



IN THE DISTRICT COURT OF TULSA COUNTY DISTRICT COURT  
STATE OF OKLAHOMA

**FILED**

JUL 30 2019

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

**TRAVIS LYLE BRISCOE,**  
*Plaintiff*

v.

**Case No. 2019-03030**

**CITY OF JENKS;** *a political subdivision of the State of Oklahoma;*  
**ROBERT GOLLIDAY;** *In his individual and official capacity;*  
**MARK ZUMWALT;** *In his individual and official capacity;*  
**KEVIN NUNNELEE;** *In his individual and official capacity;*  
**CAMERON ARTHUR, Chief of Police, City of Jenks Police Department,**  
*Defendants.*

**DAMAN CANTRELL**

*Jury Trial Demanded  
Attorney Lien Claimed*

**PETITION**

**COMES NOW,** Plaintiff Travis Lyle Briscoe, by and through counsel undersigned and for his causes of action against Defendants, alleges and states as follows:

**JURISDICTION AND VENUE**

1. That at all times hereinafter mentioned, Plaintiff was a resident of Tulsa County, State of Oklahoma;
2. That Defendant City of Jenks is a political subdivision of the State of Oklahoma governed by Title 51 O.S. §151 *et seq*;
3. That Defendant Robert Golliday at all times relevant to this litigation was employed by the City of Jenks as a police officer with the Jenks Police Department; Tulsa County, State of Oklahoma
4. At all times relevant to this litigation, Robert Golliday acted in, by virtue of and/or under color of law;

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5. That Defendant Mark Zumwalt at all times relevant to this litigation was employed by the City of Jenks as a police officer with the Jenks Police Department; Tulsa County, State of Oklahoma;
6. At all times relevant to this litigation, Mark Zumwalt acted in, by virtue of and/or under color of law;
7. At all times relevant to this litigation, Kevin Nunnelee was employed by the City of Jenks as a police officer with the Jenks Police Department; Tulsa County, State of Oklahoma;
8. At all times relevant to this litigation, Kevin Nunnelee acted in, by virtue of and/or under color of law;
9. At all time relevant to this litigation, Chief Cameron Arthur of the Jenks Police Department was the final policy maker of the Department and responsible for the training and supervision of the Defendants;
10. The facts and circumstances giving rise to this litigation occurred in the City of Jenks, Tulsa County, State of Oklahoma;
11. Notice of Claim was presented to the City of Jenks pursuant to the Oklahoma Governmental Tort Claims Act, Title 51 O.S. § 151, *et seq*;
12. On August 21, 2018, Plaintiff's claim was expressly denied, and this action was timely brought within one hundred and eighty days thereof;
13. That Plaintiff was wrongfully charged with Driving Under the Influence, Resisting Arrest, and Defrauding an Innkeeper, *inter alia*, Case No. CM-2017-4270 in the District Court of Tulsa County and was dismissed January 30, 2018, and expunged May 17, 2018.
14. This Honorable Court has jurisdiction over the parties and subject matter. Venue in Tulsa County is proper;

## FACTUAL SUMMARY

15. Plaintiff re-alleges and incorporates by reference, as if verbatim, each and every paragraph preceding as though set forth in full herein;
16. On or about September 1, 2017, Officer Golliday, Officer Nunnelee, and Officer Zumwalt were working in their capacity as police officers for the Jenks Police Department in the City of Jenks when they received a call regarding an individual leaving without paying his bill at the Elm Street Pub and provided a license plate number. Officer Golliday was waiting for Plaintiff at his home and Officer Nunnelee arrived as backup while Officer Zumwalt responded to the business;
17. Chief Cameron Arthur as the final policy maker for the Jenks Police Department was responsible for the training and supervision of the named Defendants;
18. Plaintiff was ordered to return to his vehicle by Defendant Golliday and without being Mirandized was questioned about him leaving the Elm Street Pub without paying his bill;
19. Plaintiff denied knowledge of the situation and Defendant Golliday and Defendant Nunnelee got upset Plaintiff was not cooperating with them;
20. Defendants Golliday and Nunnelee were communicating with Defendant Zumwalt regarding the information he was receiving;
21. Defendant Golliday asked if Plaintiff would like to go back and pay the bill and when he did not receive the answer he wanted, he ordered Plaintiff to step out of the vehicle;
22. Plaintiff refused to exit the vehicle and Defendant Golliday and Nunnelee physically grabbed him, slammed him onto the ground and hand-cuffed Plaintiff leaving him face-down on the ground;

23. During this altercation Defendant Golliday was yelling for Plaintiff to stop resisting arrest and Plaintiff was yelling he was not resisting, attempting to comply, and was never advised he was under arrest;
24. Once they had Plaintiff hand-cuffed they left him lying face-down on the ground for an extended period;
25. Plaintiff was then arrested for 1) Driving Under the Influence, a misdemeanor; 2) Resisting Arrest, a misdemeanor and 3) Defrauding and Innkeeper a misdemeanor; which resulted in criminal charges being filed against him in the District Court of Tulsa County; to wit: *State of Oklahoma v. Travis Lyle Briscoe*, Case No. CM0-2017-4270;
26. Defendants conspired, contrived and effectuated the arrest of Plaintiff for *Driving Under the Influence and Resisting Arrest* because they were angry Plaintiff would not admit to walking out on his bill at the Elm Street Pub, which is only a ticket-able offense without the complaining witness to identify Plaintiff and effectuate a citizen's arrest;
27. As a direct result of the contrived and fabricated charge of and arrest for *Driving Under the Influence*, Plaintiff had to quit truck driving school, which he was enrolled in at the time of his arrest because they would not allow him to drive, and likewise suffered significant financial injury; emotional distress; and humiliation in his community. He was unable to continue school, obtain a job in the field of his choice, and unable to pay his bills;
28. Plaintiff was portrayed in a false light as a matter of public record due to the misdemeanor filing based upon the contrived arrest for *Driving Under the Influence and Resisting Arrest*; from which he suffered injury as a direct cause thereof; and
29. Plaintiff's case of *Driving Under the Influence, Resisting Arrest, and Defrauding an Innkeeper* was dismissed on the day it was set for a bench trial January 30, 2018.

**COUNT 1**  
**Personal Injury**  
**Defendants Golliday and Nunnelee**

30. Plaintiff re-alleges and incorporates by reference, as if verbatim, each and every paragraph preceding as though set forth in full herein;
31. Defendants Golliday and Nunnelee were negligent and/or showed a reckless disregard for the rights of the Plaintiff while enforcing the law of the State of Oklahoma and in effecting the arrest of Plaintiff;
32. Defendants' negligent acts and/or reckless disregard for the rights of Plaintiff resulted in the personal injuries, pain and suffering; emotional suffering and financial loss sustained by Plaintiff;
33. As a direct and proximate result of Defendants' negligent acts and/or reckless disregard for the rights of Plaintiff, Plaintiff has suffered damages in excess of \$75,000.00;

**COUNT 2**  
**Punitive Damages**  
**Defendants Golliday, Nunnelee and Zumwalt**

34. Plaintiff re-alleges and incorporates by reference, as if verbatim, each and every paragraph preceding as though set forth in full herein;
35. Defendants Golliday, Nunnelee, and Zumwalt acted with a reckless disregard for the rights of the Plaintiff which resulted in his personal injuries and pain and suffering;
36. Defendants' reckless disregard for the rights of the Plaintiff must be punished and made an example of to deter future similar conduct;
37. As a direct and proximate result of Defendants' reckless disregard for the rights of Plaintiff, Plaintiff is entitled to an award of punitive damages in excess of \$75,000.00;

**COUNT 3**  
**Respondent Superior**  
**Defendants Chief Arthur and City of Jenks**

38. Plaintiff re-alleges and incorporates by reference, as if verbatim, each and every paragraph preceding as though set forth in full herein;
39. At all times relevant to this litigation, Defendants Robert Golliday, Kevin Nunnelee and Mark Zumwalt were acting as employees and/or agents of Defendant City of Jenks;
40. The Jenks Police Department and/or the City of Jenks had a duty to properly train and supervise its named defendant employees and/or agents; but failed to do so which resulted in the incidents giving rise to these causes of action;
41. As a direct and proximate result of Defendant Jenks Police Department and Defendant City of Jenks's negligence, Plaintiff has suffered damages in an amount in excess of \$75,000.00;
42. That Chief Cameron Arthur of the Jenks Police Department was at all times relevant to these proceedings the final policy maker for the Department and responsible for the training, supervision and retention of the named subordinate Defendants;
43. That Defendant Arthur failed to properly train and supervise Defendant Officers and/or was deliberately indifferent to the rights of Plaintiff; further, that this failure to properly train and supervise and/or deliberate indifference toward Plaintiff's rights was the direct and proximate cause of Plaintiff's injuries;

**COUNT 4**  
**Malicious Prosecution**  
**42 U.S.C. § 1983, Fourth Amendment to the U.S. Constitution**

44. Plaintiff re-alleges and incorporates by reference, as if verbatim, each and every paragraph preceding as though set forth in full herein;

45. At all times relevant to this litigation, Defendants Robert Golliday, Kevin Nunnelee, and Mark Zumwalt were acting as employees of the Defendant Jenks Police Department and/or agents of Defendant, City of Jenks and under color of law;
46. That Defendant officers maliciously fabricated a story and contrived to charge Plaintiff with the crime of *Driving Under the Influence and Resisting Arrest* to cover the fact of their use of excessive and unlawful force against Plaintiff which directly and proximately caused significant physical, financial and emotional injuries to Plaintiff; to wit:
- a. Defendants procured the arrest and subsequent filing of an Information against Plaintiff;
  - b. The proceeding terminated in Plaintiff's favor;
  - c. There was no probable cause to support the charge of driving under the influence;
  - d. That the charge was fabricated and proceeding instituted to cover and explain the physical injuries sustained by Plaintiff during his illegal and excessively forceful arrest;
47. That Plaintiff was charged with the crime of *Driving Under the Influence and Resisting Arrest* by Information on September 18, 2017, in the District Court of Tulsa County, and that the case was set for bench trial on January 30, 2018, and the matter was dismissed by the State of Oklahoma; further the case was expunged May 17, 2018;
48. As a direct and proximate result of Defendant's malicious fabrication and prosecution of the misdemeanor charges to cover their bad acts, Plaintiff has suffered damages in an amount in excess of \$75,000.00;

**COUNT 5**

**Abuse of Process**

**42 U.S.C. § 1983, Fourth, Fifth and Fourteenth Amendments to the U.S. Constitution**

49. Plaintiff re-alleges and incorporates by reference, as if verbatim, each and every paragraph preceding as though set forth in full herein;
50. That Defendant officers filed a report falsely stating Plaintiff had committed the misdemeanor of *Driving Under the Influence* and *Resisting Arrest* and presented same to the Office of the District Attorney for Tulsa County, State of Oklahoma;
51. That the Tulsa County District Attorney's Office was not advised that the charge had been fabricated to cover the unlawful and prohibited conduct of Defendant officers;
52. That the Tulsa County District Attorney's Office believed the verified reports of the officers and upon said verified reports filed in the District Court of Tulsa County a misdemeanor charge against Plaintiff for same as a matter of public record upon which a warrant for his arrest issued and upon which he was arrested;
53. That Defendant officers knew from the time of presenting their verified reports to the Office of the Tulsa County District Attorney through the entirety of the criminal matter including the bench trial that the process initiated by them was false and abusive;
54. Defendant officers never notified the Office of the Tulsa County District Attorney the charge had been contrived to cover their own wrongful and prohibited conduct prior to the trial of the criminal matter and did permit the Office of the Tulsa County District Attorney to take the matter to bench trial;
55. As a direct and proximate cause of Defendants' abuse of process, Plaintiff suffered emotional and financial damages in an amount exceeding \$75,000.00;

**COUNT 6  
Unlawful Seizure**



**42 U.S.C. § 1983, Fourth and Fourteenth Amendments to the U.S. Constitution**

56. Plaintiff re-alleges and incorporates by reference, as if verbatim, each and every paragraph preceding as though set forth in full herein;

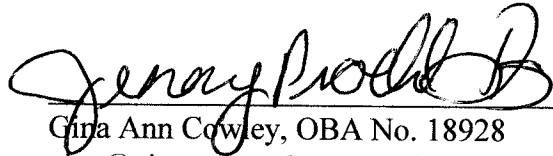
57. The fabricated and contrived charge of *Driving Under the Influence* by the Defendants wrongfully made against Plaintiff by Defendants, attenuated his liberty from the time of his arrest until the time of the dismissal so as to constitute an unlawful seizure in violation of his constitutional rights; *to wit*:

- a. Plaintiff was bound by the false charges and subject to state control over his person for just under five months;
- b. Plaintiff was not at liberty to conduct himself in accordance to his own will as a free citizen while wrongfully bound to bond and mandated court appearances;
- c. Had Plaintiff exercised his free will he would have been subject to further wrongful and significant attenuation of his liberty for failing to follow orders of the Court based upon the false charge which Defendants kept to themselves;
- d. Defendants never advised the State of Oklahoma nor Plaintiff nor any person that the charge of *Driving Under the Influence and Resisting Arrest* was contrived nor did they seek dismissal of the charge against Plaintiff which would have restored him to his liberty;
- e. Defendants cuffed Plaintiff with the false charge until the State finally dismissed the charges for lack of probable cause;

58. As a direct and proximate cause of Defendants' unlawful seizure, Plaintiff suffered emotional and financial damages in an amount exceeding \$75,000.00

**WHEREFORE**, premises considered, Plaintiff Travis Briscoe prays that judgment be entered in his favor against Defendants above named, that he be awarded actual and compensatory damages in an amount exceeding \$75,000.00 or other such sum consistent with the evidence Plaintiff anticipates will be presented during the trial of this cause, and that he be awarded punitive damages against those Defendants against whom punitive damages may be properly awarded, prejudgment interest, attorney fees and the costs of this action, to be taxed against Defendants and for all other relief to which Plaintiff may be entitled and which this honorable Court deems just and proper.

Respectfully submitted,



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