

**FILED - LN**

September 11, 2008 2:18 PM

RONALD C. WESTON, SR., CLERK  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: JK

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

LINDA (SONTE) EVERSON,

Plaintiff,

v.

Case No.

**1:08-cv-859**

Hon.

**Robert J. Jonker  
United States District Judge**

CALHOUN COUNTY;  
GUY PICKETTS, individually and in  
his capacity as a Sheriff's Deputy with the  
Calhoun County Sheriff's Department; and  
JOHN HALLACY, individually and in his capacity as the  
Calhoun County Prosecutor.

Defendants.

\_\_\_\_\_  
**NACHT & ASSOCIATES, P.C.**  
**JENNIFER B. SALVATORE (P66640)**  
Attorneys for Plaintiff  
101 N. Main Street  
Suite 555  
Ann Arbor, Michigan 48104  
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Fax: (734) 663-7592  
jsalvatore@nachtlaw.com  
\_\_\_\_\_

**COMPLAINT AND JURY DEMAND**

NOW COMES Plaintiff, LINDA (SONTE) EVERSON, by and through her attorney,  
NACHT & ASSOCIATES, P.C., and hereby complains of Defendants CALHOUN COUNTY,  
GUY PICKETTS, and JOHN HALLACY, as follows:

### **NATURE OF THE CASE**

1. The facts of this case harken back to an earlier era in our country's history, when a black woman risked her freedom and her reputation to accuse a white male of sexual assault. Unfortunately for Sonte Everson, that era is alive and well in Calhoun County.

2. Sonte Everson is a native of Battle Creek, Michigan. She is 43 years old; an African American woman; and a mother.

3. Defendants acted in a discriminatory and unlawful manner and illegally retaliated against Ms. Everson because she reported a sexual assault by a white, male law enforcement officer and then criticized the Sheriff Department's investigation of that complaint.

4. Shortly after Ms. Everson criticized the County's investigation of her report of a sexual assault, Ms. Everson was arrested at work and charged with filing a false police report. When a judge dismissed the initial charges for lack of evidence, Prosecutor Hallacy and Sheriff Picketts detained Ms. Everson and had her re-arrested (without a warrant) in the courthouse. The County booked her in the Calhoun County jail and again charged Ms. Everson with the same frivolous felony that the Judge had just dismissed.

5. Although an independent prosecutor's office eventually dismissed the charges, Ms. Everson's photo was in the press repeatedly, as were the inflammatory allegations against her. During the pending criminal proceedings (which took nearly two years), she was placed on administrative leave by her employer.

6. The Defendants' actions are a clear abuse of governmental powers.

**PARTIES AND JURISDICTION**

7. Plaintiff Sonte Everson is an individual who resides in Battle Creek, Michigan in the County of Calhoun.

8. Defendant Calhoun County is a municipal government that employs individuals to work in Calhoun County, Michigan. At all times relevant to this lawsuit, Defendant Calhoun County operated its Sheriff's Department and Prosecutor's Office and was a governmental entity set up under the color and pretense of statutory ordinances and laws of the State of Michigan.

9. Defendants Hallacy and Picketts are individuals who work for Calhoun County and who, upon information and belief, live in Calhoun County. Defendant Hallacy is the Prosecutor for Calhoun County. Defendant Picketts was a Sheriff's Deputy for the County.

10. The Defendants are not entitled to qualified or governmental immunity.

11. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 and pursuant to 42 U.S.C. § 1983. This action arose under the United States Constitution, particularly under the provisions of the First and Fourteenth Amendments of the Constitution.

12. The amount in controversy in this case exceeds Seventy Five Thousand (\$75,000.00) Dollars.

13. Venue in this Court is proper under 28 U.S.C. § 1391(b) because all of the events giving rise to this claim took place in this district and the Defendants are municipalities within the district or individuals who reside in this district.

**GENERAL ALLEGATIONS**

**A. In 2005, Ms. Everson Reported To the Calhoun County Sheriff's Office That She Had Been Sexually Assaulted By a White Law Enforcement Officer.**

14. Ms. Everson is an African American female.

15. In December 2003, Ms. Everson began dating a white, male law enforcement officer.

16. In December 2004, Ms. Everson was sexually assaulted by that white, male law enforcement officer.

17. On or about October 11, 2005, Ms. Everson filed a criminal complaint against the officer with the Calhoun County Sheriff's Office. During the initial interview with the accused law enforcement officer, Detective Picketts discussed with the accused the possibility of bringing charges *against Ms. Everson* for filing a false police report. Mr. Picketts appeared sympathetic to the accused and told him that he would like to "wrap up the investigation" prior to the accused's wedding, which was only a few weeks away.

18. Detective Picketts, in fact, conducted only a superficial investigation of the charges against the law enforcement officer, and then referred the matter to the Calhoun County Prosecutor's Office.

19. Identifying a conflict with prosecuting the case, the Calhoun County Prosecutor's Office referred it to Branch County for prosecution.

20. The Branch County Prosecutor ultimately found insufficient evidence to support a reasonable likelihood of conviction, and notified the Calhoun County Sheriff's Department (CCSD) on January 24, 2006, that it was declining to press charges against the accused officer.

21. Upset with the outcome of the investigation and her treatment, Ms. Everson subsequently criticized the Calhoun County Sheriff's Department and Detective Picketts personally.

**B. Calhoun County Then Zealously Pursued Frivolous and Retaliatory Felony Charges Against Ms. Everson; Charges That an Independent Prosecutor Ultimately Found To Be Without Merit.**

22. Following Ms. Everson's criticisms of Calhoun County's investigation, Ms. Everson was arrested at her place of work on September 11, 2006. She was charged with making a false report of a felony. Detective Picketts sat in a car next to Ms. Everson and personally watched her arrest.

23. The basis of the Prosecutor's charges against Ms. Everson was the testimony of one witness – a woman who came forward (and lied) because she was angry with Ms. Everson over personal issues. Ms. Everson was held overnight in a maximum security facility.

24. Rather than identifying its obvious conflict of interest and referring the case to an outside office (as it had done with Ms. Everson's complaint against the accused officer), the Calhoun County Prosecutor's Office opted to prosecute Ms. Everson itself. The County did so despite the fact that many of the witnesses against Ms. Everson were law enforcement officers with close working relationships with the County.

25. On or about May 10, 2007, a judge dismissed the case against Ms. Everson for lack of evidence. Before she could even leave the court house, the Calhoun County Prosecutor, Defendant John Hallacy, had Ms. Everson rearrested, without a warrant, on the same charges. Incredibly, this arrest occurred in the elevator of the County Courthouse, as Ms. Everson and her lawyer attempted to leave the building. Ms. Everson was booked in the Calhoun County jail.

26. On or about October 29, 2007, the second judge to see the case ordered that a special prosecutor in Kalamazoo be appointed, finding that Calhoun County had a conflict of interest and should have recused itself from the case.

27. In addition to inappropriately prosecuting Ms. Everson, County Sheriff's officials have also conducted surveillance of Ms. Everson's premises and have in other ways abused their law enforcement authority in an effort to intimidate and harass Ms. Everson. On multiple occasions, Ms. Everson has observed County law enforcement officers, including Sheriff's Deputy Guy Picketts, loitering across from her home and showing up in places where Ms. Everson frequented.

28. On February 1, 2008, the case against Ms. Everson was dismissed for a second time. Upon reviewing the evidence, the Kalamazoo County Prosecutor's Office dropped the charges, stating "it is in the best interest of justice that the case be dismissed."

29. During the two years that she has been on administrative leave from her employer with criminal charges pending, Ms. Everson has lost a significant amount of money in available overtime work and holiday pay. In addition, she has suffered damage to her personal and professional reputation, emotional distress, and other economic and non-economic damages.

**Count I**  
**42 U.S.C. § 1983: Equal Protection (Race and Sex)**

30. Plaintiff hereby realleges and incorporates by reference paragraphs 1 through 29 above.

31. Plaintiff is African American and is a woman.

32. Plaintiff reported a sexual assault by a white, male law enforcement officer to Defendant Calhoun County Sheriff's Department.

33. Defendant Guy Picketts was responsible for the investigation of the law enforcement officer and for the subsequent investigation of Ms. Everson.

34. In the initial interview with the accused law enforcement officer, only one month after the investigation began, Calhoun County detective Guy Picketts and the accused discussed filing felony charges against Plaintiff for making a false police report.

35. Defendant Hallacy, Calhoun County's Prosecutor, is responsible for the County's prosecution policies and has final authority with respect to prosecutions. Mr. Hallacy charged and prosecuted Plaintiff for allegedly filing a false felony report later that year. This decision to prosecute Ms. Everson was made in order to retaliate against Ms. Everson for criticizing the County's investigation. Upon information and belief, Prosecutor Hallacy was also involved inappropriately in the investigation of Ms. Everson.

36. Defendants' actions against Plaintiff were motivated in significant part based on her sex and her race.

37. Defendants' sex and race discrimination were intentional.

38. As a result, Plaintiff was harmed, and continues to be harmed, in that she was deprived of liberty and has suffered damage to professional and personal reputation, emotional distress, humiliation, lost wages, and other damages.

**Count II**  
**42 U.S.C. § 1983: First Amendment – Retaliation**

39. Plaintiff hereby realleges and incorporates by reference paragraphs 1 through 38 above.

40. Plaintiff reported a sexual assault by a law enforcement officer to Defendant Calhoun County Sheriff's Department.

41. The Calhoun County Sheriff's Department and the Calhoun County Prosecutor's Office have a close working relationship.

42. In the initial interview with the accused officer, only one month after the investigation began, Guy Picketts, the Calhoun County detective assigned to the case, discussed with the accused filing felony charges against Plaintiff for making a false police report.

43. Plaintiff subsequently became dissatisfied with the investigation and criticized the Calhoun County Sheriff's Department, including Detective Picketts, for its response to her complaint.

44. Defendant Guy Picketts, who was responsible for the investigation, then initiated an investigation of Ms. Everson. Upon information and belief, Defendant Hallacy, the Calhoun County Prosecutor, participated in and assisted in that investigation.

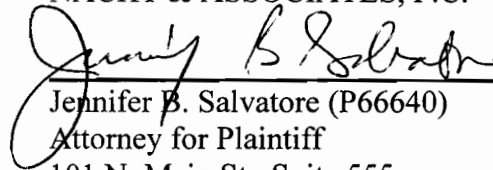
45. The Calhoun County Prosecutor, who is responsible for policy in the prosecutor's department and who has final authority with respect to prosecutions, then charged and prosecuted Plaintiff for filing a false police report.

46. As a result, Plaintiff was harmed, and continues to be harmed, in that she was deprived of her liberty during the prosecution, has suffered damage to professional reputation, emotional distress, and humiliation, and has experienced lost wages and other damages.

#### **RELIEF REQUESTED**

WHEREFORE, Plaintiff respectfully requests that this Court award Plaintiff damages in an amount to be determined at trial for Plaintiff's deprivation of liberty and the damage to Plaintiff's professional reputation and emotional distress, together with costs, interest, attorney's fees, statutory penalties, and any other relief that this Honorable Court deems just and proper.

Respectfully submitted,  
NACHT & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read "Jennifer B. Salvatore", is written over a horizontal line.

Jennifer B. Salvatore (P66640)

Attorney for Plaintiff

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Ann Arbor, Michigan 48104

(734) 663-7550

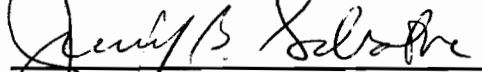
jsalvatore@nachtlaw.com

Date: September 11, 2008

**DEMAND FOR JURY TRIAL**

Now Comes Plaintiff, Linda (Sonte) Everson, by and through her attorneys, Nacht & Associates, P.C. and hereby demands a trial by jury in the above captioned matter.

Respectfully submitted,  
NACHT & ASSOCIATES, P.C.



Jennifer B. Salvatore (P66640)

Attorney for Plaintiff

101 N. Main St., Suite 555

Ann Arbor, Michigan 48104

(734) 663-7550

jsalvatore@nachtlaw.com

Date: September 11, 2008

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

LINDA (SONTE) EVERSON,

File No. 1:08-cv-859

Plaintiff,

v.

Honorable Robert J. Jonker

CALHOUN COUNTY;  
GUY PICKETTS, individually and in  
his capacity as a Sheriff's Deputy with the  
Calhoun County Sheriff's Department; and  
JOHN HALLACY, individually and in his capacity  
as the County County Prosecutor,

Defendants.

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Jennifer B. Salvatore (P66640)  
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**DEFENDANTS' ANSWER AND AFFIRMATIVE AND OTHER DEFENSES**

**NOW COME** the Defendants, and in response to Plaintiff's Complaint states as follows:

**NATURE OF THE CASE**

1. The facts of this case harken back to an earlier era in our country's history, when a black woman risked her freedom and her reputation to accuse a white male of sexual assault. Unfortunately for Sonte Everson, that era is alive and well in Calhoun County.

**ANSWER: Defendants object because this allegation does not meet the requirements of Rule 4 of the Fed R Civ P. Further, it is frivolous and requires no response, except that Defendants deny any inference contained therein of wrong doing on their part.**

2. Sonte Everson is a native of Battle Creek, Michigan. She is 43 years old; an African American woman; and a mother.

**ANSWER: Defendants state no contest.**

3. Defendants acted in a discriminatory and unlawful manner and illegally retaliated against Ms. Everson because she reported a sexual assault by a white, male law enforcement officer and then criticized the Sheriff Department's investigation of that complaint.

**ANSWER: Defendants deny as untrue.**

4. Shortly after Ms. Everson criticized the County's investigation of her report of a sexual assault, Ms. Everson was arrested at work and charged with filing a false police report. When a judge dismissed the initial charges for lack of evidence, Prosecutor Hallacy and Sheriff Picketts detained Ms. Everson and had her re-arrested (without a warrant) in the courthouse. The County booked her in the Calhoun County jail and again charged Ms. Everson with the same frivolous felony that the Judge had just dismissed.

**ANSWER: Defendants deny as untrue.**

5. Although an independent prosecutor's office eventually dismissed the charges, Ms. Everson's photo was in the press repeatedly, as were the inflammatory allegations against her. During the pending criminal proceedings (which took nearly two years), she was placed on administrative leave by her employer.

**ANSWER: Defendants are without sufficient information upon which to form a belief as to the truth of the allegations contained therein and neither admit nor deny but leave Plaintiff to her proofs.**

6. The Defendants' actions are a clear abuse of governmental powers.

**ANSWER: Defendants deny as untrue.**

#### **PARTIES AND JURISDICTION**

7. Plaintiff Sonte Everson is an individual who resides in Battle Creek, Michigan in the County of Calhoun.

**ANSWER: Defendants state no contest.**

8. Defendant Calhoun County is a municipal government that employs individuals to work in Calhoun County, Michigan. At all times relevant to this lawsuit, Defendant Calhoun County operated its Sheriff's Department and Prosecutor's Office and was a governmental entity set up under the color and pretense of statutory ordinances and laws of the State of Michigan.

**ANSWER: Defendants are without sufficient information upon which to form a belief as to the truth of the allegations contained therein and neither admit nor deny but leave Plaintiff to her proofs.**

9. Defendants Hallacy and Picketts are individuals who work for Calhoun County and who, upon information and belief, live in Calhoun County. Defendant Hallacy is the Prosecutor for Calhoun County. Defendant Picketts was a Sheriff's Deputy for the County.

**ANSWER: Defendants admit that John Hallacy is the prosecutor and that Mr. Picketts was formerly a sheriff's deputy. Defendants further admit that they live in Calhoun County and that Mr. Hallacy still works for the County but that Mr. Picketts does not.**

10. The Defendants are not entitled to qualified or governmental immunity.

**ANSWER: Defendants deny as untrue.**

11. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 and pursuant to 42 U.S.C. § 1983. This action arose under the United States Constitution, particularly under the provisions of the First and Fourteenth Amendments of the Constitution.

**ANSWER: Defendants neither admit nor deny these conclusions of law but leave Plaintiff to her proofs.**

12. The amount in controversy in this case exceeds Seventy Five Thousand (\$75,000.00) Dollars.

**ANSWER: Defendants are without sufficient information upon which to form a belief as to the truth of the allegations asserted therein and neither admit nor deny but leave Plaintiff to her proofs.**

13. Venue in this Court is proper under 28 U.S.C. § 1391(b) because all of the events giving rise to this claim took place in this district and the Defendants are municipalities within the district or individuals who reside in this district.

**ANSWER: Defendants neither admit nor deny these conclusions of law but leave Plaintiff to her proofs.**

#### **GENERAL ALLEGATIONS**

**A. In 2005, Ms. Everson Reported To the Calhoun County Sheriff's Office That She Had Been Sexually Assaulted By a White Law Enforcement Officer.**

14. Ms. Everson is an African American female.

**ANSWER: Defendants admit.**

15. In December 2003, Ms. Everson began dating a white, male law enforcement officer.

**ANSWER: Defendants are without sufficient information as to form a believe as to the truth of the allegations asserted therein and neither admit nor deny but leave Plaintiff to her proofs.**

16. In December 2004, Ms. Everson was sexually assaulted by that white, male law enforcement officer.

**ANSWER: Defendants are without sufficient information upon which to form a belief as to the truth of the allegations asserted therein and neither admit nor deny but leave Plaintiff to her proofs.**

17. On or about October 11, 2005, Ms. Everson filed a criminal complaint against the officer with the Calhoun County Sheriff's Office. During the initial interview with the accused law

enforcement officer, Detective Picketts discussed with the accused the possibility of bringing charges *against Ms. Everson* for filing a false police report. Mr. Picketts appeared sympathetic to the accused and told him that he would like to “wrap up the investigation” prior to the accused’s wedding, which was only a few weeks away.

**ANSWER: Defendants are without sufficient information upon which to form a belief as to the truth of the allegations asserted therein and neither admit nor deny but leave Plaintiff to her proofs.**

18. Detective Picketts, in fact, conducted only a superficial investigation of the charges against the law enforcement officer, and then referred the matter to the Calhoun County Prosecutor’s Office.

**ANSWER: Defendants deny that Detective Picketts conducted only a superficial investigation as alleged. Defendants admit that Picketts referred the matter to the Calhoun County Prosecutor’s Office.**

19. Identifying a conflict with prosecuting the case, the Calhoun County Prosecutor’s Office referred it to Branch County for prosecution.

**ANSWER: Defendants admit, except to point out that the referral was made through the Attorney General’s office.**

20. The Branch County Prosecutor ultimately found insufficient evidence to support a reasonable likelihood of conviction, and notified the Calhoun County Sheriff’s Department (CCSD) on January 24, 2006, that it was declining to press charges against the accused officer.

**ANSWER: Defendants admit, except to leave Plaintiff to her proofs as to the date alleged.**

21. Upset with the outcome of the investigation and her treatment, Ms. Everson subsequently criticized the Calhoun County Sheriff’s Department and Detective Picketts personally.

**ANSWER: Defendants are without sufficient information upon which to form a belief as to the truth of the allegations contained therein and neither admit nor deny but leave Plaintiff to her proofs.**

**B. Calhoun County Then Zealously Pursued Frivolous and Retaliatory Felony Charges Against Ms. Everson; Charges That an Independent Prosecutor Ultimately Found To Be Without Merit.**

22. Following Ms. Everson's criticisms of Calhoun County's investigation, Ms. Everson was arrested at her place of work on September 11, 2006. She was charged with making a false report of a felony. Detective Picketts sat in a car next to Ms. Everson and personally watched her arrest.

**ANSWER: Defendants admit that Plaintiff was so charged. As to the remaining allegations, Defendants are without sufficient information upon which to form a belief as to the truth of the allegations contained therein and neither admit nor deny but leave Plaintiff to her proofs.**

23. The basis of the Prosecutor's charges against Ms. Everson was the testimony of one witness – a woman who came forward (and lied) because she was angry with Ms. Everson over personal issues. Ms. Everson was held overnight in a maximum security facility.

**ANSWER: Defendants deny as untrue.**

24. Rather than identifying its obvious conflict of interest and referring the case to an outside office (as it had done with Ms. Everson's complaint against the accused officer), the Calhoun County Prosecutor's Office opted to prosecute Ms. Everson itself. The County did so despite the fact that many of the witnesses against Ms. Everson were law enforcement officers with close working relationships with the County.

**ANSWER: Defendants admit that the Calhoun County Prosecutor's Office initially approved the prosecution, but deny that there was an "obvious conflict of interest" as alleged. As to any further allegations, Defendants deny as untrue.**

25. On or about May 10, 2007, a judge dismissed the case against Ms. Everson for lack of evidence. Before she could even leave the court house, the Calhoun County Prosecutor, Defendant John Hallacy, had Ms. Everson rearrested, without a warrant, on the same charges. Incredibly, this arrest occurred in the elevator of the County Courthouse, as Ms. Everson and her lawyer attempted to leave the building. Ms. Everson was booked in the Calhoun County jail.

**ANSWER: Defendants admit the date alleged, but rely upon the decision of the judge referred to as containing the reasons for his action. Defendants further admit that Plaintiff was rearrested and that she was booked into the Calhoun County jail as alleged.**

26. On or about October 29, 2007, the second judge to see the case ordered that a special prosecutor in Kalamazoo be appointed, finding that Calhoun County had a conflict of interest and should have recused itself from the case.

**ANSWER: Defendants deny as untrue.**

27. In addition to inappropriately prosecuting Ms. Everson, County Sheriff's officials have also conducted surveillance of Ms. Everson's premises and have in other ways abused their law enforcement authority in an effort to intimidate and harass Ms. Everson. On multiple occasions, Ms. Everson has observed County law enforcement officers, including Sheriff's Deputy Guy Picketts, loitering across from her home and showing up in places where Ms. Everson frequented.

**ANSWER: Defendants deny as untrue.**

28. On February 1, 2008, the case against Ms. Everson was dismissed for a second time. Upon reviewing the evidence, the Kalamazoo County Prosecutor's Office dropped the charges, stating "it is in the best interest of justice that the case be dismissed."

**ANSWER: Defendants admit.**

29. During the two years that she has been on administrative leave from her employer with criminal charges pending, Ms. Everson has lost a significant amount of money in available overtime work and holiday pay. In addition, she has suffered damage to her personal and professional reputation, emotional distress, and other economic and non-economic damages.

**ANSWER: Defendants are without sufficient information upon which to form a belief as to the truth of the allegations contained therein and neither admit nor deny but leave Plaintiff to her proofs.**

**Count I**  
**42 U.S.C. § 1983: Equal Protection (Race and Sex)**

30. Plaintiff hereby realleges and incorporates by reference paragraphs 1 through 29 above.

**ANSWER: Defendants incorporate their answers to paragraphs 1 through 29 above as if here set forth.**

31. Plaintiff is African American and is a woman.

**ANSWER: Defendants admit.**

32. Plaintiff reported a sexual assault by a white, male law enforcement officer to Defendant Calhoun County Sheriff's Department.

**ANSWER: Defendants admit.**

33. Defendant Guy Picketts was responsible for the investigation of the law enforcement officer and for the subsequent investigation of Ms. Everson.

**ANSWER: Defendants admit that Picketts was the lead investigator in these cases.**

34. In the initial interview with the accused law enforcement officer, only one month after the investigation began, Calhoun County detective Guy Picketts and the accused discussed filing felony charges against Plaintiff for making a false police report.

**ANSWER: Defendants are without sufficient information upon which to form a belief as to the truth of the allegations asserted therein and neither admit nor deny but leave Plaintiff to her proofs.**

35. Defendant Hallacy, Calhoun County's Prosecutor, is responsible for the County's prosecution policies and has final authority with respect to prosecutions. Mr. Hallacy charged and prosecuted Plaintiff for allegedly filing a false felony report later that year. This decision to prosecute Ms. Everson was made in order to retaliate against Ms. Everson for criticizing the County's investigation. Upon information and belief, Prosecutor Hallacy was also involved inappropriately in the investigation of Ms. Everson.

**ANSWER: Defendants admit that Hallacy charged and began the prosecution of the Plaintiff for filing a false felony report. Defendants also admit that Hallacy is responsible for the County's policies. Defendants deny the remaining allegations therein as untrue.**

36. Defendants' actions against Plaintiff were motivated in significant part based on her sex and her race.

**ANSWER: Defendants deny as untrue.**

37. Defendants' sex and race discrimination were intentional.

**ANSWER: Defendants deny as untrue.**

38. As a result, Plaintiff was harmed, and continues to be harmed, in that she was deprived of liberty and has suffered damage to professional and personal reputation, emotional distress, humiliation, lost wages, and other damages.

**ANSWER: Defendants deny as untrue.**

**Count II**  
**42 U.S.C. § 1983: First Amendment – Retaliation**

39. Plaintiff hereby realleges and incorporates by reference paragraphs 1 through 38 above.

**ANSWER: Defendants incorporate their answers to paragraphs 1 through 38 above as if here set forth.**

40. Plaintiff reported a sexual assault by a law enforcement officer to Defendant Calhoun County Sheriff's Department.

**ANSWER: Defendants admit.**

41. The Calhoun County Sheriff's Department and the Calhoun County Prosecutor's Office have a close working relationship.

**ANSWER: Defendants are without sufficient information upon which to form a belief as to the truth of the allegations contained therein and neither admit nor deny but leave Plaintiff to her proofs.**

42. In the initial interview with the accused officer, only one month after the investigation began, Guy Picketts, the Calhoun County detective assigned to the case, discussed with the accused filing felony charges against Plaintiff for making a false police report.

**ANSWER: Defendants are without sufficient information upon which to form a belief as to the truth of the allegations asserted therein and neither admit nor deny but leave Plaintiff to her proofs.**

43. Plaintiff subsequently became dissatisfied with the investigation and criticized the Calhoun County Sheriff's Department, including Detective Picketts, for its response to her complaint.

**ANSWER: Defendants are without sufficient information upon which to form a belief as to the truth of the allegations asserted therein and neither admit nor deny but leave Plaintiff to her proofs.**

44. Defendant Guy Picketts, who was responsible for the investigation, then initiated an investigation of Ms. Everson. Upon information and belief, Defendant Hallacy, the Calhoun County Prosecutor, participated in and assisted in that investigation.

**ANSWER: Defendants admit that Picketts was the lead investigator. Defendants deny the remaining allegations therein as untrue.**

45. The Calhoun County Prosecutor, who is responsible for policy in the prosecutor's department and who has final authority with respect to prosecutions, then charged and prosecuted Plaintiff for filing a false police report.

**ANSWER: Defendants admit that Hallacy is responsible for policy in the Calhoun County Prosecutor's office and that he has final authority with respect to initiating prosecutions. Defendants further admit that Mr. Hallacy initially charged and prosecuted Plaintiff as alleged.**

46. As a result, Plaintiff was harmed, and continues to be harmed, in that she was deprived of her liberty during the prosecution, has suffered damage to professional reputation, emotional distress, and humiliation, and has experienced lost wages and other damages.

**ANSWER: Defendants deny as untrue.**

**RELIEF REQUESTED**

**WHEREFORE**, the Defendants respectfully request that the Court dismiss the Plaintiff's Complaint and enter judgment in favor of the Defendants, together with an award of costs and attorney fees wrongfully incurred.

**RELIANCE ON JURY DEMAND**

Defendants give notice that they intend to rely upon Plaintiff's Demand for Jury Trial filed herein.

**AFFIRMATIVE AND OTHER DEFENSES**

1. Plaintiff fails to state a claim upon which relief can be granted.
2. Prosecutor Hallacy is entitled to absolute prosecutorial immunity and absolute governmental immunity.
3. Mr. Picketts is entitled to qualified immunity.
4. The injuries about which Plaintiff complains were due in whole or in part to her own intentional acts or omissions.
5. Some or all of the claims about which Plaintiff complains are barred by a prior judicial finding that there was probable cause to believe that the Plaintiff had committed the crime for which she was arrested and prosecuted.
6. Plaintiff's Complaint is barred by collateral estoppel.
7. The Court should abstain from hearing the case under the *Rooker-Feldman* doctrine.
8. Plaintiff's Complaint is frivolous and signed in violation of Rule 11 of the Fed. R. Civ. P. and Defendants intend to seek those sanctions provided for under the Rules.
9. Defendants reserve the right to raise these and other defenses as the case proceeds and discovery continues.

**WHEREFORE**, the Defendants respectfully request that the Court dismiss the Plaintiff's Complaint and enter judgment in favor of the Defendants, together with an award of costs and attorney fees wrongfully incurred.

Respectfully submitted,

JOHNSON, ROSATI, LABARGE,  
ASELTYN & FIELD, P.C.

By: /s/ Patrick A. Aseltyn  
Patrick A. Aseltyn  
Attorney for Defendants  
303 S. Waverly Road  
Lansing, MI 48917  
(517) 886-3800  
P23293  
[PAseltyn@jrlaf.com](mailto:PAseltyn@jrlaf.com)

Dated: November 17, 2008

**Proof of Service**

I hereby certify that on November 17, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following to the attorneys of record listed herein.

Respectfully submitted,

JOHNSON, ROSATI, LABARGE,  
ASELTYN & FIELD, P.C.

By: /s/ Patrick A. Aseltyn  
Patrick A. Aseltyn  
Attorney for Defendants  
303 S. Waverly Road  
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P23293  
[PAseltyn@jrlaf.com](mailto:PAseltyn@jrlaf.com)

Dated: November 17, 2008

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LINDA (SONTE) EVERSON,

Plaintiff,

CASE NO. 1:08-CV-859

v.

HON. ROBERT J. JONKER

GUY PICKETTS, JR., Personal  
Representative for the Estate of  
Guy Picketts,

Defendant.

\_\_\_\_\_ /

**VERDICT FORM**

We the jury after deliberating have reached the following unanimous verdict by a preponderance of the evidence:

1. **Did Defendant seek Plaintiff's arrest and criminal charges against her in retaliation for Plaintiff's exercise of First Amendment rights?**

☒ Yes ☐ No

Note: If you answered "yes" to Question 1, proceed to Question 2. If you answered "no" to Question 1, do not answer any other questions. Have your Foreperson sign the Verdict Form and notify the jury officer.

2. **Did Defendant lack probable cause to seek Plaintiff's arrest and criminal charges against her?**

☒ Yes ☐ No

Note: If you answered "yes" to Question 2, proceed to Question 3. If you answered "no" to Question 2, do not answer any other questions. Have your Foreperson sign the Verdict Form and notify the jury officer.

**3. We assess damages to Plaintiff for the injuries proximately caused by the Defendant's First Amendment violation as follows:**

**A. We assess actual damages for past economic injuries to Plaintiff as follows:**

\$ 58,000 Lost Wages

\$ 30,000 Medical and Counseling Expenses

\$ 20,000 Legal Fees for Defense of Criminal Charges

Note: If you find that Plaintiff's actual, compensatory damages have no monetary value, enter "one dollar" for nominal damages.

**B. We assess actual damages for future economic injuries to Plaintiff, as follows:**

\$ 225,000 Lost Wages

\$ 70,000 Lost Pension Benefits

\$ 45,000 Medical and Counseling Expenses

Note: If you find that Plaintiff's actual, compensatory damages have no monetary value, enter "one dollar" for nominal damages.

**C. We assess \$ 300,000 in damages for mental and emotional injury, embarrassment, humiliation and loss of reputation.**

Note: If you find that Plaintiff's actual, compensatory damages have no monetary value, enter "one dollar" for nominal damages.

**D. We assess \$ 300,000 in punitive damages.**

Note: If you find that Plaintiff is not entitled to punitive damages, write "none."

Date: August 20, 2012

Brian Milliron  
Jury Foreperson

If we find in favor of the Plaintiff,  
Can we please get some guidelines  
regarding the financial pay out for  
sections A-D?

Thank you

Brian Milliron

4:31 pm.  
8-20-12

Judge  
Jonker  
4:10 pm

We have come to a verdict.

Brian Milliron

5/15/08

*LINDA (SONTE) EVERSON V CALHOUN COUNTY, ET AL*

**DEFENDANTS' RENEWED BRIEF IN SUPPORT OF MOTION TO DISMISS AND  
ALTERNATIVE MOTION FOR SUMMARY JUDGMENT**

**EXHIBIT 10**

**DEPOSITION TESTIMONY OF JOHN HALLACY**

JOHN HALLACY, MARCH 16, 2009

Page 1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

LINDA (SONTE) EVERSON,

Plaintiff,

-vs-

File No. 1:08-CV-859

Honorable Jonker

CALHOUN COUNTY; GUY PICKETTS,  
individually and in his capacity as  
a Sheriff's Deputy with the Calhoun  
County Sheriff's Department, and  
JOHN HALLACY, individually and  
in his capacity as the County  
Prosecutor,

Defendants.

\_\_\_\_\_/

DEPONENT: JOHN HALLACY  
DATE: Monday, March 16, 2009  
TIME: 1:00 p.m.  
LOCATION: 206 South Kalamazoo Avenue  
Marshall, Michigan  
REPORTER: Heidi A. Cook, RPR, CSR #4827

COPY

RECEIVED  
MAR 25 2009

JOHNSON, ROSATI,  
ASELTINE, P.C.

Page 6

1 A I don't. I was a witness in the case, I wasn't a party to  
 2 the case.  
 3 Q You said you testified, as well, in Court on one occasion?  
 4 A No.  
 5 Q In another case?  
 6 A Oh, right. I recall twice, the first one was early on in my  
 7 career back in the late '80s or early '90s.  
 8 Q What kind of case was that, do you remember?  
 9 A I don't recall. As I recall, it was about the dismissal of a  
 10 case, or something like that.  
 11 Q Was it a civil action?  
 12 A No, it was a criminal case.  
 13 Q Okay.  
 14 A And the other one was a homicide case where the person was  
 15 seeking a new trial, and I testified. It was sent up to the  
 16 Appellate Court, and then sent back for a hearing.  
 17 Q And have you ever been a party in a civil action, other than  
 18 this one?  
 19 A Well, one relating to the Prosecutor's office.  
 20 Q Okay.  
 21 A And that was a slander libel case. That was --  
 22 Q Is that the Jonathan Toby White versus --  
 23 A Right, correct, and that was dismissed shortly -- it was  
 24 filed in Lansing, as I recall, and then the venue was moved  
 25 to -- and I don't know if they ever filed the paperwork after

Page 7

1 it was moved from Ingham County back to Calhoun County.  
 2 Q Any other cases you've been a party to?  
 3 A I was on the Parole Board from 1997, January 1997 through the  
 4 end of 2000, and the Parole Board was sued on a regular  
 5 basis. There was different types of litigation, there would  
 6 be litigation, back then, they had the right to bring suit in  
 7 Ingham County, or then the County of their sentence. Okay.  
 8 And then there were civil suits brought, the Attorney General  
 9 would represent those.  
 10 Q You were never personally named in a lawsuit?  
 11 A Not that I know of.  
 12 Q Okay.  
 13 A The one time I recall is after I left there was a suit that I  
 14 had to sign off to allow the AG to represent me.  
 15 Q Okay. Did you testify at all in connection with that case?  
 16 A No.  
 17 Q Okay. And the case you mentioned, Jonathan Toby White versus  
 18 Hallacy, do you know what year that was filed, approximately?  
 19 A That probably would have been 2002, give or take.  
 20 Q Pardon?  
 21 A 2002.  
 22 Q 2002. Okay.  
 23 A It could have been the year before that, or the year after.  
 24 Q Okay. Well, as you know, we are here today because you're a  
 25 defendant in the case; you're also here in your capacity as a

Page 8

1 witness in the case against the County.  
 2 So I have a number of questions to ask you that pertain  
 3 to immunity issues with respect to you being a defendant in  
 4 the case. I also have a number of questions that I'm going  
 5 to ask that relate, really, to your knowledge of the facts  
 6 and circumstances regarding the criminal case, that really go  
 7 to the fact that you're a witness in the case against the  
 8 County. So I have quite a bit of ground to cover today. I  
 9 know I've talked with Mr. Aseltine about the timing of the  
 10 deposition and how long we expect it to take. I hope, and  
 11 we'll try to finish up this afternoon, but I think there's a  
 12 good chance that we'll need to go into a second day that we  
 13 can arrange around your schedule, but I'll do my best to  
 14 finish up as much as I can this afternoon.  
 15 A Okay.  
 16 Q Do you have any questions before we begin, Judge?  
 17 A No.  
 18 Q Okay. Can you just briefly tell me your educational  
 19 background, where you went to college and law school?  
 20 A I went to Grand Rapids Junior College, now it's a community  
 21 college, in 1981 through 1983, received an Associate's degree  
 22 there. Went on to Western Michigan University, received a  
 23 Bachelor's, and then on to Valparaso University, School of  
 24 Law.  
 25 Q Okay. What year did you graduate from Valparaso?

Page 9

1 A 1988.  
 2 Q And did you go directly from law school to the Prosecutor's  
 3 Office?  
 4 A Yeah, pretty close; I was hired in October of 1988.  
 5 Q Okay. Any prior legal jobs in between law school and the  
 6 Prosecutor's Office?  
 7 A I clerked for a firm between my second and third year.  
 8 Q Okay. Are you from Michigan originally?  
 9 A Born and raised in Holland, Michigan.  
 10 Q Okay. And where do you live, currently?  
 11 A Battle Creek.  
 12 Q Have you lived there ever since you've been a Prosecutor with  
 13 Calhoun County?  
 14 A Oh, no.  
 15 Q Where else have you lived?  
 16 A I lived in Battle Creek, initially, and then here in  
 17 Marshall, not too far from here.  
 18 Q Okay.  
 19 A And then when I was married we moved to Kalamazoo briefly,  
 20 and then moved to Pennfield Township here in Calhoun County.  
 21 Actually, we moved to Marshall Township, and then to  
 22 Pennfield Township, and then to Battle Creek.  
 23 Q Okay. A tour of Central Michigan.  
 24 A Mostly in this area.  
 25 Q Do you have any family members who are police officers with

3 (Pages 6 to 9)

***LINDA (SONTE) EVERSON V CALHOUN COUNTY, ET AL***

**DEFENDANTS' RENEWED BRIEF IN SUPPORT OF MOTION TO DISMISS AND  
ALTERNATIVE MOTION FOR SUMMARY JUDGMENT**

**EXHIBIT 5**

**DEPOSITION TESTIMONY OF PLAINTIFF**

Page 1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

LINDA (SONTE) EVERSON,

Plaintiff,

-vs-

FILE NO:1:08-cv-859

CALHOUN COUNTY,

GUY PICKETTS, individually and in  
his capacity as a Sheriff's Deputy with the  
Calhoun County Sheriff's Department; and  
JOHN HALLACY, individually and in his capacity  
as the County Prosecutor,

Defendants.

## DEPOSITION

of LINDA (SONTE) EVERSON, a witness called by the Defendant,  
taken before Trisha A. McElrath, CSR-0946, Notary Public, at  
Nacht & Associates, 101 N. Main Street, Ste. 555, Ann Arbor,  
Michigan, on the 1st day of April, 2009, noticed for the  
hour of 10:00 a.m.

## APPEARANCES:

NACHT & ASSOCIATES, P.C.  
101 N. Main Street, Ste. 555  
Ann Arbor, Michigan 48104  
By: JENNIFER B. SALVATORE, (P66640)  
On behalf of the Plaintiff.  
JOHNSON, ROSATI, LaBARGE, ASELTINE  
& FIELD, P.C.  
303 S. Waverly Road  
Lansing, Michigan 48917  
By: PATRICK A. ASELTINE, (P23293)  
On behalf of the Defendant.

COPY

Page 3

ANN ARBOR, MICHIGAN

APRIL 1, 2009

10:11 A.M.

\*\*\*\*\*

## RECORD

LINDA (SONTE) EVERSON,  
having first been duly sworn, testified as  
follows:

## EXAMINATION

BY MR. ASELTINE:

- Q. Would you please state your full name and indicate  
what your current resident address is?
- A. Sonte Rolinda Everson. My current resident address,  
right now I'm staying with a friend at 69 South Burdge.**
- Q. B-U-R-G-E?
- A. D-G-E.**
- Q. And where is that?
- A. Battle Creek, Michigan, 49014.**
- Q. And your friend's name?
- A. Angela Watson.**
- Q. Common spelling?
- A. Yes. She's a sister of mine, I call her my sister.**
- Q. Biological sister?
- A. No, I call her my sister, sister in Christ, so I call  
her my sister.**

Page 2

## EXAMINATION INDEX

ATTORNEY	EXAMINATION	RE-EXAMINATION
BY MR. ASELTINE:	3	194
BY MS. SALVATORE:	177	

## EXHIBIT INDEX

EXHIBIT NO.	MARKED	IDENTIFIED
Deposition Exhibit No. 1 (Handwritten note from Everson to Graham)	128	129

Page 4

- Q. Oh, okay. And approximately how long have you stayed  
with Ms. Watson?
- A. I'm not sure, probably maybe the last three months  
maybe, two months maybe.**
- Q. Two to three months?
- A. Yes, something like that, yes.**
- Q. Have you ever had your deposition taken before?
- A. No, I have not. I don't recall doing one.**
- Q. Pardon?
- A. I don't recall ever being in a deposition, no.**
- Q. You were present during the deposition of my client  
Guy Picketts, correct?
- A. Yes, I was.**
- Q. Okay. So some of the ground rules are that you and  
I, in order to communicate so that the court reporter  
can take down everything, need to stop between the  
question and the answer, and sometimes I'm not too good  
at doing that, and maybe you're not too good at doing  
it either, we'll see, so that the court reporter can  
take down the response without you and I talking over  
each other, okay?
- A. Okay.**
- Q. And if in fact I ask you a question which usually  
happens, that the witness doesn't understand or I've  
used the words you don't understand, or it just doesn't

1 (Pages 1 to 4)

Page 69

1 minute.

2 MS. SALVATORE: Okay.

3 BY MR. ASELTINE:

4 Q. I'm talking about you filing anything with any public

5 agency involving alleged harassment by a Calhoun County

6 employee?

7 **A. That is not involving this incident at all, you mean,**

8 **or just in general? I guess I --**

9 Q. No, you've told us --

10 **A. I thought you said before 20 -- before 2005, is that**

11 **what you're asking?**

12 Q. Between December 16, 2004?

13 **A. Yes, uh-huh.**

14 Q. And until you filed this lawsuit?

15 **A. Okay, I see what you mean, yes.**

16 Q. So that period of time, did you file any complaints

17 with any public agencies involving allegations where

18 you thought you were harassed by any Calhoun County

19 employee?

20 **A. I had gone to -- or actually I had called, and also**

21 **gone to the Michigan State Police.**

22 Q. And was that Lieutenant Pete?

23 **A. Yes, it is.**

24 Q. And he's at the Battle Creek post?

25 **A. He was at the time. I'm not sure if he was still**

Page 70

1 **there or not.**

2 Q. I couldn't hear that.

3 **A. He was at the time. I'm not sure he if he's still**

4 **there or not.**

5 Q. And did you fill out a report?

6 **A. I called him initially about meeting with him to see**

7 **what could be done.**

8 Q. And what was the nature of the complaint that you

9 wanted to make with Michigan State Police?

10 **A. That Battle Creek police or city and Calhoun County**

11 **Sheriff's Department, how I felt I was mistreated being**

12 **a victim of rape by a police officer, and how I felt**

13 **that and seeing as well that Inspector Picketts, who I**

14 **felt did not complete the report appropriately, that I**

15 **asked if the Michigan State Police could step in and**

16 **take over the investigation, and investigate both**

17 **agencies, actually, is what I believe I'd asked him.**

18 Q. Now, did you ever actually make that statement to

19 Lieutenant Pete, that you've just recounted for us, to

20 either Lieutenant Pete or any other employee at the

21 Michigan State Police?

22 **A. Yes, I did.**

23 Q. And to whom did you make that?

24 **A. Lieutenant Pete.**

25 Q. And was this in the telephone conversation?

Page 71

1 **A. Yes, sir.**

2 Q. And did you ever fill out any paperwork that

3 reflected that verbal complaint?

4 **A. No. Because it was over the phone at the time, and**

5 **he advised me what to do further at that point.**

6 Q. And he told you what?

7 **A. He stated that in order for the state police to step**

8 **in to take over an investigation I believe that's**

9 **already done by another agency, that it would have to**

10 **be initiated by the prosecutor's office.**

11 Q. And did you ever follow-up with that?

12 **A. Yes, sir.**

13 Q. And what did you do to follow-up?

14 **A. I went to Hallacy's office.**

15 Q. And what did you do there?

16 **A. I went to Mr. Hallacy's office and I asked to see**

17 **him. Actually before I went there I had called a few**

18 **times, I don't know exactly how many times, seeing if**

19 **he would speak to me, and it was like he couldn't come**

20 **to the phone right then and there, whatever the case**

21 **was. Then I ended up going down there to his office,**

22 **and I sat -- I asked the secretary if I could see him.**

23 **She said, let me see, and she said, he's tied up right**

24 **now, but if you want to wait, he'll see you. I sat**

25 **there, and I waited, and I waited, and then it was well**

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1 **over an hour, she came back and she said, you know,**

2 **well, he can't see you today, Miss Everson. I said,**

3 **you know, it's really important. I said, do you have a**

4 **pen and paper, can I write him a letter? She said,**

5 **well, sure. So I wrote him a letter while I was there.**

6 Q. Now, did you write him more than one letter?

7 **A. No, just the one.**

8 Q. And did you tell him in that letter everything that

9 you wanted to tell him at the time?

10 **A. At the time, yes.**

11 Q. Nobody said, for example, you can only make the

12 letter two pages, or three pages, or whatever it ends

13 up being, right?

14 **A. No, no one, they did not.**

15 Q. One of the documents that was admitted in the

16 deposition of Judge Hallacy was the Exhibit 1, which is

17 bated stamped 212 through 214. Is this a copy of the

18 letter that you gave to the secretary at Mr. Hallacy's

19 office? (Handing document).

20 **A. (Reviewing document). Yes, it is.**

21 Q. And the date at the top of that letter is August 31,

22 2006, is it not?

23 **A. Yes, it is.**

24 Q. Is that the date that you wrote that letter?

25 **A. I believe so, it is, yes.**

18 (Pages 69 to 72)

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1 you did something, what did you do? I said, I've got  
 2 to go back in there. (Witness crying). I told him I  
 3 trusted you, what did you do? He just -- he said -- he  
 4 said, I did my job. I said, you did something, I'm  
 5 going to find out exactly what it is that you did.  
 6 I'll find out what you did. He said, are you telling  
 7 me I didn't do my fucking job? I said, that's exactly  
 8 what I'm telling you. You didn't do your job. I said,  
 9 but I'll find out whatever it is. And he told me, he  
 10 said -- said, you know what, said you didn't -- he  
 11 said, you didn't act like a victim, or something like  
 12 that. And I told him to go to hell. I said, you are  
 13 fucking with the wrong one. I said, I'll find out what  
 14 you did. He said, you waited too long to make your  
 15 report. And I said, it's a fucking lie, excuse me,  
 16 because --  
 17 Q. Is that what you told him then?  
 18 A. Yes, I did. I said because, I said, that's a fucking  
 19 lie that I waited too long, because some victims don't  
 20 even report it at all. I said, I told you my  
 21 reservations because of the harassment I was going to  
 22 get from the city, and everybody else. It's wrong,  
 23 this is wrong.  
 24 Q. Anything else in that conversation? Take your time,  
 25 if you need it.

Page 90

1 A. I told him, I knew it was something like I told him.  
 2 He said -- oh, when he told me I didn't act like a  
 3 victim, I said I am not a professional victim, what the  
 4 hell are you talking about? It's just -- I told him I  
 5 was going to find out what he did.  
 6 Q. What did you mean by that?  
 7 A. About the report. I was going to find out what he  
 8 did wrong.  
 9 Q. And did you?  
 10 A. Yes, I did.  
 11 Q. And what was that?  
 12 A. You have a lot of evidence there. It's a lot to go  
 13 through.  
 14 Q. Well, I'm not interested in going through stuff, I'm  
 15 interested in what you believe you found.  
 16 A. Well, for him not talking to the psychologist, and  
 17 Ethel Fitzpatrick. And then by him not even...  
 18 Q. You say him not talking to Ethel Fitzpatrick?  
 19 A. I mean, not Ethel Fitzpatrick, excuse me, I misspoke.  
 20 But I mean by him not talking to the psychologist.  
 21 Q. Okay.  
 22 A. And the sexual assault therapist. And like I said,  
 23 the list of witnesses that I had spoke to him, that was  
 24 consistent, consistent to everything I told him. And  
 25 the only thing that he did, sat there at Doug Graham's

Page 91

1 interview and listened to that man say, no, he didn't  
 2 do it. That was it.  
 3 Q. And any --  
 4 A. As far as I'm concerned.  
 5 Q. Is it correct for me to state that what you believe  
 6 is that Mr. Picketts, in investigating the complaint  
 7 that you made to him, regarding the incident of  
 8 December 16, did not do his job in that he didn't speak  
 9 with people he should have spoken to?  
 10 A. That's correct.  
 11 Q. Okay.  
 12 A. And he only took, I mean just some of the things that  
 13 in -- even in the interview with Doug Graham. I mean  
 14 the man just sat there and said no, he didn't do it.  
 15 That was it. That was it.  
 16 Q. You're not disagreeing with the fact that Graham said  
 17 it didn't happen and you said it did happen, that's --  
 18 those are the facts, right?  
 19 A. Yeah, those are the facts.  
 20 Q. Okay. Now, between the time of this incident on  
 21 December 16, and when you went to speak with  
 22 Detective Picketts, were you still working as a  
 23 dispatcher?  
 24 A. I left, I think shortly after the department found  
 25 out about everything. I don't remember the time frame.

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1 Q. What do you mean you left?  
 2 A. I went on stress leave. My doctor took me off work.  
 3 Q. And when was that in relationship to your going to  
 4 see Picketts?  
 5 A. That was, I think in April.  
 6 Q. Of 2006?  
 7 A. I think April of --  
 8 Q. Excuse me, 2005?  
 9 A. I believe it was. I don't -- yeah, I believe it was  
 10 April of 2005.  
 11 Q. Okay.  
 12 A. I don't remember anymore. It could be -- I'm not  
 13 really sure. I have my...  
 14 Q. And how long did you stay off on that leave?  
 15 A. I don't know, like three or four months, I believe it  
 16 was.  
 17 Q. So at the time that you --  
 18 A. Sorry, it was 2006. I believe it was 2006 that I  
 19 took off work. I don't remember. I don't remember. I  
 20 might have taken off 2005, too. I'm not really sure.  
 21 Q. Who was your doctor?  
 22 A. Dr. Saith and Eggeston.  
 23 Q. Say that again please?  
 24 A. Saith and Eggeston.  
 25 Q. Is this the same Dr. Saith that you had got gone to

23 (Pages 89 to 92)

***LINDA (SONTE) EVERSON V CALHOUN COUNTY, ET AL***

**DEFENDANTS' RENEWED BRIEF IN SUPPORT OF MOTION TO DISMISS AND  
ALTERNATIVE MOTION FOR SUMMARY JUDGMENT**

**EXHIBIT 6**

**PRELIMINARY TRANSCRIPT OF DECEMBER 22, 2006**

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STATE OF MICHIGAN  
IN THE TENTH DISTRICT COURT FOR THE COUNTY OF CALHOUN  
PEOPLE OF THE STATE OF MICHIGAN,  
vs. Case No. C06-7559 FY  
SONTE ROLINDA EVERSON,  
Defendant.

\_\_\_\_\_ /

PRELIMINARY EXAMINATION  
BEFORE THE HONORABLE FRANKLIN K. LINE  
Battle Creek, Michigan - Friday; December 22, 2006

APPEARANCES:  
On behalf of the People: John A. Hallacy (P42351)  
Prosecuting Attorney  
161 E. Michigan Avenue  
Battle Creek, MI 49014  
(269) 969-6980  
On behalf of the Defense: JoAnn Pugh-Cowens (P61160)  
Attorney at Law  
1010 North Avenue  
Battle Creek, MI 49017  
(269) 968-8620

REPORTED BY: E. Kay Rodgers, CER 0690  
CERTIFIED ELECTRONIC RECORDER

1 A Yes.

2 Q Okay.

3 A Jill went to the Chief. And the Chief had said that he  
4 was going to have to do an investigation. And so, um, she  
5 went on - every time we got together she talked about Doug  
6 and how much she cared about him and, um, and then this  
7 time she told me that, um, ah, Christy, I guess she's a  
8 State Trooper, I guess she was friends to both of them.  
9 And she had, um - any - anytime that she came home for  
10 lunch, Christy was at her apartment. And so she was really  
11 angry because she felt that they had something going on  
12 behind her back. And so she, ah, was crying and saying that  
13 she was upset and angry at the situation and that -

14 Q What situation?

15 A At their relationship.

16 Q Doug and Christy's?

17 A She felt that - yes. She felt that it was more going on.  
18 And so, um, she told me at that particular time, she said  
19 - she started crying. She kind of got quiet and then she  
20 started crying and she say, "You know, he didn't rape me."  
21 She said, "But because the Chief got this information, I'm  
22 going to have to go ahead and go forth with it."

23 Q Did she tell you that the act never took place?

24 A She told me that he didn't rape her.

25

- 1 Q Okay.
- 2 A I don't know if, you know, it was - it took place but she  
3 said he didn't rape her.
- 4 Q She say anything about the act being consensual?
- 5 A She didn't say consensual to me but she said he didn't  
6 rape her.
- 7 Q Okay. Did she say anything else about, ah, any level of  
8 embarrassment she had in her work place regarding what had  
9 happened?
- 10 A Um, as far as embarrassment, I don't know. I just know  
11 she always talked about the police department and what was  
12 going on down there. So I knew quite a bit what was going  
13 on, you know, between her and her co-workers; that she  
14 didn't get along with any of them. She didn't get along  
15 with nobody down there. And she had filed complaints  
16 against pretty much everybody in the department.
- 17 Q She had told you that?
- 18 A Yes.
- 19 Q Okay. Did she express any regret having filed this  
20 complaint, this criminal complaint against Mr. Graham?
- 21 A Well, she said she hate that everything happened, you know,  
22 that transpired. She hate that it happened.
- 23 Q Okay. Because it wasn't true?
- 24 A Right.

1 hearing and that's all it is. It is not the trial. It  
2 is not beyond a reasonable doubt. And there is plenty of  
3 facts one way or the other on this record where the trier  
4 of fact could decide beyond a reasonable doubt or not  
5 beyond a reasonable doubt, as aptly pointed out by Ms.  
6 Pugh-Cowens.

7 I find that the elements of the offense are met  
8 by this record and probable cause to believe the defendant  
9 committed the offense. The matter will be set for trial  
10 or motions and the like in Circuit Court.

11 The recognizance is continued.

12 And anything else for the record in this matter,  
13 counsel?

14 MR. HALLACY: Your Honor, I believe there is also a  
15 no contact provisions within that; is that correct?

16 THE COURT: I don't see any no contact provision  
17 on the bond.

18 MR. HALLACY: There should be a no contact  
19 provision with Mr. Graham.

20 THE COURT: All right. All right. Counsel,  
21 anything else for the record?

22 MR. HALLACY: No, your Honor. Thank you.

23 THE COURT: All right. And, Mr. Hallacy, I don't  
24 know if your, um - I would grant that order regarding those  
25

***LINDA (SONTE) EVERSON V CALHOUN COUNTY, ET AL***

**DEFENDANTS' RENEWED BRIEF IN SUPPORT OF MOTION TO DISMISS AND  
ALTERNATIVE MOTION FOR SUMMARY JUDGMENT**

**EXHIBIT 7**

**DEPOSITION TESTIMONY OF ETHEL FITZPATRICK**

ETHEL FITZPATRICK, MARCH 17, 2009

Page 1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

LINDA (SONTE) EVERSON,

Plaintiff,

-vs-

**COPY**

File No. 1:08-CV-859

Honorable Jonker

CALHOUN COUNTY; GUY PICKETTS,  
individually and in his capacity as  
a Sheriff's Deputy with the Calhoun  
County Sheriff's Department, and  
JOHN HALLACY, individually and  
in his capacity as the County  
Prosecutor,

Defendants.

\_\_\_\_\_/

DEPONENT:           ETHEL FITZPATRICK

DATE:                Tuesday, March 17, 2009

TIME:                9:00 a.m.

LOCATION:             303 South Waverly Road  
Lansing, Michigan

REPORTER:           Heidi A. Cook, RPR, CSR #4827

**RECEIVED**  
MAR 26 2009  
JOHNSON, ROSATI,  
ASELTINE, P.C.

ETHEL FITZPATRICK, MARCH 17, 2009

Page 30

1 that.

2 Q Okay. Do you know Jill, had you ever met her?

3 A I don't know any of them.

4 Q Okay.

5 A The only one I do know is Commander Hampton.

6 Q Okay. And how do you know Commander Hampton?

7 A He kind of, you know, when he was a police officer, he would

8 be out in the community, so. . .

9 Q Okay. How did you respond to her telling you what had

10 happened at work that day?

11 A I mean, I just pretty much listened to her.

12 Q Okay. And what happened next, what did she say next after

13 this?

14 A And she went on and she -- I mean, she just was crying and

15 crying, and she just was saying how much she really loved

16 Doug, and she just can't believe he would do her like that.

17 And so she went on and, you know, we just kept talking, and

18 during that -- it seems like during that conversation, before

19 she got done with my nails, she told me that he did not rape

20 her. That she was upset at the fact that he had left her to

21 be with this Kristi.

22 Q And tell me how that came up, I mean, that's a pretty big

23 thing to say, right?

24 A (Witness nodding head.)

25 Q I imagine you were -- were you surprised by this?

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1 A Was I surprised?

2 Q Yeah.

3 A I mean, I just listened to her; I'm a friend, you know, and I

4 just listened.

5 Q Okay. Tell me, as best as you can remember, what words she

6 actually said to you on that topic?

7 A I just said it.

8 Q She said -- and so do you remember that she specifically said

9 he didn't rape me, or is that sort of the gist of it in your

10 mind, as you look back on it?

11 A That's pretty much the gist in my mind.

12 Q Okay. And she told you specifically that she was upset about

13 the fact that he was getting married, or that he had a new

14 girlfriend?

15 A Right, yes.

16 Q Did she tell you that she made it up because he had a new

17 girlfriend, or what specifically did she say about that?

18 A What she told me is that he didn't rape her because she was

19 upset at the fact that he had left her; they were all

20 friends, and he left her to be with this woman.

21 Q Did you ask her any questions about it?

22 A No.

23 Q No?

24 A Because I don't know him; I don't know the police officer, I

25 don't know Kristi. I mean, it didn't mean anything to me, I

Page 32

1 didn't have anything to do with it, so I just listened.

2 Q And what else do you remember her saying in this conversation

3 about Doug, or the whole situation?

4 A It seemed like that was it in that conversation.

5 Q And this conversation happened while she was actually doing

6 your nails?

7 A Yes.

8 Q Okay. Did you know, at that point in time, whether there had

9 been any sort of a police report filed, or whether

10 Ms. Everson had intended to file a police report about the

11 rape?

12 A It seemed like she had talked to Detective Picketts.

13 Q Okay. Was that something she told you about, as well, her

14 conversations with Detective Picketts?

15 A She just told me that she had -- she knew of this detective.

16 Q What did she tell you about Detective Picketts, or why she

17 was talking to him?

18 A She said that she was going to contact him because it seemed

19 like he had put away this police officer over in Albion, or

20 something like that.

21 Q Was that conversation where she told you about Detective

22 Picketts, was that before what we were just talking about,

23 doing the nails, and her telling you the rape didn't happen?

24 Was it before that, or was it after that, or do you not

25 remember?

Page 33

1 A I'm thinking it was before.

2 Q So you knew at the time that she was doing your nails and

3 told you that this rape supposedly never happened, you knew

4 at that point in time that she had already been talking to

5 law enforcement about the rape?

6 A She said something about contacting Detective Picketts, yes.

7 Q Did it concern you, when you heard from her that the rape

8 never happened, did it concern you that she had been telling

9 the police something different?

10 A It didn't matter to me, it had nothing to do with me. I

11 didn't know the police officer, I didn't know any of them, I

12 had nothing to do with it.

13 Q Okay. You didn't tell her, Hey, you better not go to the

14 police with that if it didn't happen, you didn't say anything

15 like that?

16 A No. But it seems like she talked to me about Detective

17 Picketts before she told me that he didn't rape her.

18 Q Okay. At some point -- let me ask you this: Did you tell

19 anybody about what Sonte told you? I mean, I know you went

20 and talked to the police later in 2006 about it, but at the

21 time, did you tell anybody what she said?

22 A No.

23 Q You didn't tell Keith, your husband?

24 A I might have mentioned it to Keith.

25 Q Okay.

9 (Pages 30 to 33)

***LINDA (SONTE) EVERSON V CALHOUN COUNTY, ET AL***

**DEFENDANTS' RENEWED BRIEF IN SUPPORT OF MOTION TO DISMISS AND  
ALTERNATIVE MOTION FOR SUMMARY JUDGMENT**

**EXHIBIT 8**

**COMPLAINT FELONY (WARRANT RE-ISSUED)**

04/24/2007 TM

STATE OF MICHIGAN 0th JUDICIAL DISTRICT 37TH JUDICIAL CIRCUIT		COMPLAINT FELONY		CASE NO.: 2007002080 DISTRICT: CIRCUIT:	
District Court ORI: MI130035J 161 E. MICHIGAN AVE. BATTLE CREEK, MI 49014		Circuit Court ORI: MI130015J 161 E. Michigan Ave., Battle Creek, MI 49017			
THE PEOPLE OF THE STATE OF MICHIGAN		Defendant's name and address V SONTE ROLINDA EVERSON 210 N MCKINLEY ST BATTLE CREEK, MI , 49017		Victim or complainant ON INFO & BELIEF Complaining Witness <i>[Signature]</i>	
Co-defendant(s) <b>REISSUED FROM 07-57F</b>		Date: On or about 10/11/2005			
City/Twp./Village MARSHALL CITY	County in Michigan CALHOUN	Defendant TCN	Defendant CTN 13-07002080-01	Defendant SID	Defendant DOB 04/22/1965
Police agency report no. 13CCSD 10756-05	Charge See below	DLN Type:	Vehicle Type	Defendant DLN	

## Witnesses

JENNIFER DIEPENHORST  
ANGEL THOMAS RIVERA  
DR. MARGUERITE SAITH  
KRISTIE GRAHAM

SHANNON MILLS  
KELLY TROWHILL  
MATT SAXTON  
MICHAEL SLACK

JUSTIN ADKINS  
SHARI LEMONIOUS  
JACKIE HAMPTON  
DAVID DRAPER

STATE OF MICHIGAN, COUNTY OF CALHOUN

The complaining witness says that on the date and at the location described above, the defendant contrary to law:

## COUNT 1: FALSE REPORT OF A FELONY

did, intentionally make a false report of the commission of a felony, CRIMINAL SEXUAL CONDUCT 1ST DEGREE AND/OR CRIMINAL SEXUAL CONDUCT 3RD DEGREE, to a peace officer of CALHOUN COUNTY SHERIFF'S DEPARTMENT, knowing that the report was false; contrary to MCL 750.411a(1)(b). [750.411A1B]  
FELONY: 4 Years and/or \$2,000.00

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

The complaining witness asks that the defendant be apprehended and dealt with according to law.

Warrant authorized on

4/24/07

Date

by:

Complaining Witness Signature

Subscribed and sworn to before me on

4.24.07

Date

Judge/Magistrate/Clerk

Court Copy Complaint

Bar no.

4/24/07 - Re-  
Issued  
Arrest w/o  
Warrant

RECEIVED  
10TH DISTRICT COURT

APR 24 2007

I went to District Ct  
and requested complaint  
was given  
on 4/25

E 00540

*LINDA (SONTE) EVERSON V CALHOUN COUNTY, ET AL*

**DEFENDANTS' RENEWED BRIEF IN SUPPORT OF MOTION TO DISMISS AND  
ALTERNATIVE MOTION FOR SUMMARY JUDGMENT**

**EXHIBIT 9**

**PICKETTS TRAINING RECORDS**

## Individual Employment History

GUY HOWARD PICKETTS 17623

## equestor Information

ALHOUN COUNTY SHERIFF'S OFFICE  
51 EAST MICHIGAN AVE  
ATTLE CREEK, MI 49014-4066

## ndividual Information

JY HOWARD PICKETTS

lso Known As (AKA) :  
JY PICKETTS

COLES License Number : 17623  
icense Code : Law Enforcement Officers  
icense Type : Law Enforcement Officer  
icense Status : Inactive  
riginal Activation Date : 04/30/1982  
riginal Activating Agency : MARSHALL POLICE DEPARTMENT

## tandards Compliance Reviews

Received ate	Disposition Date	Disposition
-----------------	---------------------	-------------

## asic Training

Provider	Session ID	End Date	Session Enrollment Status
ALAMAZOO REGIONAL RECRUIT ACADEMY	KTA 82-1	04/30/1982	Completed

Michigan Commission On Law Enforcement Standards  
Individual Employment History

GUY HOWARD PICKETTS 17623

## Agency Relationships\* &amp; In-Service Training\*\*

Agency Relationships with a Begin Date or End Date of 01/01/2000 are the result of a "Baseline Reporting" conducted in 1999. This was a verification with law enforcement agencies of their current officer rosters. Officers no longer appearing on the agency roster were defaulted to this date. To correct the dates please have that agency send the proper information on department letterhead to the MCOLES Licensing Services Section at 106 W. Allegan Suite 600, Lansing MI 48933 or by fax to (517) 316-0824.

In-Service Training courses are listed only if both (a) the training was registered with MCOLES and (b) the Training Provider reported officers' attendance at the training. Courses are listed under the respective agency for which the officer was employed at that time, or that agency reported to the Training Provider as sponsoring attendance at the training. Courses listed under Other In-Service Training are those attended for which the officer was not reported as being employed as a law enforcement officer at that time, or where no agency was submitted to the Training Provider as sponsoring attendance at the training. If training courses that an officer attended do not appear on the list or if the information is incorrect, the officer should contact the respective Training Provider directly.

Agency Name : CALHOUN COUNTY SHERIFF'S OFFICE  
 RI Number : 1311300  
 Employment Status : Retired  
 Date Span : Start: 04/30/1982 - End: 08/29/2008

Title	Training Provider	Hours	Pass/ Fail	Begin Date	End Date
Search and Seizure Update	Kellogg Community College	6	Pass	04/15/2005	04/15/2005
Legal Update	Kellogg Community College	6	Pass	03/12/2004	03/12/2004
CRIM INV ANALYSIS/PROFILING	Oakland Police Academy	16	Pass	06/01/1998	06/03/1998
RADAR RECERTIFICATION	Michigan State Police/Training Division	4	Pass	07/07/1997	07/07/1997
ACCIDENT INVESTIGATION V	Michigan State University Highway Traffic Safety	7	Pass	02/18/1992	02/18/1992
ACCIDENT INVESTIGATION IV	Michigan State University Highway Traffic Safety	7	Pass	01/16/1992	01/16/1992
TRAFFIC ACCIDENT INVEST I	Michigan State University Highway Traffic Safety	35	Pass	04/25/1988	04/29/1988
RADAR OPERATOR UPDATE	Kellogg Community College	4	Pass	11/12/1987	11/12/1987
INVST/PROSC OF DRINKING DRIVER	Prosecuting Attorneys Association Of Michigan	5	Pass	04/18/1986	04/18/1986
BASIC RADAR OPERATOR	Kellogg Community College	16	Pass	10/17/1985	10/18/1985
STREET SURVIVAL	Michigan Association Of Chiefs Of Police	14	Pass	04/02/1984	04/03/1984

Agency Name : MARSHALL POLICE DEPARTMENT  
 RI Number : 1356000  
 Employment Status : Separated  
 Date Span : Start: 04/30/1982 - End: 01/01/2000

Title	Training Provider	Hours	Pass/ Fail	Begin Date	End Date
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## Individual Employment History

10:01 AM

GUY HOWARD PICKETTS 17623

## Other In-Service Training

Title	Training Provider	Hours	Pass/ Fail	Begin Date	End Date
HOMICIDE INVESTIGATION	Michigan State University	24	Pass	06/26/2000	06/29/2000
BASIC DETECTIVE SCHOOL	Michigan State Police/Training Division	36	Pass	02/22/1999	02/26/1999
INFRARED BREATH TEST OPERATOR	Michigan State Police/Alcohol Enforcement	6	Pass	06/26/1997	06/26/1997

## Office of the Sheriff

Calhoun County, Michigan

Master Training Records - By Employee Number

Report Date: Wednesday, May 13, 2009

PICKETTS, GUY

Employee Number 2623

Date	Course	Hours	Location	Instructor(s)	Certified	Pass
12/18/2006	800 MHz	8	Battle Creek	Howell,hinkley,wiersma,gan	N	
4/15/2005	SEARCH & SEIZURE	8	KCC	JEFF STEFFEL		
12/9/2004	FIREARMS QUALIFICATION	2	MARSHALL RANGE	OFF DUTY WEAPON QUAL	Y	
3/19/2004	FIRST AID RE-CERT	3	CCSD	SEEDORFF	Y	
3/19/2004	CPR-RECERT	4	CCSD	SEEDORFF	Y	
5/15/2003	Child Forensic Interviewing	8	Marshall	Det./Sgt. Geoffrey Flohr	N	
5/1/2003	Forensic Interviewing Workshop	8	Marshall	Geoffrey Flohr	N	
7/10/2002	Implied Consent Video	1		self		
6/26/2000	Homicide Inv	40	MSU			
3/8/2000	child maltreatment	8	GRAND RAPIDS			
3/3/2000	threat assessment	2	CCSD			
3/3/2000	THREAT ASSESSMENT	2	CCSD	GREG MERTZ, SECRET S	NO	
11/9/1999	sexual assault examiner	24	Sane			
5/25/1999	invest photography	24	KAPD			
4/19/1999	SCAN	32	LIVONIA			
2/22/1999	basic detective	40	MSP			
1/27/1999	REID	24				
1/26/1999	PEPPER SPRAY RE-CERT	4	MARSHALL	LINDSAY	Y	
1/26/1999	LEIN			CCSD		
1/26/1999	OC SPRAY, RECERT		CCSD	LINDSAY		P
10/17/1998	DRIVING	8	KCC			
6/1/1998	Criminal profiling	24	Oakland CC			
4/15/1998	truck enforcement	4	FOP Lawrence			
7/7/1997	Suppradar operator	4	MSP			
6/26/1997	DATA MASTER					
7/15/1996	Observer/sniper	24	FBI-BattleCreek			
9/8/1993	Jail Supervisor	24	Traverse City			
12/3/1990	latent print	8	KCC			
10/11/1983	SHOTGUN	8	CCSD			
9/20/1983	PBT	8	CCSD			
9/8/1983	officer survival	8	KCC			
8/23/1983	handgun	8	CCSD			
4/15/1983	kuboton	8	CCSD			
4/30/1982	MCOLES Certification			Staff	YES	
4/30/1982	MLEOTC		KVCC			
4/2/1979	BASIC FIREMAN	66				