirety pursuant to 28 U.S.C. § 1441(c).

6. Written notice of the filing of this Notice of Removal will be provided to Plaintiff, together with a copy of the Notice of Removal and supporting papers. Pursuant to 28 U.S.C. § 1446(d), the same will be filed with the Superior Court of Cherokee County, North Carolina. A copy of the Notice of Filing Notice of Removal is attached with the State Court documents as **Exhibit B**.

¹ Pursuant to the Complaint, the Plaintiffs in this case include Bobby Crisp, Christopher Rahilly, Gary Stroud, Jim Stevens II, John Kaufman, Matthew Blankenship, Michael Pickrell, Randy Griffith, Ricardo Dockery, Robert Tyndell, and Ryan Greene, as well as North Carolinians for Rational Sex Offender Laws.

7. Defendants submit this Notice of Removal without waiving any defenses to the claims asserted by Plaintiffs, without conceding that Plaintiff has pleaded claims upon which relief can be granted, without admitting that Plaintiffs have standing, and without admitting that Plaintiffs are entitled to any monetary or equitable relief whatsoever.

WHEREFORE, Defendants Derrick Palmer and Cherokee County, North Carolina pray that the above-captioned action now pending against it proceed in this Court as an action properly removed.

Respectfully submitted, this the 11th day of November, 2020.

WOMBLE BOND DICKINSON (US) LLP

s/Sean F. Perrin

Sean F. Perrin (NCSB No. 22253)
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing via the CM/ECF system and mailed a copy to:

Jeffrey Dobson
DOBSON LAW FIRM, PLLC
119 SW Maynard Road
Suite 180
Cary, North Carolina 27511
Counsel for Plaintiffs

Nicholas A. White
KING LAW OFFICES, PLLC
212 South Grove Street
Suite F
Hendersonville, North Carolina 28792
Counsel for Plaintiffs

This the 11th day of November, 2020.

s/ Sean F. Perrin

Exhibit A

STATE OF NORTH CAROLINA

File No. 20 CVS 502

Cherokee County

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff: Bobby Crisp, Et. Al
Address: c/o Dobson Law Firm, PLLC 119 SW Maynard Rd STE 220
City, State, Zip: Cary NC 27511

CIVIL SUMMONS
ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3, 4

VERSUS
Name Of Defendant(s): Derrick Palmer
Cherokee County

Date Original Summons Issued
Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1: Derrick Palmer, 1077 Wells Rd, Marble NC 28905

Name And Address Of Defendant 2: Cherokee County, 75 Peachtree St, Murphy NC 28906

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served.
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff): Jeffrey Dobson, Dobson Law Firm, PLLC, 119 SW Maynard Rd, STE 220, Cary NC 27511

Date Issued: OCT 08 2020, Time: 12:29 PM, Signature: [Handwritten Signature], Assistant CSC

ENDORSEMENT (ASSESS FEE)
This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement, Time, Signature, Deputy CSC, Assistant CSC, Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial.

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
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- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- Other manner of service *(specify)*

- Defendant WAS NOT served for the following reason:

DEFENDANT 2

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
--------------------	---	--------------------------

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- Other manner of service *(specify)*

- Defendant WAS NOT served for the following reason.

<i>Service Fee Paid</i> \$	<i>Signature Of Deputy Sheriff Making Return</i>
<i>Date Received</i>	<i>Name Of Sheriff (Type Or Print)</i>
<i>Date Of Return</i>	<i>County Of Sheriff</i>

NORTH CAROLINA
CHEROKEE COUNTY

BOBBY CRISP, ET AL,

NORTH CAROLINIANS FOR
RATIONAL SEX OFFENDER LAWS

Plaintiffs,

v.

DERRICK PALMER, in his official
capacity as Sheriff of Cherokee County
North Carolina,

and

COUNTY OF CHEROKEE, NORTH
CAROLINA,

Defendants.

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILE: 20 CVS 502

2020 OCT -8 A 9:00

CHEROKEE CO., C.S.C.

CP

COMPLAINT

The Plaintiffs, by and through undersigned counsel, complain of the Defendants as follows:

INTRODUCTION

1. The civil rights of approximately eighty (80) residents of Cherokee County, North Carolina, all of whom were listed on the sex offender registry and many of whom are joined as Plaintiffs in this action, were violated on or around October 31, 2019 by the Cherokee County Sheriff's Office under the direction of Defendant Palmer as Sheriff of Cherokee County, North Carolina.

2. The actions of Defendant Palmer, or those following his direct orders, resulted in violations of the following federal and state statutes:

- a. Sex Offender Registration and Notice Act (SORNA); and
- b. Article 27A of Chapter 14 of the North Carolina General Statutes.

3. The said violations of the above federal and state statutes by Defendant Palmer, or those following his direct orders, were willfully committed and demonstrate a blatant disregard for the Plaintiffs' civil rights protected by the said statutes.

4. As a direct result of Defendant Palmer's willful violations and blatant disregard for the Plaintiffs' civil rights, the Plaintiffs were falsely imprisoned by Defendant Palmer, or those following his direct orders, on October 31, 2019, in violation of the Fourth Amendment to the United States Constitution, SORNA, and/or the North Carolina General Statutes.

JURISDICTION AND VENUE

5. This action arises from a violation of the Plaintiffs' constitutional rights under the Fourth Amendment to the United States Constitution, as applied to the states through the Fourteenth Amendment, and is brought pursuant to 42 U.S.C. § 1983.

6. This court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1367, and 28 U.S.C. § 1343(3) because the Plaintiffs allege questions arising under the Fourth Amendment to the Constitution of the United States and to redress the deprivation, under color of state law, statute, ordinance, regulation, custom or usage, of rights secured by the Constitution of the United States, and because this case alleges claims that are so related to claims in the action within the original jurisdiction of this court that they form part of the same case or controversy under Article III of the United States Constitution.

7. This action further arises from violations of the Plaintiffs' rights by the Defendants under Article 27A of Chapter 14 of the North Carolina General Statutes.

8. This Court is authorized to grant the Plaintiffs' prayer for relief regarding costs, including reasonable attorney's fees, under 42 U.S.C. § 1988.

9. Pursuant to N.C. Gen. Stat. §§ 1-75.4 and 1-76, this Court has personal jurisdiction over the Defendants and venue is proper.

PARTIES

Individual Plaintiffs

10. Bobby Crisp is on the sex offender registry. He is a citizen and resident of Andrews, in Cherokee County and he has lived there for at least six months. He was required to attend the sheriff's October 31st meeting.

11. Christopher Rahilly is on the sex offender registry. He is a citizen and resident of Brasstown in Cherokee County and he has lived there for at least six months. He was required to attend the sheriff's October 31st meeting.

12. Gary Stroud is on the sex offender registry. He is a citizen and resident of Andrews in Cherokee County and he has lived there for at least six months. He was required to attend the sheriff's October 31st meeting.

13. Jim Stevens II is on the sex offender registry. He is a citizen and resident of Murphy in Cherokee County and he has lived there for at least six months. He was required to attend the sheriff's October 31st meeting.

14. John Kaufman is on the sex offender registry. He is a citizen and resident of Murphy in Cherokee County and he has lived there for at least six months. He was required to attend the sheriff's October 31st meeting.

15. Matthew Blankenship is on the sex offender registry. He is a citizen and resident of Andrews in Cherokee County and has lived there for at least six months. He was required to attend the sheriff's October 31st meeting.

16. Michael Pickrell is on the sex offender registry. He is a citizen and resident of Murphy in Cherokee County and has lived there for at least six months. He was required to attend the sheriff's October 31st meeting.

17. Randy Griffith is on the sex offender registry. He is a citizen and resident of Andrews in Cherokee County and has lived there for at least six months. He was required to attend the sheriff's October 31st meeting.

18. Ricardo Dockery is on the sex offender registry. He is a citizen and resident of Murphy in Cherokee County and has lived there for at least six months. He was required to attend the sheriff's October 31st meeting.

19. Robert Tyndell is on the sex offender registry. He is a citizen and resident of Murphy in Cherokee County and has lived there for at least six months. He was required to attend the sheriff's October 31st meeting.

20. Ryan Greene is on the sex offender registry. He is a citizen and resident of Marble in Cherokee County and he lived there for at least six months. He was required to attend the sheriff's October 31st meeting.

Organization Plaintiffs

21. NCRSOL is a 501(c)(4) organization dedicated to the protection and advancement of constitutional and civil liberties. NCRSOL has over 1,000 paid and affiliate members, and advances legislation and litigation on its members' behalf. NCRSOL has several members, supporters, and constituents in North Carolina.

22. NCRSOL represents its members and supporters and bring this action on behalf of NCRSOL, its members and supporters who possess all the indicia of membership, and all other individuals similarly situated to Plaintiffs. This organization has expended and diverted resources

otherwise reserved for different institutional functions and purposes, and has been adversely and directed harmed by the illegal and unconstitutional actions of Defendant Palmer.

23. As to all claims made in a representative capacity, there are common questions of law and fact that substantially affect the rights, duties and liabilities of potentially numerous similarly situated residents who rights have been and are continuing to be infringed by the challenged actions of Defendant Palmer.

Defendants

24. Derrick Palmer, in his official capacity as Sheriff of Cherokee County, North Carolina, graduated from Basic Law Enforcement Training in the summer of 1996 and subsequently started work with the Cherokee County Sheriff's Office on August 8th, 1996. Sheriff Palmer was hired as a bailiff and worked in the courtroom security setting. Sheriff Palmer was later transferred into a full-time patrol officer position and began to patrol as a uniformed officer. He was then promoted to patrol shift sergeant and began to supervise deputies. He also worked as a field training officer, teaching new deputies how to effectively patrol Cherokee County. He was later promoted to detective, then to the Multiple Agency Narcotics Unit where he worked as a special agent and was later promoted to the position of Unit Commander until retiring from this position in 2008. He began work in the ministry and became an ordained minister in 2006. He began Pastoral Ministry in 2007 and was elected to serve at Vengeance Creek Baptist Church until his retirement there in 2014. During this time, Sheriff Palmer worked at the Cherokee County Sheriff's Office developing a Gang Awareness and Investigative Unit. While working in this capacity, he began to teach Gang Resistance Education and Awareness Training (G.R.E.A.T.) within the Cherokee County School System, focusing on the Middle

School level. After getting involved in the school system, he developed a passion for working with our youth and was hired as a School Resource Officer where he served as Assistant Chief.

25. Cherokee County is the Southwestern most county in North Carolina; and borders the State of Tennessee and the State of Georgia.

26. Cherokee County has approximately twenty-eight thousand (28,000) citizens and residents; seventy-eight (78) which are registered sex offenders.

27. Cherokee County has an insurance policy and therefore waives any defense of immunity. *Fuller v. Wake County*, 802 S.E.2d 106, 113 (2017).

FACTS

28. On or around October 9, 2019, Defendant Palmer posted, had posted by deputies, or hand delivered by deputies, a written notice at the residence of each registered sex offender in Cherokee County. The said notice commanded each registered sex offender to appear at the National Guard Armory on October 31, 2019, by no later than 5:30 p.m. for verification of identification and update of registry photograph. The said notice expressly stated that any registered sex offender who failed to comply with the notice's directions would be arrested and incarcerated.

29. Deputies who delivered the notice informed one or more of the plaintiffs, that if they failed to show as indicated in the notice, they would be arrested and/or incarcerated.

30. The said notice was addressed to "Whom It May Concern," and not to any specific individual.

31. Upon information and belief, the said notice was not mailed to any recipient, but rather it was delivered to each registered sex offender by hand deliver or affixing the said notice to their respective front doors.

32. Each Plaintiff joined in this action received the said notice in the manner described in paragraph 28 above.

33. Several Plaintiffs had their respective photographs taken and submitted in compliance with federal and state statutory requirements within the thirty (30) days prior to October 9, 2019, and Defendant Palmer had knowledge of the same.

34. Upon information and belief, Defendant Palmer did not own, lease, or have any interest in the said National Guard Armory at any time between October 9, 2019 and October 31, 2019, and the said National Guard Armory was not an extension of the Cherokee County Sheriff's Office.

35. When the Plaintiffs arrived at the said National Guard Armory on October 31, 2019, as commanded to do so in the said written notice and under threat of arrest and incarceration, the Plaintiffs discovered a sign affixed to the door stating that identification verification and the taking of photographs would not begin until 5:30 p.m. The Plaintiffs were not free to leave until after their identification was verified and their photograph was updated under threat of arrest and incarceration for failing to comply with the said notice.

36. Under SORNA § 114(b)(4) and N.C. Gen. Stat. § 14-208.7(b), any person required to register under this section is required to report in person to the appropriate Sheriff's Office to comply with the registration requirements. The offender must appear in person and allow the Sheriff to take a photograph of the offender at the time of the Sheriff's request at the Sheriff's Office, if it is not an accurate depiction of their likeness, during normal business hours, within three business days of being requested to do so. Failure to appear after being ordered to do so is a misdemeanor offense.

37. Section 113(c) of SORNA provides that a sex offender must, not later than three (3) business days after each change of name, residence, employment, or student status, appear in person in at least one jurisdiction in which the sex offender is required to register and inform that jurisdiction of all changes in the information required for that sex offender in the registry. It further provides that the provided information must immediately be provided to all other jurisdictions in which the sex offender is required to register.

38. Every offender must register their address, and their address should appear on the public registry. An offender's mere presence at a location does not establish a residence, but a residence is established when certain "activities of life" occur at the location. *State v. Abshire*, 363 N.C. 322, 332, 677 S.E. 2d 444, 451 (2009).

39. Specifically, in North Carolina, under N.C. Gen. Stat. § 14-208.7(b), the Sheriff shall collect the following information: (1) registrants name, birthday, sex, race, height, weight, eye color, hair colors, driver license number, and home address; (2) information about the sentencing; (3) type of offense convicted for; (4) current photograph; (5) fingerprints; (6) whether the registrant is a student; (7) whether the registrant is employed; and (8) any online identifier the person uses or intends to use.

40. Pursuant to N.C. Gen. Stat. §§ 14-208.9A, 14-208.11(a)(3), and 14-208.24, the registrant has three (3) business days from the receipt of a notice to appear in person at the local Sheriff's Office to complete the verification process. Failure to comply with these verification procedures is a Class F Felony. All verifications must be made in person, and the frequency of verifications depends on the classification of the offender.

41. Pursuant to N.C. Gen. Stat. § 14-208.9A, the frequency of mandatory verification is every year on the anniversary date of the initial registration, and again six (6) months later.

42. Pursuant to N.C. Gen. Stat. § 14-208.24, verification can be as frequent as ninety (90) days after the person's initial registration date.

43. Under SORNA § 121(b)(2), probation agencies, if appropriate, should be understood to refer to all offender supervision agencies that are responsible for a sex offender's supervision, which includes the Cherokee County Sheriff's Office under the direction of Defendant Palmer.

44. Defendant Palmer either hand delivered or affixed the said notice to each of the Plaintiffs' respective front doors on October 9, 2019 and required the recipients to appear on October 31, 2019 by no later than 5:30 p.m. at the local National Guard Armory, having the physical address of 118 James A Mulkey Dr, Murphy, North Carolina for verification of identification and photograph update or they would be arrested and incarcerated. When the Plaintiffs arrived at the said National Guard Armory prior to 5:30 p.m., they were not free to leave until they complied with Defendant Palmer's orders as set forth in the said notice. This amounts to a violation of the Plaintiffs' civil rights in the following ways:

a. Pursuant to N.C. Gen. Stat. §§ 14-208.9A, 14-208.11(a)(3), and 14-208.24, the Plaintiffs should have been allowed a three-day window to appear, but the said notice only allowed them one day to appear;

b. N.C. Gen. Stat. § 14-208.7(b) specifically states that the Plaintiffs could only have been required to appear at the Sheriff's Office, but Defendant Palmer required the Plaintiffs to appear at the said National Guard Armory, which was in no way affiliated, owned, leased, or otherwise connected in any official way with the Cherokee County Sheriff's Office; and

c. Pursuant to N.C. Gen. Stat. § 14-208.7, there are seven elements that must be met when the Sheriff's Office requests additional and/or new photographs of the registered offenders: (1) it appears to the Sheriff that the current photograph of the sex offender no longer provides a true and accurate likeness of the sex offender; (2) Sheriff provides notice to the offender in person; (3) offender shall appear in person; (4) at the Sheriff's Office; (5) during normal business hours; (6) within three business days of being requested to do so; and (7) shall allow the Sheriff to take a new photograph. Defendant Palmer's action failed on above elements (1), (2), (4), (5), and (6), required by North Carolina Statute, in that:

- (i) several of the Plaintiffs' photographs were taken no more than thirty (30) days prior to the notice being affixed to their doors, so they still provided a true and accurate likeness of the sex offender at the time Defendant Palmer made his demand for an updated photograph;
- (ii) notice was not provided by Defendant Palmer, or anyone acting on his orders or his behalf, to the some of Plaintiffs in person;
- (iii) Defendant Palmer required the Plaintiffs to appear at the said National Guard Armory rather than his office;
- (iv) Defendant Palmer required the Plaintiffs to appear after hours; and
- (v) Defendant Palmer only gave the Plaintiffs one day to appear.

45. Pursuant to N.C. Gen. Stat. §§ 14-208.9A, 14-208.11(a)(3), and 14-208.24, the Sheriff must mail a non-forwardable verification form to the last reported address of the registrant, but Defendant Palmer instead affixed the said notice to the front doors of every registered sex offender in Cherokee County, addressed "To Whom It May Concern." This is a

violation of the procedure required by N.C. Gen. Stat. §§ 14-208.9A, 14-208.11(a)(3), and 14-208.24 and puts the registrants at risk for inadvertently failing to comply with their registry requirements, as notice is typically provided to each registrant on the reoccurring sentence date each year, by design. Such a violation amounts to an infringement on the registrants' rights under the United States Constitution and the North Carolina General Statutes.

**COUNT I: VIOLATION OF PLAINTIFFS' FOURTH AMENDMENT RIGHT TO
REMAIN FREE FROM UNREASONABLE SEIZURE**

46. Plaintiffs incorporate above paragraphs 1-46 by reference as if fully set forth herein.

47. Defendant Palmer, through his actions described above, showed a blatant disregard for the Plaintiffs' right to remain free from unreasonable seizure under the Fourth Amendment to the United States Constitution, and his above actions amounted to a willful violation of the same.

48. The Fourth Amendment to the United States Constitution states, in pertinent part, "[T]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." U.S. Const. amend 4.

49. "A seizure occurs within the meaning of the Fourth Amendment when, in view of all the circumstances surrounding the incident, a reasonable person would have believed he was not free to leave." *United States v. Mendenhall*, 446 U.S. 544, 544 (1980). An example of circumstances that might indicate seizure, even where the person did not attempt to leave, includes the use of language compelling compliance with the officer's request. *Id.*

50. The Plaintiffs were seized by Defendant Palmer within the meaning of the Fourth Amendment because the said notice used language compelling compliance with Defendant Palmer's requests in that failure to comply would result in arrest and incarceration.

51. At all times, Defendant Palmer knew or should have known that his conduct was in violation of the Plaintiffs' constitutional right to remain free from unreasonable seizure under the Fourth Amendment.

52. As a direct result of Defendant Palmer's actions, the Plaintiffs were falsely imprisoned in violation of 42 U.S.C.S. § 1983.

COUNT II: FALSE IMPRISONMENT

53. Plaintiffs incorporate above paragraphs 1 - 52 by reference as if fully set forth herein.

54. False imprisonment occurs when an individual, without legal authority, commits the willful act of intentionally restraining another without their consent which results in the confinement of that person in a bounded area with the confined person being aware of their confinement.

55. Every confinement of the person is an imprisonment, whether it be in a common prison, in a private house, or even by forcibly detaining a person in public streets. See *Wallace v. Kato*, 549 U.S. 384 (2007).

56. Defendant Palmer committed the willful act of intentionally restraining the Plaintiffs without their consent which did result in their confinement and of which they were aware; therefore, the Plaintiffs were falsely imprisoned by Defendant Palmer.

57. Defendant Palmer was without legal authority to imprison the Plaintiffs, and he knew or should have known that by virtue of his actions taken in violation of the Plaintiffs' constitutional rights he was without legal authority to imprison the Plaintiffs.

58. As a direct result of Defendant Palmer's actions, the Plaintiffs were falsely imprisoned in violation of 42 U.S.C.S. § 1983.

COUNT III: *MONELL v. DEP'T OF SOCIAL SERVS, 436 U.S. 658 (1977)*

59. Plaintiffs incorporate above paragraphs 1 – 58 by reference as if fully set forth herein.

60. The Defendant Cherokee County, with deliberate indifference, maintained a policy, custom, or pattern and practice of promoting, facilitating, and condoning improper, illegal, and unconstitutional techniques implemented by Defendant Palmer, specifically those related to compliance with the above North Carolina General Statutes and SORNA.

61. It would have been plainly obvious to a reasonable policymaker that such policies, customs, or patterns and practices would lead to violations of the constitutional rights of registered sex offenders living in Cherokee County, North Carolina.

62. The following policies, customs, or patterns and practices which lead to violations of the constitutional rights of registered sex offenders residing in Cherokee County, North Carolina include but are not limited to the rights of said residents to remain free from unreasonable seizure by the Cherokee County Sheriff's Office.

63. The wrongful acts and omissions that caused the illegal seizures of the Plaintiffs were carried out pursuant to Defendant Cherokee County's policies, customs, patterns, and/or practices.

64. Defendant Cherokee County directly and proximately caused the illegal seizure of the Plaintiffs.

65. At all times, Defendant Cherokee County knew or should have known their conduct was in violation of the Plaintiffs' constitutional rights.

66. The Plaintiffs have suffered damages as a direct and foreseeable result of their illegal seizure in an amount to be determined at trial.

COUNT IV: PUNITIVE DAMAGES

67. Plaintiffs incorporate above paragraphs 1 – 66 by reference as if fully set forth herein.

68. Pursuant to N.C. Gen. Stat. § 1D-15(a)(3), punitive damages may be awarded if the claimant proves the defendant is liable for compensatory damages and that the defendant engaged in willful or wanton conduct related to the injury for which compensatory damages were awarded.

69. Pursuant to N.C. Gen. Stat. § 1D-5(7), “willful or wanton conduct” is a conscious and intentional disregard of the indifference to the rights and safety of others, which the defendant knows or should know is reasonably likely to result in injury, damage, or other harm.

70. Defendant Palmer willfully or wantonly engaged in the above actions resulting in blatant violations of the Plaintiffs rights to remain free from unlawful seizure under the Fourth Amendment to the United States Constitution and the Plaintiffs’ false imprisonment for which he and Defendant Cherokee County are liable and for which the Plaintiffs should be awarded compensatory and punitive damages in an amount to be shown a trial.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray the Court for the following relief:

1. That this Court award compensatory and punitive damages in an amount greater than Five Million and No/00 Dollars (\$5,000,000), to be shown at trial;
2. That the cost of this action be taxed on the Defendant, to include attorney’s fee;
3. That the Plaintiffs have a trial by jury on all issues and claims so triable set forth in this Complaint;

4. That this Court adjudge, decree, and declare the rights and other legal relations with the subject matter here in controversy, in order that such declaration shall have the force and effect of final judgment;

5. That this Court retain jurisdiction of this matter for the purpose of enforcing orders of this Court; and

6. That this Court grant such other and further relief as this Court deems equitable and just under the circumstances.

Respectfully submitted this the 1 day of October, 2020.

DOBSON LAW FIRM, PLLC



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Telephone: (828) 288-3085
nwhite@kinglawoffices.com
Attorney for the Plaintiffs

VERIFICATION

STATE OF NORTH CAROLINA

COUNTY OF WAKE

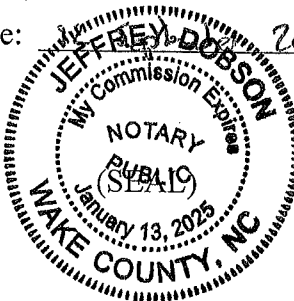
1.

I, Jim Stevens II, being first duly sworn, says that I am the Plaintiff in this action, that I have read the Complaint and that it is true to my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe it to be true.

Jim D. Stevens II
Jim D. Stephens II

Sworn to and subscribe before me on this 12 day of September 2020.

Date: 2020



[Signature]
SIGNATURE OF NOTARY PUBLIC

Jeffrey Dobson
TYPED OR PRINTED NAME OF NOTARY PUBLIC

My commission expires: 1/13/2025

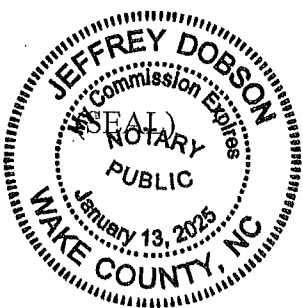
2.

I, Ricardo Dockey, being first duly sworn, says that I am the Plaintiff in this action, that I have read the Complaint and that it is true to my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe it to be true.

[Signature]

Sworn to and subscribe before me on this 12 day of September 2020.

Date: 9/12/2020



[Signature]
SIGNATURE OF NOTARY PUBLIC

Jeffrey Dobson
TYPED OR PRINTED NAME OF NOTARY PUBLIC

My commission expires: 1/13/2020

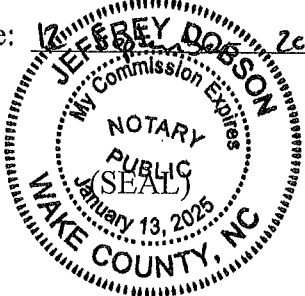
3.

I, Michael Pickrell, being first duly sworn, says that I am the Plaintiff in this action, that I have read the Complaint and that it is true to my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe it to be true.

[Handwritten Signature]

Sworn to and subscribe before me on this 12 day of September 2020.

Date: 12/13/2020



[Handwritten Signature]
SIGNATURE OF NOTARY PUBLIC

Jeffrey Dobson
TYPED OR PRINTED NAME OF NOTARY PUBLIC

My commission expires: 1/13/2020

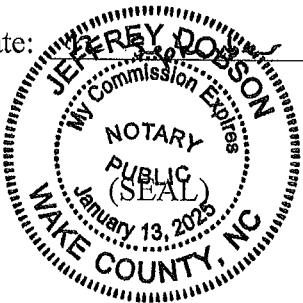
4.

I, John Kaufman, being first duly sworn, says that I am the Plaintiff in this action, that I have read the Complaint and that it is true to my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe it to be true.

[Handwritten Signature]

Sworn to and subscribe before me on this 12 day of September 2020.

Date: 12/13/2020



[Handwritten Signature]
SIGNATURE OF NOTARY PUBLIC

Jeffrey Dobson
TYPED OR PRINTED NAME OF NOTARY PUBLIC

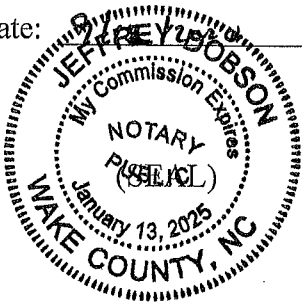
My commission expires: 1/13/2025

I, Ryan Greene, being first duly sworn, says that I am the Plaintiff in this action, that I have read the Complaint and that it is true to my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe it to be true.

Ryan Greene

Sworn to and subscribe before me on this 12 day of September 2020.

Date: _____



[Signature]
SIGNATURE OF NOTARY PUBLIC

Jeffrey Dobson
TYPED OR PRINTED NAME OF NOTARY PUBLIC

My commission expires: 1/13/2025

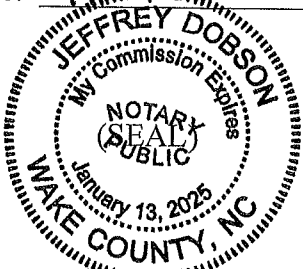
8.

I, Bobby Crisp, being first duly sworn, says that I am the Plaintiff in this action, that I have read the Complaint and that it is true to my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe it to be true.

Bobby Crisp

Sworn to and subscribe before me on this 12 day of September 2020.

Date: 9/12/2020



[Signature]
SIGNATURE OF NOTARY PUBLIC

Jeffrey Dobson
TYPED OR PRINTED NAME OF NOTARY PUBLIC

My commission expires: 1/13/2025

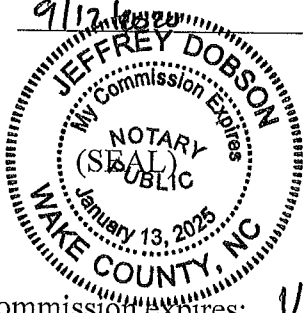
9.

I, Gary Strand, being first duly sworn, says that I am the Plaintiff in this action, that I have read the Complaint and that it is true to my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe it to be true.

Gary Strand

Sworn to and subscribe before me on this 12 day of September 2020.

Date: 9/12/2020



[Signature]

SIGNATURE OF NOTARY PUBLIC

Jeffrey Dobson
TYPED OR PRINTED NAME OF NOTARY PUBLIC

My commission expires: 1/13/2025

10.

I, Matthew Blankenship, being first duly sworn, says that I am the Plaintiff in this action, that I have read the Complaint and that it is true to my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe it to be true.

Matthew Blankenship

Sworn to and subscribe before me on this 12 day of September 2020.

Date: 9/12/2020



[Signature]

SIGNATURE OF NOTARY PUBLIC

Jeffrey Dobson
TYPED OR PRINTED NAME OF NOTARY PUBLIC

My commission expires: 1/13/2025

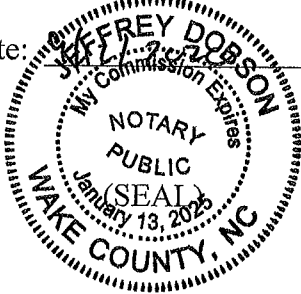
11.

I, Randy Griffith, being first duly sworn, says that I am the Plaintiff in this action, that I have read the Complaint and that it is true to my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe it to be true.

Randy W. Griffith

Sworn to and subscribe before me on this 12 day of September 2020.

Date: _____



SIGNATURE OF NOTARY PUBLIC

Jeffrey Dobson
TYPED OR PRINTED NAME OF NOTARY PUBLIC

My commission expires: 1/13/2025

12.

I, _____, being first duly sworn, says that I am the Plaintiff in this action, that I have read the Complaint and that it is true to my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe it to be true.

Sworn to and subscribe before me on this _____ day of _____ 2020.

Date: _____

SIGNATURE OF NOTARY PUBLIC

(SEAL)

TYPED OR PRINTED NAME OF NOTARY PUBLIC

My commission expires: _____

Exhibit B

STATE OF NORTH CAROLINA
COUNTY OF CHEROKEE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
Civil Action No. 20-CVS-00502

BOBBY CRISP, ET AL., and
NORTH CAROLINIANS FOR
RATIONAL SEX OFFENDER LAWS

Plaintiffs,

v.

DERRICK PALMER, in his
official capacity as Sheriff of
Cherokee County, North
Carolina, and COUNTY OF
CHEROKEE, NORTH CAROLINA,
Defendants.

**NOTICE OF REMOVAL OF ACTION TO
FEDERAL COURT**

TO:

Jeffrey Dobson
DOBSON LAW FIRM, PLLC
119 SW Maynard Road
Suite 180
Cary, North Carolina 27511

Counsel for Plaintiffs

Nicholas A. White
KING LAW OFFICES, PLLC
212 South Grove Street
Suite F
Hendersonville, North Carolina 28792

Counsel for Plaintiffs

Superior Court Clerk of Court
Cherokee County Courthouse
75 Peachtree Street
Murphy, North Carolina 28906

PLEASE TAKE NOTICE that the Defendants have filed in the office of the Clerk of the
United States District Court for the Western District of North Carolina, Asheville Division, a

Notice of Removal, to remove this action to the United States District Court for the Western District of North Carolina, Asheville Division, a copy of which is attached as **Exhibit A**.

Respectfully submitted, this the 11th day of November, 2020.

WOMBLE BOND DICKINSON (US) LLP

s/Sean F. Perrin (NCSB No. 22253)

s/Michael A. Ingersoll (NCSB No. 52217)

301 S. College Street, Ste. 3500

Charlotte, North Carolina 28202

Telephone No. (704) 331-4992

Fax No. (704) 338-7814

E-mail: Sean.Perrin@wbd-us.com

E-mail: Mike.Ingersoll@wbd-us.com

Counsel for Defendants