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Attorneys Ben Crump and Antonio Romanucci File Landmark Civil Lawsuit for Police Beating Death of Tyre Nichols

April 19, 2023

Lawyers also suing Memphis Police for intentional infliction of emotional distress for lying to Tyre's mother

MEMPHIS, Tenn. – Civil rights attorneys Ben Crump, Antonio Romanucci, and local counsel on behalf of the family of Tyre Nichols have filed a landmark lawsuit against the City of Memphis, the Memphis Police Department, and officers and individuals involved in the January 7, 2023, traffic stop and brutal beating of Mr. Nichols that resulted in his death on January 10, 2023. Read the filed complaint [here](#).

The abhorrent and reprehensible conduct of the City of Memphis' unqualified, untrained, and unsupervised police officers, acting under the color of law and pursuant to officially sanctioned, unconstitutional Department policies and practices was captured on multiple video cameras.

The innocent victim was a 29-year-old father, on his way home to have dinner with his parents. The disturbingly tragic events of the night were created and set in motion over a year prior, when the Memphis City Council appointed Cerelyn Davis as the new Police Chief. The savage beating of Tyre Nichols was the direct and foreseeable product of the unconstitutional policies, practices, customs, and decisions of the City of Memphis and Chief Davis. Her now disbanded police unit carried a name that will forever live in infamy for the devastation and carnage it caused: SCORPION (Street Crimes Operation to Restore Peace In Our Neighborhoods). Rather than "restore peace" in Memphis neighborhoods, SCORPION brought terror. In reality, it was an officially sanctioned gang of inexperienced, hyper-aggressive police officers turned loose on the Memphis community without any oversight to strike without warning and, many times, without any valid constitutional basis. Consistent with the directives received from Chief Davis herself, SCORPION Officers carried out untold Fourth Amendment violations with a focus on Black men living in Memphis.

The basis for SCORPION Unit officers stopping Tyre's car on January 7, 2023, has never been substantiated. Two SCORPION officers baselessly stopped Tyre's car, violently dragged him out of the vehicle, and forcefully apprehended him without ever articulating a reason for the stop. As the SCORPION officers escalated the situation with harsh and disgusting profanity and hostility, Tyre attempted to de-escalate with measured communication and calmness. Upon recognizing these officers were operating with raging aggression and unjustified force, Tyre fled the scene toward his home where he lived with his parents. What transpired next was a relentless and brutal beating by a group of officers. Just feet from his parents and the safety of his home, five

SCORPION officers tracked Tyre down and deployed their sting in the form of repeated punches, kicks, and pepper spray to a non-resistant, restrained young man shouting for his mother while they unleashed their physical hostility upon him. When Tyre fell to the ground, he was lifted back up so that officers could continue to tee-off with more punches, strikes, kicks, and chemical sprays—all of this with full knowledge that their body-worn cameras were recording every second. Such a ruthless and brutal beating could only be carried out by officers without any fear of discipline or intervention and with a hardened, defined shield of impunity protecting them from on high. To be sure, there was never any attempt of intervention by any officer or Memphis Police Department official at any point as Tyre remained defenseless through the onslaught. When the torrential beating ended, Tyre's body was propped up against the police car to be displayed like a battered prize of a trophy hunt for the countless Memphis officials that would arrive on the scene. Pictures would be taken, jokes would be made, and medical care would be withheld for over twenty minutes as Tyre's body lay devastated from the beating. Indeed, he was dying, and three days later succumbed to his injuries.

The federal lawsuit was filed in the United States District Court for the Western District of Tennessee, Western Division. The plaintiff is RowVaughn Wells, who brings this case as both Administratrix Ad Litem of The Estate of Tyre Deandre Nichols and for herself individually. The defendants are: The City of Memphis; Police Chief Cerelyn Davis; Emmitt Martin III, Demetrius Haley, Justin Smith, Desmond Mills, Jr., Tadarrius Bean, Preston Hemphill, and DeWayne Smith who were participants in individual capacities as Memphis Police Officers, and Robert Long, JaMichael Sandridge and Michelle Whitaker for their individual roles as Memphis Fire Department employees.

The Plaintiffs are represented by Attorneys Ben Crump of Ben Crump Law; Antonio M. Romanucci, Bhavani K. Raveendran, Bryce T. Hensley and Sarah M. Raisch of Romanucci & Blandin; and local counsel David Mendelson and Benjamin Wachtel of Mendelson Law Firm, Lashonda Council-Rogers of Council & Associates, and Retired Judge Earnestine Hunt Dorse.

The complaint states that Mr. Nichols was deprived, under color of state law, of his clearly established rights as secured by the Fourth and Fourteenth Amendments to the United States Constitution, as well as state law. In addition to the individual violations, the complaint also highlights systemic issues relating to improper policies, procedures, hiring, training and supervision by the City of Memphis.

Further, the complaint alleges intentional, reckless and negligent infliction of emotional distress and fraudulent misrepresentation by Memphis Police Department Lieutenant DeWayne Smith for his conscious and deliberate actions with the explicit intent to deceive, lie or manipulate RowVaughn Wells for telling her in their initial conversation on January 7, 2023, that: Tyre was driving under the influence with no evidence or support; Tyre was intoxicated with no evidence or support; lying about the reasons why Tyre was being arrested; withholding reasons why Tyre was being arrested; lying about Tyre's medical condition; failing to say Tyre was around the corner from her home on the verge of dying; and/or withholding Tyre's medical condition from his mother.

The complaint is seeking compensatory, special, and punitive damages and costs as defined under federal law in an amount to be determined by a jury.

"How does this horrific and unconstitutional treatment of Black men and women by law enforcement continue to happen," said Attorney Ben Crump. "Tyre's condition in the hospital can be likened to that of Emmitt Till who was also beaten unrecognizable by a lynch mob. But, Tyre's lynch mob was dressed in department sweatshirts and vests, sanctioned by the entities that supplied them. Please, Memphis. Please, America, we must hold these people accountable and create meaningful change once and for all. We can not let another seventy years go by."

"Far from being the result of the actions of five rogue police officers, the events of January 7, 2023 were the culmination of a Department-sanctioned rampage by the unqualified, untrained, and unsupervised SCORPION Unit carrying out an unconstitutional mandate without any fear of retribution or consequence because of an acquiescence and acceptance of tolerated unconstitutional conduct that had been fostered since the SCORPION Unit's inception. Tyre Nichols should never have been stopped that day, and under no circumstances should he have been brutally beaten as an unarmed civilian who was subdued and no threat to officers. This type of policing culture is a cancer in our communities and must be seen for what it is - and stopped completely across the country," said Attorney Antonio M. Romanucci.

On January 10, 2023, Tyre ultimately died from his injuries as a direct result of the policies and practices of the City of Memphis, which were the moving force behind the SCORPION Officers' unconstitutional stop, excessive use of force, and failure to intervene in the excessive use of force. Those policies and practices are:

1. The City of Memphis' Official Policy of Violating the Fourth Amendment to the United States Constitution.
2. The City of Memphis' Custom of Tolerance for Violations of the Fourth Amendment to the United States Constitution.
3. The City of Memphis' Failure to Train its Officers in the SCORPION Unit on the bounds of the Constitution and the Fourth Amendment.
4. The City of Memphis' Failure to Supervise its Officers in the SCORPION Unit.

Counts in the Complaint Include:

COUNT I—42 U.S.C. § 1983—Monell Claim—Official Policy

Plaintiff v. Chief Cerelyn Davis, in her official capacity (City of Memphis)

COUNT II—42 U.S.C. § 1983—Monell Claim—Custom of Tolerance

Plaintiff v. Chief Cerelyn Davis, in her official capacity (City of Memphis)

COUNT III—42 U.S.C. § 1983—Monell Claim—Failure to Train

Plaintiff v. Chief Cerelyn Davis, in her official capacity (City of Memphis)

COUNT IV—42 U.S.C. § 1983—Monell Claim—Failure to Supervise

Plaintiff v. Chief Cerelyn Davis, in her official capacity (City of Memphis)

COUNT V—42 U.S.C. § 1983—Fourth Amendment Violation: Unreasonable Stop

Plaintiff v. Emmitt Martin III, in his individual capacity

COUNT VI—42 U.S.C. § 1983—Fourth Amendment Violation: Excessive Force

Plaintiff v. Emmitt Martin III, in his individual capacity

COUNT VII—42 U.S.C. § 1983—Fourth Amendment Violation: Failure to Intervene to Prevent Excessive Force

Plaintiff v. Emmitt Martin III, in his individual capacity

COUNT VIII—42 U.S.C. § 1983—Fourth Amendment Violation: Unreasonable Stop

Plaintiff v. Demetrius Haley, in his individual capacity

COUNT IX—42 U.S.C. § 1983—Fourth Amendment Violation: Excessive Force

Plaintiff v. Demetrius Haley, in his individual capacity

COUNT X—42 U.S.C. § 1983—Fourth Amendment Violation: Failure to Intervene to Prevent Excessive Force

Plaintiff v. Demetrius Haley, in his individual capacity

COUNT XI—42 U.S.C. § 1983—Fourth Amendment Violation: Excessive Force

Plaintiff v. Justin Smith, in his individual capacity

COUNT XII—42 U.S.C. § 1983—Fourth Amendment Violation: Failure to Intervene to Prevent Excessive Force

Plaintiff v. Justin Smith, in his individual capacity

COUNT XIII—42 U.S.C. § 1983—Fourth Amendment Violation: Excessive Force

Plaintiff v. Desmond Mills, Jr., in his individual capacity

COUNT XIV—42 U.S.C. § 1983—Fourth Amendment Violation: Failure to Intervene to Prevent Excessive Force

Plaintiff v. Desmond Mills, Jr., in his individual capacity

COUNT XV—42 U.S.C. § 1983—Fourth Amendment Violation: Excessive Force

Plaintiff v. Tadarrius Bean, in his individual capacity

COUNT XVI—42 U.S.C. § 1983—Fourth Amendment Violation: Failure to Intervene to Prevent Excessive Force

Plaintiff v. Tadarrius Bean, in his individual capacity

COUNT XVII—42 U.S.C. § 1983—Fourth Amendment Violation: Unreasonable Stop

Plaintiff v. Preston Hemphill, in his individual capacity

COUNT XVIII—42 U.S.C. § 1983—Fourth Amendment Violation: Excessive Force

Plaintiff v. Preston Hemphill, in his individual capacity

COUNT XIX—42 U.S.C. § 1983—Fourth Amendment Violation: Failure to Intervene to Prevent Excessive Force

Plaintiff v. Preston Hemphill, in his individual capacity

COUNT XX—42 U.S.C. § 1983—Fourteenth Amendment Violation of Deliberate Indifference to Serious Medical Needs

Plaintiff v. Robert Long, in his individual capacity

COUNT XXI—42 U.S.C. § 1983—Fourteenth Amendment Violation of Deliberate Indifference to Serious Medical Needs

Plaintiff v. JaMichael Sandridge, in his individual capacity

COUNT XXII—42 U.S.C. § 1983—Fourteenth Amendment Violation of Deliberate Indifference to Serious Medical Needs

Plaintiff v. Michelle Whitaker, in her individual capacity

COUNT XXIII – Intentional Infliction of Emotional Distress

Plaintiff v. DeWayne Smith, Individually and as Agent of the City of Memphis

COUNT XXIV – Negligent Infliction of Emotional Distress

Plaintiff v. DeWayne Smith, Individually and as Agent of the City of Memphis

COUNT XXV – Fraudulent Misrepresentation

Plaintiff v. DeWayne Smith, Individually and as Agent of the City of Memphis

RowVaughn Wells is demanding a civil trial by jury as is her right under the Seventh Amendment to the United States Constitution and Federal Rule of Civil Procedure 38.

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About Ben Crump Law

Nationally renowned civil rights and personal injury attorney Ben Crump and his national network of specialized attorneys have spearheaded a legal movement to better protect the rights of marginalized citizens. He has led landscape-changing civil rights cases and represented clients in a wide range of areas including civil rights, personal injury, labor and employment, class actions, and more. Ben Crump Law is dedicated to holding the powerful accountable. For more, visit BenCrump.com or call (800) 935-8111.

About Romanucci & Blandin, LLC

Romanucci & Blandin is a Chicago-based national trial practice committed to fighting for victims of negligence, abuse and wrongful death. For 25 years, we have secured more than \$850 million in verdicts and settlements for our clients - many for millions of dollars and others record-setting awards. Our experience ranges from mass shootings, civil rights and police misconduct to medical malpractice, sexual abuse, motor vehicle accidents or workplace injury cases involving individual or institutional negligence. Romanucci & Blandin is a valuable legal resource to individuals and groups of people who have been injured by others' wrongdoing. Referring attorneys and clients say several factors differentiate our firm: Our record of success, depth of experience, talented and dedicated legal team, tireless preparation and strategic use of communications to fight for the rights of those whose lives have been changed forever. We are different from other personal injury firms in that our work does not stop when a verdict or settlement is secured. We are often inspired by our clients' experiences and commit resources to create change in our communities. For more information about Romanucci & Blandin, please visit www.rblaw.net or call (312) 458-1000.