

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

CRAIG D. BUCKLEY,

Plaintiff,

v.

BRAD KEADLE,

JERRY COPLEY,

Defendants.

COMPLAINT AND JURY DEMAND

Comes now the Plaintiff, Craig D. Buckley, by and through Counsel, Paul Grant, and for his Complaint against the Defendants, Plaintiff states:

The Parties and Jurisdiction

1. Plaintiff is a natural person and a resident of the State of Colorado with an address of 1908 Yeager Dr., Longmont, CO 80501.
2. Defendant Brad Keadle is a natural person who at all times relevant hereto was a trooper employed by the Colorado State Patrol, acting under color of law, even when the actions of said Defendant were in violation of the laws of the State of Colorado and the constitution and laws of the United States of America.
3. Defendant Jerry Copley is a natural person who at all times relevant

hereto was a sergeant employed by the Colorado State Patrol, acting under color of law, even when the actions of said Defendant were in violation of the laws of the State of Colorado and the constitution and laws of the United States of America.

4. Jurisdiction is conferred upon this court by 28 U.S.C. §§ 1331, 1332, 1343(a)(3) and 1367. Venue of this action is proper under 28 U.S.C. § 1391(b).

General Averments

5. Plaintiff incorporates the preceding paragraphs of this Complaint into this claim for relief as if set forth fully herein.
6. On July 31, 2004, Defendant Trooper Keadle initiated a traffic stop of the Plaintiff on Colorado 66 in Boulder County, Colorado, when the Plaintiff was riding a motorcycle at the time, allegedly for having an illegal tail light. When Plaintiff asked why he had been stopped, Trooper Keadle became defensive and abusive. Plaintiff explained to Trooper Keadle that the tail light was not illegal. Trooper Keadle then said he had also stopped Plaintiff for speeding.
7. Trooper Keadle and Sergeant Copley made it clear to Plaintiff that they didn't like motorcycle riders. Sergeant Copley told Plaintiff that law enforcement had received a lot of complaints about bikers with loud motorcycles in the area, when that had nothing at all to do with Plaintiff's actions. Both officers kept telling Plaintiff about their problems with "scumbag bikers." Trooper Keadle told Plaintiff that bikers were "about as low as any nigger."

8. Trooper Keadle claimed that the Plaintiff had a moderate odor of alcohol on his breath and asked the plaintiff to perform roadside maneuvers and, despite Plaintiff's protests, Trooper Keadle insisted that the maneuvers be performed. Trooper Keadle attempted to force Plaintiff to perform the roadside maneuvers in a manner which was inconsistent with professional standards for roadside maneuvers, including forcing Plaintiff to face his patrol car headlights while the horizontal gaze nystagmus test was administered. When Plaintiff explained how this test was not being conducted properly, Defendant Keadle told him to shut up. Plaintiff asked Trooper Keadle to administer the tests according to DOT and NHTSA standards and Trooper Keadle became enraged.
9. When Sergeant Copley arrived on the scene, at the request of Trooper Keadle, he ordered the Plaintiff to perform roadside maneuvers again. Plaintiff was forced to perform roadside maneuvers despite his protest that he was physically unable to perform some actions, including the walk and turn maneuver. Plaintiff was also forced by Trooper Keadle and Sergeant Copley to perform some ridiculous non-NHTSA tests for the amusement of Keadle and Copley.
10. Defendant Keadle noted that the Plaintiff managed a normal vehicle exit and that the Plaintiff's hand movements and walk were normal.
11. Despite the fact that Plaintiff had passed the roadside maneuvers, Sergeant Copley ordered Trooper Keadle to arrest the Plaintiff for driving under the influence of alcohol.
12. Plaintiff asked for a breath test to show that he was not intoxicated.

13. Defendants Keadle and Copley refused to allow Plaintiff a breath test for alcohol, and Trooper Keadle falsely reported, with the advice of Sergeant Copley, that Plaintiff had refused to take a breath or blood test. Defendant Keadle wrote up Plaintiff for refusing any test, and confiscated his license for the refusal.
14. Defendant Keadle arrested the Plaintiff for Driving While Under the Influence of Alcohol, a violation of § 42-4-1301 (1) (a), COLORADO REVISED STATUTES.
15. The arrest of Plaintiff was without probable cause, in violation of the due process and equal protection rights protected by the Fourth and Fourteenth Amendments to the United States Constitution.
16. Defendant Keadle invoked the Colorado Express Consent Statute, § 42-4-1301 (7), COLORADO REVISED STATUTES, and the Plaintiff elected a breath test, but Trooper Keadle told Plaintiff he did not like his attitude, that Plaintiff was too polite to be sincere, and Trooper Keadle would not allow him the test, writing that the Plaintiff had refused any test, which resulted in Trooper Keadle illegally revoking Plaintiff's driver's license, also a violation of the due process and equal protection rights of the Plaintiff.
17. After arresting Plaintiff, Trooper Keadle began escorting Plaintiff to his patrol car for transport to jail. As he escorted Plaintiff, Trooper Keadle, without provocation, grabbed Plaintiff and threw him across the hood of his patrol car, slamming his head onto the hood, an assault in violation of Plaintiff's Fourth and Fourteenth Amendment rights to be free from excessive force.

18. During the illegal arrest and assault of Plaintiff by Trooper Keadle, Sergeant Copley encouraged and advised the illegal acts of Trooper Keadle, and laughed and cheered at the embarrassment and humiliation and assault inflicted on Plaintiff.
19. Trooper Keadle stopped Plaintiff in traffic not because Plaintiff had violated any laws, but because Plaintiff was riding a motorcycle late at night in an area near bars.
20. Trooper Keadle and Sergeant Copley conspired together to deprive Plaintiff of his rights to equal protection of the laws, because they both considered Plaintiff to be a "scumbag biker," a person who did not deserve equal protection of the laws.
21. Sergeant Copley advised Trooper Keadle and conspired with Trooper Keadle on how Trooper Keadle should falsify his arrest reports in this matter, in order to deprive the Plaintiff - in their words, a "scumbag biker - of his rights to equal protection under the laws.
22. Trooper Keadle further assaulted Plaintiff when forcing him into the patrol car.
23. When placed into the Boulder County Jail, Plaintiff again demanded a breath test, but was told to shut up and no test was administered.
24. After Plaintiff had been kept three hours in a holding cell, Trooper Keadle approached him and tried to intimidate Plaintiff into signing a paper indicating Plaintiff had refused to take a blood or breath test and that his license was being revoked. Plaintiff refused to sign the paper.
25. Trooper Keadle wrote up false arrest reports to try to support his

illegal arrest of Plaintiff.

26. Trooper Keadle and Sergeant Copley testified falsely at trial in a joint effort and in furtherance of their conspiracy to deprive Plaintiff of the equal protection of the laws, because they considered him nothing more than a "scumbag biker," in an attempt to get Plaintiff convicted of criminal and traffic charges, knowing that he was innocent.
27. Plaintiff was tried by a jury of six in Boulder County Court and acquitted of all charges on May 18, 2005, including speeding, driving under the influence of alcohol, and of a signal light violation.

First Claim for Relief

28. Plaintiff incorporates the preceding paragraphs of this Complaint into this claim for relief as if set forth fully herein.
29. The arrest of the Plaintiff was without probable cause in violation of the Plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States.
30. The physical assault on Plaintiff and his incarceration were without legal justification and in violation of the Plaintiff's due process rights and his rights to equal protection of the law, as protected by the Fourth and Fourteenth Amendments to the Constitution of the United States.
31. The revocation and confiscation of Plaintiff's driver's license was without legal justification and in violation of the Plaintiff's due process and equal protection rights under the Fourth and Fourteenth Amendments to the Constitution of the United States.
32. The charging of the Plaintiff in Boulder County Court Case No.

04T004479, was without probable cause in violation of the Plaintiff's due process and equal protection rights under the Fourth and Fourteenth Amendments to the Constitution of the United States.

33. The Defendants' conspiratorial and individual actions were directed towards Plaintiff with the intent to deprive him of the equal protection of the laws, because they considered him to be a "scumbag biker."
34. Plaintiff has suffered physical injury and emotional distress and damage to his reputation and inconvenience associated with these various violations of his rights, for which he is entitled to be compensated pursuant to 42 U.S.C. §§ 1983, 1985, and 1988.
35. The actions of the Defendants were occasioned by actual malice or a reckless disregard for the rights of the Plaintiff, such as to permit the imposition of punitive damages to punish the Defendants and to deter such misconduct in the future.

WHEREFORE, Plaintiff prays for damages against Defendant Brad P. Keadle and against Defendant Jerry Copley, individually and jointly, pursuant to 42 U.S.C. §§ 1983 and 1985, as determined by the trier of fact, including punitive damages, and he requests an award of interest as allowed by law, and he requests an award of his attorney fees and costs as provided by 42 U.S.C. § 1988.

Plaintiff demands trial by Jury of all issues so determinable.

Plaintiffs Address:

Craig D. Buckley
1908 Yeager Dr.
Longmont, CO 80501.

Respectfully submitted,

s/ Paul Grant

Paul Grant

6053 S. Quebec Street, # 101

Centennial CO 80111

303-771-1908 (phone)