



IN THE DISTRICT COURT OF CANADIAN COUNTY
STATE OF OKLAHOMA

OCT 03 2022

BY *[Signature]*
DEPUTY

BRANDON MICHAEL WHITMAN,)
)
) Plaintiff,)
)
 v.)
)
)
)
) CHRIS WEST, in his official capacity as)
) Canadian County Sheriff, and THE BOARD)
) OF COUNTY COMMISSIONERS OF)
) CANADIAN COUNTY, a political)
) subdivision of the State of Oklahoma,)
)
) Defendants.)

Case No. CJ-2022-539

JACK D. MCCURDY II

PETITION

COMES NOW the Plaintiff, Brandon Michael Whitman, by and through his attorney, Doug Carel, and for his causes of action against the Defendants, he alleges and states as follows, to-wit:

JURISDICTION AND VENUE

1. That at all times herein, Plaintiff was an individual residing in Canadian County, State of Oklahoma.
2. That the Defendant, Chris West, (hereinafter "West"), was and is now a resident of Oklahoma City, Canadian County, State of Oklahoma, and was and is now the Sheriff of Canadian County, Oklahoma.
3. That the Defendant, The Board of County Commissioners of Canadian County, was and is now a political subdivision of the State of Oklahoma, with its principal offices located in Canadian County, State of Oklahoma.
4. That this Court has subject matter jurisdiction and personal jurisdiction of the parties herein.
5. That jurisdiction and venue are proper in this Court.

FACTUAL BACKGROUND

6. That on or about the 15th day of August, 2021, the Plaintiff's Facebook account was hacked by an individual going by the name of "Ricardo Candeias".

7. That upon hacking the Plaintiff's Facebook account, "Candeias" promptly posted child pornography images to Plaintiff's Facebook account.

8. That "Candeias" purposely posted said images to the Plaintiff's Facebook account in order to trigger an alert to Facebook which prompts Facebook to disable the hacked account.

9. That once the hacked account was disabled, "Candeias" was more easily able to gain control of the Plaintiff's Facebook account.

10. That immediately upon learning of the hack on August 15 and 16, 2021, Plaintiff did contact Facebook regarding same.

11. That immediately following the discovery of the hack of his Facebook account, Plaintiff contacted the Oklahoma City Police Department and reported the hack of his Facebook account.

12. That after many phone calls and emails, the Plaintiff was able to resolve the issue of the hack and re-gain control of his Facebook account on or about August 24, 2021.

13. That despite the fact that the hack issue had been resolved on August 24, 2021, and **despite the fact that Plaintiff reported the hack of his Facebook account to the Oklahoma City Police Department on August 16, 2021**, the Plaintiff's home was raided by deputies of the Canadian County Sheriff's Department, who are under the direct control and supervision of West, on January 12, 2022, at approximately 11:30 a.m.

14. That on January 12, 2022, numerous Canadian County Sheriff deputies walked down Plaintiff's street with brandished firearms, and circling Plaintiff's property and frightening Plaintiff's neighbors.

15. That in front of Plaintiff's wife and minor daughter, Canadian County Sheriff deputies burst into the Plaintiff's home, detained Plaintiff and his family, and removed every computer and electronic item contained in the Plaintiff's home.

16. That when Plaintiff attempted to explain to the armed deputies that Plaintiff's Facebook had been hacked, Plaintiff was treated rudely and was to remain seated until Plaintiff's personal property was removed from his home.

17. That the Canadian County Sheriff deputies did try to isolate Plaintiff by requesting that Plaintiff have his wife and daughter leave the home, so that Plaintiff could be more easily interrogated. Plaintiff refused to have his wife and daughter leave the home.

18. That Plaintiff uses his computers for work. Despite his repeated pleas for the return of his personal property, he was ignored by West for several weeks.

19. That after numerous requests by Plaintiff, and/or persons at his direction, Plaintiff's personal property was returned to him on February 10, 2022, and **Plaintiff was not arrested or charged with a crime.**

20. That the slightest bit of police work done by West and his deputies would have uncovered the fact that Plaintiff had nothing to do with the pornographic images being posted on his Facebook account. Furthermore, it seems to be almost comedic that West and/or his deputies did not know, or take the time to learn, that Plaintiff had reported the hack of his Facebook to the appropriate law enforcement authority.

21. That West and the Canadian County Sheriff's Department are well known to aggressively pursue child pornography cases. West frequently boasts about same to local media, and proudly posts information regarding pornography and sex offenders on the Canadian County Sheriff's website. Many of the people arrested by the Canadian County Sheriff's Department are not residents of Canadian County.

22. That a tort claim notice was sent to the Canadian County Commissioners' Office on or about February 22, 2022. Said letter was received by the Canadian County Commissioners and the Canadian County Sheriff's Office on or about February 28, 2022. No response to said letter was ever received by Plaintiff.

FIRST CAUSE OF ACTION: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

23. That Plaintiff reaffirms and reincorporates paragraphs 1 through 22 above.

24. That Defendants were responsible for the raid on the Plaintiff's home, and Defendants are liable for same.

25. That Plaintiff was directly physically involved in the raid on his home, as Plaintiff was present when numerous armed Canadian County Sheriff deputies negligently and wrongfully burst into his home on January 12, 2022.

26. That Plaintiff was injured from actually being present and viewing the armed deputies bursting into his home. The wrongful action of the deputies, under the direction of and in the employ of the Defendants, did cause Plaintiff to suffer emotional distress.

27. That Plaintiff suffered damages in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00) due to negligent infliction of emotional distress upon him by the Defendants, and each of them.

28. That Plaintiff should be granted judgment against the Defendants, and each of them, in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00) for negligent infliction of emotional distress.

SECOND CAUSE OF ACTION: NEGLIGENCE

29. That Plaintiff reaffirms and reincorporates paragraphs 1 through 28 above.

30. That Defendants were negligent, and less than competent, in their raid on Plaintiff's home.

31. That as a result of the negligence of the Defendants in raiding Plaintiff's home, Plaintiff suffered physical and emotional injuries, past, present and future, as well as loss of work and loss of use of his electronic equipment.

32. That Plaintiff suffered damages in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00) due to the negligence of the Defendants, and each of them.

33. That Plaintiff should be granted judgment against the Defendants, and each of them, in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00) for negligence.

THIRD CAUSE OF ACTION: CONVERSION

34. That Plaintiff reaffirms and reincorporates paragraphs 1 through 33 above.

35. That Plaintiff was the owner of the electronic equipment described herein.

36. That Defendants, by and through their employee deputies, intentionally took possession of Plaintiff's electronic equipment, and prevented Plaintiff from having access to same.

37. That Plaintiff did not consent to Defendants taking possession of his electronic equipment.

38. That Plaintiff was harmed as a result of the conduct of the Defendants, by not having his electronic equipment to use for work.

39. That Plaintiff suffered damages in the amount of TEN THOUSAND DOLLARS (\$10,000.00) due to the withholding by Defendants, and each of them, of Plaintiff's electronic equipment.

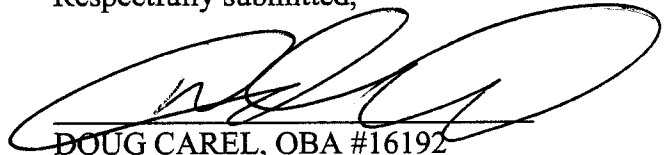
40. That Plaintiff should be granted judgment against the Defendants, and each of them, in the amount of TEN THOUSAND DOLLARS (\$10,000.00) for conversion.

WHEREFORE, having fully set forth his causes of action above, Plaintiff prays as follows:

- (i) that his Petition as set forth above be granted;
- (ii) that he be awarded judgment against the Defendants, and each of them, in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00) for negligent infliction of emotional distress;
- (iii) that he be awarded judgment against the Defendants, and each of them, in the amount of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00) for negligence;
- (iv) that he be awarded judgment against the Defendants, and each of them, in the amount of TEN THOUSAND DOLLARS (\$10,000.00) for conversion;
- (v) that he be awarded his costs, including a reasonable attorney fee; and
- (vi) for such other and further relief as the Court deems just and equitable.

AUTHORITIES: OUJI-CIV Nos. 20.1A and 27.1.

Respectfully submitted,



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ATTORNEY FOR PLAINTIFF

**ATTORNEY'S LIEN CLAIMED.
JURY TRIAL DEMANDED.**