

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

WILLIAM R. SMITH, as administrator)
of the estate of **MICHAEL J. SMITH**,)

Plaintiff,

v.

JEFFERSON DUNN,)
CHARLES DANIELS, MATTHEW)
BRAND, CHRISTOPHER GORDY,)
JUJUAN WHIGHAM, DEREK T.)
SIMMONS, DENNIS BROWN, and)
DOMINIC WHITLEY,)

Defendants.

Case No.: 2:21-cv-00468-MHT-KFP

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT

COMES NOW, the Plaintiff, William R. Smith, as administrator and personal representative of the estate of Michael J. Smith, by and through the undersigned counsel, and alleges the following:

PRELIMINARY STATEMENT¹

Plaintiff William R. Smith is bringing this action as the administrator and personal representative of the estate of Michael J. Smith. Michael Smith was a 45-year-old inmate

¹ In the Court Opinion and Order dated September 30, 2025, the Court dismissed the following claims in the Amended Complaint: Failure to Intervene (Count II); Failure to Protect (Count IV); State-Created Danger (Count VI); and Wrongful Death (Count VII) against Defendants Dunn, Daniels, Brand, and Gordy. (Doc. 114). In light of the Court's opinion, Plaintiff voluntarily dismissed the State-Created Danger (Count VI) and Wrongful Death (Count VII) claims against Defendants Whigham, Simmons, Brown, and Whitley.

at Ventress Correctional Facility in Clayton, Alabama. On November 30, 2019, Michael Smith was beaten to death by the very same correctional officers who were responsible for ensuring his safety and well-being.

PARTIES

1. **Plaintiff William R. Smith** (“Plaintiff”) is a citizen of the United States, a citizen of the State of Alabama, and is over 19 years of age. William Smith is the father of the decedent, Michael J. Smith (“Mr. Smith”), who was a citizen of the United States, the State of Alabama, and was residing as an inmate at Ventress Correctional Facility (“Ventress”) in Clayton, Alabama at the time of his death.
2. **Defendant Jefferson S. Dunn** (“Defendant Dunn” or “Supervising Defendant(s)”) is a citizen of the United States, a citizen of the State of Alabama, and is over 19 years of age. Defendant Dunn was appointed the Commissioner of the Alabama Department of Corrections (“ADOC”) in 2015, held this position at the time of the incident that forms the basis of this suit, and held this position until his resignation in December of 2021. As Commissioner, Defendant Dunn was the highest ranking official of the ADOC. His responsibilities included: 1) serving as and exercising authority, functions and duties of the Commissioner of Corrections; 2) appointing deputy commissioner(s), associate commissioner(s) and employees; 3) creating divisions as may be necessary for its effective administration; and 4) appointing Wardens and designated assistants.² As

² See Exhibit A, *Administrative Regulation Number 002: Organization and Objectives*, State of Alabama Department of Corrections (Feb. 7, 2012), Available at: <http://www.doc.state.al.us/docs/AdminRegs/ar002.pdf>; See also Exhibit B,

Commissioner, Defendant Dunn was responsible for ADOC's supervision and control. Defendant Dunn is being sued in his individual capacity.

3. **Defendant Charles Daniels** ("Defendant Daniels" or "Supervising Defendant(s)") is a citizen of the United States, a citizen of the State of Nevada, and is over 19 years of age. At the time of the unlawful beating of Michael Smith, Defendant Daniels was employed by the ADOC as the Associate Commissioner for Operations. As Associate Commissioner, Defendant Daniels was responsible for ensuring the effective and safe daily operations of all prison facilities, including overseeing institutional security, staffing, Institutional Coordinators, Correctional Response Teams, the Classification Review Board, the Training Division, and the Transfer Division. Defendant Daniels resigned from his position with the ADOC in December of 2019. Defendant Daniels is being sued in his individual capacity.
4. **Defendant Matthew Brand** ("Defendant Brand" or "Supervising Defendant(s)") is a citizen of the United States, a citizen of the State of Alabama, and is over 19 years of age. At the time of the unlawful beating of Michael Smith, Defendant Brand was employed by the ADOC as the Associate Commissioner of Administrative Services. As Associate Commissioner, Defendant Brand was responsible for the training, development, and education of the department's workforce. Defendant Brand is being sued in his individual capacity.

Administrative Regulation 002 Change #7, State of Alabama Department of Corrections (April 12, 2021), Available at: <http://www.doc.state.al.us/docs/AdminRegs/AR002-7.pdf>.

5. **Defendant Christopher Gordy** (“Defendant Gordy” or “Supervising Defendant(s)”) is a citizen of the United States, a citizen of the State of Alabama, and is over 19 years of age. At the time of the unlawful beating of Michael Smith, Defendant Gordy was employed by the ADOC as the Head Warden of Ventress. As Warden, Defendant Gordy was responsible for the operation of his assigned institution.³ These responsibilities included planning, directing, and controlling the institution.⁴ Defendant Gordy is the current Warden of Bibb Correctional Facility. Defendant Gordy is being sued in his individual capacity.
6. **Defendant JuJuan Whigham** (“Defendant Whigham”) is a citizen of the United States, a citizen of the State of Alabama, and is over 19 years of age. At the time of the unlawful beating of Michael Smith, Defendant Whigham was employed by the ADOC as a Correctional Officer at Ventress. Defendant Whigham was on duty the night of November 30, 2019, into the morning of December 1, 2019. Defendant Whigham participated in the unlawful beating of Michael Smith that forms the basis of this suit. Defendant Whigham resigned from his employment with the ADOC on January 29, 2020. Defendant Whigham is being sued in his individual capacity.
7. **Defendant Derek T. Simmons** (“Defendant Simmons”) is a citizen of the United States, a citizen of the State of Alabama, and is over 19 years of age. At the time of the unlawful beating of Michael Smith, Defendant Simmons was employed by the ADOC

³ See *id.*

⁴ See Exhibit C, *Administrative Regulation Number 018: Institutional Standard Operating Procedures*, State of Alabama Department of Corrections (Mar. 29, 2005), Available at: <http://www.doc.state.al.us/docs/AdminRegs/AR018.pdf>.

as a Sergeant at Ventress. As Sergeant, Defendant Simmons ranked higher than correctional officers. Defendant Simmons was on duty the night of November 30, 2019, into the morning of December 1, 2019. Defendant Simmons participated in the unlawful beating of Michael Smith that forms the basis of this suit. As a result of the ADOC's Intelligence and Investigations Division ("I&I") investigation into Michael Smith's death, Defendant Simmons was officially dismissed from employment with the ADOC on March 27, 2020. Defendant Simmons is being sued in his individual capacity.

8. **Defendant Dennis Brown** ("Dennis Brown") is a citizen of the United States, a citizen of the State of Alabama, and is over 19 years of age. At the time of the unlawful beating of Michael Smith, Defendant Brown was employed by the ADOC as a Correctional Officer at Ventress. Defendant Brown was on duty the night of November 30, 2019 into the morning of December 1, 2019. Defendant Brown witnessed Defendants Whigham and Simmons' unlawful attack of Michael Smith and took no steps to intervene or stop the attack. Additionally, Defendant Brown ignored Michael Smith's urgent need for medical attention which exacerbated his injuries. Defendant Brown resigned from his employment with the ADOC on May 22, 2020. Defendant Brown is being sued in his individual capacity.

9. **Defendant Dominic Whitley** ("Defendant Whitley") is a citizen of the United States, a citizen of the State of Alabama, and is over 19 years of age. At the time of the unlawful beating of Michael Smith, Defendant Whitley was employed by the ADOC as a Lieutenant at Ventress. As Lieutenant, Defendant Whitley ranked higher than correctional officers and sergeants. Defendant Whitley was on duty the night of

November 30, 2019, into the morning of December 1, 2019. Defendant Whitley witnessed Defendants Whigham and Simmons' unlawful attack of Michael Smith and took no steps to intervene or stop the unlawful attack. Additionally, Defendant Whitley ignored Michael Smith's urgent need for medical attention which exacerbated his injuries. Defendant Whitley is no longer employed by the ADOC. Defendant Whitley is being sued in his individual capacity.

JURISDICTION AND VENUE

10. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(3), 28 U.S.C. § 1343(a)(4), and 42 U.S.C. § 1988(a), as this action is intended to seek redress for a violation of the decedent's Eighth Amendment rights under the Constitution of the United States, pursuant to 42 U.S.C. § 1983.

11. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2), as a substantial part of the events and omissions that give rise to Plaintiff's claims occurred within this Court's judicial district.

FACTUAL ALLEGATIONS

I. The Unlawful Beating of Michael Smith

12. On or about November 30, 2019, at approximately 10:30 p.m., Michael Smith, an inmate at Ventress Correctional Facility, was visiting the E4 dorm when he became involved in argument with another inmate over a stolen pack of coffee.

13. Defendant Officers JuJuan Whigham, Terez Simmons, and Dennis Brown arrived and escorted each inmate involved in the argument back to their assigned dorms.

14. Instead of being escorted back to his dorm like the other inmates, Mr. Smith was escorted into the hallway of the shift office that separated the D1 and E4 dorms.
15. While in transit, the officers became agitated with Mr. Smith, and Defendant Simmons suddenly struck Smith.
16. Defendant Whigham then began beating Smith with a chair, administering violent blows to Smith's head and body until he was unresponsive.
17. Defendant Brown looked on while both Defendants Whigham and Simmons continued to beat Mr. Smith.
18. Defendant Whitley appeared in the shift office and witnessed Defendants Whigham, Simmons, and Brown surrounding Mr. Smith.
19. Defendant Whitley did not attempt to intervene or otherwise thwart the beating or seek medical treatment for Mr. Smith.
20. At some point during the brutal beating, Mr. Smith lost consciousness and fell to the floor.
21. Mr. Smith was bleeding from his head, nose, and ears.
22. The Defendants then drug Mr. Smith's unconscious and bloodied body into a nearby supply closet and continued to beat him.
23. Mr. Smith remained in the supply closet for a while until the correctional officers decided to call two "runners" to help move Mr. Smith to the infirmary.
24. Inmates Bobby Ginns and Kenneth Green, who worked as "runners" for correctional officers at Ventress, arrived to help carry Mr. Smith's body to the infirmary.

25. When Ginns and Green arrived, Defendant Brown remarked that Defendants Whigham and Simmons “just beat the man to death.” Defendant Whigham then instructed Ginns and Green to take Mr. Smith away before “I finish his ass off.”

26. Mr. Smith’s breaths were labored when Ginns and Green got to his body. Blood was also pouring from his head, nose, and mouth.

27. Ginns and Green picked up Mr. Smith’s unconscious body and carried him to the infirmary.

II. Michael Smith’s Death

28. At or around 2:00 a.m. on December 1, 2019, emergency medical services transported Mr. Smith from Ventress Correctional Facility to Dale Medical Center.

29. Because of the extent of his injuries, physicians at Dale Medical Center referred Mr. Smith to Southeast Alabama Medical Center (“SAMC”).

30. At or around 2:30 a.m., Mr. Smith arrived at SAMC.

31. At approximately 2:40 a.m., during his triage assessment, SAMC personnel described drainage of blood from Mr. Smith’s right and left ears. Mr. Smith also appeared to be bleeding from his mouth, was unresponsive, and had swelling to his left eye and left forehead.

32. Mr. Smith was admitted by Dr. Christopher Hargett who described Mr. Smith’s presenting complaint upon arrival at SAMC as stated: “Pt transferred from Dale Medical Center, for treatment of a bilateral basilar skull fractures intracranial bleed, with herniation due to a head injury, reportedly sustained by falling off top bunk, at Ventress Correctional Facility, where pt is an inmate.”

33. Mr. Smith received a computerized tomography scan (“CT scan”) of his brain. The scan showed a “6.3 mm left subdural hematoma, intraparenchymal hemorrhages within the pons and right temporoparietal region, SAH, with rightward midline shift by 5.5 mm.”
34. In addition to the multiple areas of intracranial bleeding, Mr. Smith also sustained fractures to his nose and left eye socket, and at least six of his teeth had been knocked out.
35. After reviewing the CT scans, Dr. Hargett’s professional opinion was that Mr. Smith would have a “bad outcome.”
36. Dr. Hargett spoke with Dr. Peasant from Ventress Correctional Facility who “wished to pursue the most aggressive means necessary to try and get this gentleman in any type of recovery possible.”
37. Mr. Smith was then taken into surgery for a subdural hematoma evacuation and decompression.
38. Despite the medical staff at SAMC’s best efforts, the surgery to alleviate the hematoma and hemorrhaging was unsuccessful, and Mr. Smith was transferred back to the critical care unit.
39. Mr. Smith never meaningfully recovered after the attempt to correct his extensive injuries during surgery.
40. On December 4, 2019, Mr. Smith’s physical condition continued to deteriorate.
41. Palliative Care became involved, and the medical staff team had a long conversation with Mr. Smith’s family and the prison system.

42. Mr. Smith had declined to no cough, no gag, and no corneal reflexes. They also noted that Smith was having worsening herniation and was determined to be “non-survivable.”

43. The Palliative Care service spoke with Dr. Hewitt, the medical director of Ventress. The service team informed Dr. Hewitt that Mr. Smith’s parents wished to proceed with terminal extubation, the process of withdrawing life-sustaining measures.

44. On December 4, 2019, Michael Smith was declared dead.

45. After an autopsy was performed, Michael Smith’s immediate cause of death was traumatic brain injury.

46. The autopsy report also ruled Mr. Smith’s manner of death a homicide caused by blunt force head trauma.

III. History of Widespread Abuse from Correctional Officers Employed by ADOC

A. Wrongful Death

47. On July 23, 2020, the United States Department of Justice (“DOJ”) Civil Rights Division published a report after investigating thirteen men’s prisons in the State of Alabama.⁵

48. The report concluded that “There is reasonable cause to believe that the correctional officers within the Alabama Department of Corrections (“ADOC”) frequently use excessive force on prisoners housed throughout Alabama’s prisons for men. Such violations are pursuant to a pattern or practice of resistance to the full enjoyment of

⁵ See Exhibit D.

rights secured by the Eighth Amendment. . . Given the identified pervasiveness of the uses of excessive force and the statewide application of ADOC’s use of force policies and procedures, we have reasonable cause to believe that the uses of excessive force occurring within Alabama’s prisons give rise to systemic unconstitutional conditions.”⁶

49. The report found that at least two inmates at two different ADOC facilities died following excessive uses of force within the last months of 2019.

50. In October of 2019, an inmate housed at Donaldson Correctional Facility was killed after officers used excessive force when he was no longer a threat to their safety. The inmate had to be airlifted to a hospital due to the extent of his injuries. The level of force used caused the inmate to suffer “multiple fractures to his skull, including near his nose, both eye sockets, left ear, left cheekbone, and the base of his skull, many of which caused extensive bleeding in multiple parts of his brain . . . the autopsy listed 16 separate and distinct injuries to the prisoner’s head and neck . . . and multiple fractured ribs and bleeding around a kidney.”⁷

51. The second fatality, only a short time later was of Michael Smith in December of 2019.

52. Only after these fatalities did Defendant Dunn announce the ADOC would establish a task force to mitigate such uses of force.⁸

B. Excessive Force on Restrained or Compliant Inmates

⁶ *Id.* at 1.

⁷ *Id.* at 2.

⁸ *See* Exhibit E.

53. The DOJ report also found a pattern of officers using unnecessary force on restrained or compliant inmates.
54. For example, in October of 2016, correctional officers at St. Clair tackled a handcuffed inmate to the ground and beat him with a baton and closed fists although the inmate no longer posed a threat to the officer's safety.
55. In December of 2016, an inmate at Bullock begged a lieutenant to help him after several inmates threatened to stab him. The lieutenant took the inmate to the captain's office. The inmate raised his voice to the captain but was not aggressive. Without warning, the captain grabbed the inmate's arm, and the inmate resisted. The captain shoved the inmate's head to the floor. Several officers punched the inmate in his back and choked him with a baton.
56. In March of 2017, an officer at Donaldson sprayed cell buster spray into an inmate's closed cell. Officers opened the cell and demanded that the inmate exit. The inmate could not see, so he crawled out of the cell. An officer alleged the inmate grabbed his leg as he attempted to cuff the inmate. The officer struck the inmate with a baton several times. The inmate suffered at least a dozen welts or open wounds on his back, a laceration over his eye, and a swollen hand.
57. In August of 2017, an inmate at Limestone threw a cup of what was likely urine at an officer through the tray door of his cell. The officer sprayed a chemical agent into the cell through the tray door and closed it. The inmate was handcuffed with no resistance. The officer struck the handcuffed inmate several times.

58. In September of 2017, an officer at Ventress sprayed an inmate with a chemical agent when the inmate masturbated in front of him. Officers took the inmate to the medical unit in handcuffs. The inmate began to thrash and gyrate his hips, so the officer dumped a cooler of ice and water on the inmate. The inmate continued to thrash and gyrate his hips and fell from the examination table onto the floor. One sergeant threatened to kill the inmate if he did not control his movements. While he was thrashing, the inmate hit the sergeant's boot. The sergeant kicked the inmate several times in his stomach and chest. Another sergeant struck the inmate in his genitals several times with a shoe. A nurse believed the inmate was under the influence of an illicit substance and could not control his actions.

59. In April of 2018, two inmates at Ventress were taken to healthcare after being involved in an altercation. One of the prisoners ran away on his way to restrictive housing and knocked on the door of the administration building. The inmate was cuffed by a sergeant and administrative employee. Both employees struck the inmate in his jaw as he helplessly stood handcuffed behind his back. The inmate began "bleeding profusely from his mouth."

60. In July of 2018, an inmate at Stanton, while being transported to the health care unit, taunted a correctional sergeant by sticking out his tongue. The sergeant punched the handcuffed prisoner in the face with a closed fist.

61. In December of 2018, a correctional officer at Ventress hit, kicked, and struck a handcuffed inmate with a baton in the medical unit. Four nurses could hear the beating from adjacent rooms. The nurses heard the officer yell, "I am the reaper of death, now

say my name!” One of the nurses observed the officer place his hands against the wall and his right foot on the inmate’s head, grinding the inmate’s face into the floor.

62. In February of 2019, a sergeant at Elmore punched, kicked, and struck an inmate with a collapsible baton approximately nineteen times on his head, arms, back, and body. The inmate defecated on himself. At no point did the inmate resist or pose a threat to the officer. That same officer then struck another inmate three times in the head, legs, and back. As the inmate laid helplessly on the floor, the sergeant continued to strike him in the arms, legs, and abdomen. Four ADOC employees, including a lieutenant and another sergeant, watched or were in the vicinity and failed to intervene either physically or verbally.

C. Excessive Force as Punishment or Retribution

65. In July of 2017, an officer at Kilby witnessed an inmate who worked in the prison’s kitchen give another inmate leftover chicken. The officer and a lieutenant forced the inmate to eat all the leftover chicken while they watched. When the inmate could not eat all of the leftover chicken, the officer slapped him three times.

66. In January of 2018, an officer at Staton slammed an inmate into a door and hit him three times in the face after he failed to take a stretcher to a dormitory as instructed. Before the incident, the inmate explained to the officer that he was following a captain’s prior order, so he could not take the stretcher to the dormitory.

67. In May of 2018, an inmate at St. Clair informed a captain that a sergeant had assaulted him. The sergeant punched the inmate four or five times over a confrontation about the inmate’s clothing. A body chart of the inmate showed swelling to the right side

of his nose, bruising around both of his eyes, a scrape on the left side of his nose, and a scrape on his right middle finger.

68. In October of 2018, an inmate at Ventress ran from his dormitory seeking assistance after being in an altercation with other inmates. An officer demanded that he return to his dormitory because the prison was on lockdown for inmate physicals. The inmate explained the fear for his safety and ask that he not be forced to return to the dormitory. A sergeant approached the inmate and slapped him in the face.

69. In November of 2018, an officer at Bullock instructed inmates to leave the kitchen area. One inmate did not comply and walked through the dining line for more food. Although the inmate was not violent or threatening, an officer struck him twice with a wooden baton in the arm and back.

70. The DOJ report concluded that the “Uses of force are so commonplace in Alabama’s prisons that officers, even supervisors, watch other officers brutally beating prisoners and do not intervene.”⁹

71. The report further concluded that “Uses of force happen so regularly in Alabama’s prisons that some officers appear accustomed to that level of violence and consider it normal.”¹⁰

IV. History of Widespread Abuse at Ventress Correctional Facility

⁹ See Ex. D, p. 22.

¹⁰ *Id.*

72. In addition to the instances spelled out above¹¹, the use of excessive force at Ventress is widespread amounting to a custom or policy of excessive force.

73. For example, on August 4, 2010, Rocrast Mack Jr. was beaten unconscious by a group of Ventress officers with their batons and fists. The officers took an unresponsive and handcuffed Mr. Mack to the shift office and continued to beat him. At one point, the officers slammed his head into a wall. Mr. Mack sustained fractures to his ribs, arms, legs, and skull which required treatment from multiple hospitals. Mr. Mack was declared brain dead as a result of blunt force trauma. The coroner ruled Mr. Mack's death a homicide.

74. In January of 2017, Jamie Lee Walker was attacked by guards and a Warden at Ventress. He sustained several cuts and bruises, was forced to wear a helmet to camouflage his head injuries and was kept hidden when others came to tour the prison.

75. On or about January 24, 2017, Eugene Moore was attacked by a Warden and four to five officers at Ventress. Mr. Moore had to be rushed to the emergency room.

76. On or about May 7, 2017, Officer Person sprayed Dedrick Dean with mace and left him with no treatment for 24 hours. Person also allowed another inmate to access Mr. Dean's cell and choke him.

77. On or about June 11, 2018, Sergeant Terry grabbed Mardarrius Johnson by his neck and choked him while Officer Edwards slammed Mr. Johnson against the wall.

78. In July of 2018, an officer sexually assaulted Antonio Cunningham. Mr. Cunningham was sent to the Hot Bay for reporting the assault. Mr. Cunningham refused

¹¹ Second Amended Complaint ¶¶ 58, 59, 61, and 68

another officer's offer to go to a closet to perform sexual acts, so the officer sprayed his genitals and buttocks with mace.

79. On or about September 2, 2018, an officer pushed Melissa Morgan, a transgender inmate, to the ground. The officer drug Ms. Morgan outside, shoved her into a pole, kicked her in the ribs, and stomped on her head.

80. On or about September 24, 2018, Matthew Jones was stabbed. After the stabbing, he was placed in a segregation cell and left handcuffed for several hours. When Mr. Jones was finally uncuffed, he dropped a tray of food because his hands were so shaky from being cuffed for so long. An officer slapped Mr. Jones so hard that he lost hearing in one ear for an extended period of time.

81. In November of 2018, John Ray was assaulted by a group of officers in the medical ward, causing a seizure. Other inmates protested, so the officers drug Mr. Ray by his feet to a smaller room. Mr. Ray was kept in the room for several hours, shackled and belly-chained to the bed. Mr. Ray was assaulted for several hours.

82. On May 9, 2019, Officer Patterson assaulted Rashad Donner outside the dining hall. He grabbed Mr. Donner by his throat, slammed him to the ground, struck him in the face with a baton, stomped, and kicked him. Other officers including Officers Rogers and Dennis joined the assault. Mr. Donner was beaten unconscious and had to be sent to the hospital for treatment.

83. On or about May 9, 2019, James Flair was assaulted by a Sergeant. Mr. Flair's cell flooded, and the Sergeant forced Mr. Flair's face in the two to three inches of water that had accumulated.

84. On or about July 20, 2019, James Long was assaulted by Officer Blair while walking to the dining hall. Officer Blair called Mr. Long over and slapped him repeatedly in the face.

85. In July of 2019, Jason Decker was assaulted by the Ventress Institutional PREA Compliance Manager and Officer Patton in the E-Dorm. When he asked the officers to take him to the infirmary, the Compliance Manager, an officer who is supposed to protect inmates from sexual assault, beat Mr. Decker with a baton while Officer Patton sprayed him with mace. Mr. Decker had to be hospitalized.

86. In 2019, Officer Dennis assaulted an inmate in handcuffs while transporting him from Ventress to Holman. Officer Dennis was fired after a video showed him handcuffing the man to a fence and beating him.

87. In 2019, Eddie Crout was assaulted by Sergeant Knight in the infirmary. Knight choked Mr. Crout, threatening to drag him out of the infirmary if he did not leave on his own.

88. At some time in 2018 or 2019, Brandon Lee Jackson was assaulted by four officers, including Officers Barber, Lafogg, and Smith. These officers put a handcuff on Mr. Jackson's arm and use the other end of the cuff to twist Mr. Jackson's arm behind his back. The officers kicked and stomped Mr. Jackson multiple times.

89. On or about January 29, 2020, Anthony Poe was assaulted by a group of officers including Lieutenant Whitt in the B-1 Dorm. Mr. Poe was knocked unconscious by Lieutenant Whitt, woke up, and was beaten unconscious a second time by the group.

90. On or about March 27, 2020, several officers assaulted an inmate with batons.

VI. History of Widespread Abuse from Defendants

91. The same history of widespread abuse spelled out above extends to the Defendant officers in this suit.

92. Both Defendants Whigham and Whitley had a reputation of beating inmates at Ventress.

93. For example, Defendant Whitley was known to take inmates to areas out of range of cameras, in areas such as the barber shop, to unlawfully and brutally attack them.

94. Inmates also reported that Whigham had beaten an inmate in F Dorm prior to Michael Smith's death.

95. In 2008, a Sergeant at Bullock Correctional Facility witnessed Defendant Whitley kicking and hitting an inmate with a baton. The inmate was balled up in a knot, lying on the floor. After investigation, the ADOC Commissioner determined that Whitley used excessive force because the inmate was not resisting.

96. Additionally, in early 2016, Randall McCants was assaulted by Officer McMillan. Officer McMillan handcuffed the inmate, slammed him to the floor, and repeatedly struck him with a baton. Lieutenant Whitley and another officer were present during the assault and did nothing to stop Officer McMillan from the unlawful attack.

VII. ADOC and Supervising Defendants Routinely Fail to Discipline and Report Correctional Officers' Unlawful Behavior.

97. ADOC and Supervising Defendants' most consistent response to widespread violence by correctional officers is to retain, and even promote, the very officers who subject inmates to unconstitutional uses of force.

98. ADOC and Supervising Defendants rarely suspends or dismisses correctional officers for uses of unwarranted excessive force. Between 2016 and 2017, the ADOC only considered suspending or dismissing one employee for use of excessive force.

99. ADOC and Supervising Defendants provided limited documentation as to how it disciplined officers who used excessive force. Documentation stated that "corrective actions" were taken without specifying what those corrections were. The DOJ report explained those actions could have included "minor forms of discipline" such as counseling, warnings, and written reprimands.

100. ADOC and Supervising Defendants witnessed excessive force that warranted serious forms of discipline, but the DOJ report found numerous instances where no such form of discipline was imposed.

VIII. ADOC Has a Custom of Retaining, Promoting, and Rotating Wardens Through Facilities Who Ignore and/or Condone Violence and Abuse.

101. ADOC and Supervising Defendants' other consistent response to such widespread abuse is to rotate head Wardens to different facilities.

102. Ventress had four different Wardens in charge of Ventress between 2018 and 2020.

103. On or about February of 2018, Karla Jones was the Warden at Ventress. Within five months, Jones left Ventress. By July of 2018, Jones was the Warden of St. Clair

Correctional Facility. Jones was Warden at Donaldson in November of 2019 she left returned as Warden by the end of October of 2020.

104. On or about June of 2019, Gwendolyn Givens was the Warden at Ventress. Within a few months, Givens left Ventress. Givens was the Warden at Donaldson in November of 2019 into the beginning of 2020. Givens left Donaldson for some time and is now currently the Warden at Donaldson Correctional Facility.

105. Defendant Christopher Gordy was the Warden at Donaldson from mid-2018 until mid-2019. On or about November of 2019, Defendant Christopher Gordy was the Warden at Ventress. Defendant Gordy left Ventress on or around August of 2020. Defendant Gordy is currently the Warden at Staton Correctional Facility.

106. ADOC and Supervising Defendants' custom or policy of frequently transitioning Wardens to and from Ventress led to increased instances of excessive force and overall violence.

V. The Unlawful Beating and Subsequent Death of Michael Smith Was a Manifestation of ADOC and Supervising Defendants' Deliberate Indifference to Inmates.

107. To establish deliberate indifference, "plaintiffs must show that defendants had subjective knowledge of the harm or risk of harm, and disregarded it or failed to act reasonably to alleviate it."¹² The defendant's subjective knowledge of such risk "can be determined based on circumstantial evidence, including the very fact that the risk was

¹² See *Braggs v. Dunn*, 257 F. Supp. 3d 1171, 1250 (M. D. Ala. 2017) (quoting *Thomas v. Bryant*, 614 F.3d 1288, 1312 (11th Cir. 2010)).

obvious.”¹³ If such a risk was “longstanding, pervasive, well-documented, or expressly noted by prison officials in the past, and the circumstances suggest that the defendant-official being sued had been exposed to information concerning the risk and thus ‘must have known’ about, such evidence permits a trier of fact to conclude that the officials had actual knowledge of the risk.”¹⁴

CAUSES OF ACTION

FEDERAL CLAIMS

COUNT I – VIOLATION OF 42 U.S.C. § 1983 Excessive Force Against Defendants Whigham and Simmons

108. Plaintiff incorporates by reference paragraphs 1, 6-7, and 10-46.

109. This Count applies only to Defendants Whigham and Simmons.

110. As correctional officers employed by the ADOC, Defendants Whigham and Simmons had a duty to ensure the safety of inmates in custody of the ADOC.

111. As described more fully herein, Defendant Officers Whigham and Simmons used unnecessary and unlawful force against Mr. Smith when they beat him unconscious, drug him to a supply closet, and continued to beat him for some time. That use of force was unreasonable in light of the facts and circumstances present at the time the force was used.

112. Defendants intentionally used extreme and excessive cruelty toward Mr. Smith for the purpose of causing harm.

¹³ *Id.* at 1251. (quoting *Farmer v. Brennan*, 511 U.S. 825, 837 (1994)) (internal quotations omitted).

¹⁴ *Id.*

113. Defendants knew that using such force presented a substantial risk of harm to Mr. Smith, but they recklessly disregarded that risk and Mr. Smith's safety and well-being by subjecting him to unlawful, unnecessary, and excessive force.

114. The use of force by these Defendants was unreasonable in light of all circumstances present during the encounter.

115. As a result of this unjustified and unconstitutional use of force by these Defendants, Mr. Smith experienced substantial injuries and soon after succumbed to those injuries.

116. Defendants Whigham and Simmons each negligently, wantonly, willfully, and wrongfully assaulted Mr. Smith.

117. The assaults by these Defendants were so brutal that they directly and proximately caused Mr. Smith's death.

118. The force exercised by these Defendants amounted to a clear violation of Mr. Smith's constitutionally protected right to be free from cruel and unusual punishment.

COUNT II – VIOLATION OF 42 U.S.C. § 1983
Failure to Intervene
Against Defendants Brown and Whitley

119. Plaintiff incorporates by reference paragraphs 1 and 8-46.

120. This Count applies only to Defendants Brown and Whitley.

121. As a correctional officer, Defendant Brown was responsible for ensuring safety in the facilities, including that of the inmates.

122. As a lieutenant, Defendant Whitley was also responsible for ensuring safety. Defendant Whitley also acted as a superior to the other officers involved in this action.

123. As described more fully above, each of the Defendants had a duty to prevent the violation of Mr. Smith's constitutional rights and failed to do so.

124. Moreover, each Defendant had a reasonable opportunity to prevent the violation of Mr. Smith's constitutional rights and failed to do so.

125. During the brutal assault of Mr. Smith, Defendants Brown and Whitley had a reasonable opportunity to stop the beating of Mr. Smith and avoid any further injury to his person.

126. By failing to take any action to stop the beating, Defendants Brown and Whitley were deliberately indifferent to such use of force.

127. As a result of Defendants' failure to intervene, Mr. Smith experienced substantial physical injuries and death.

128. The misconduct described in this Count was objectively unreasonable and was made with malice, willfulness, and/or deliberate indifference to Mr. Smith's constitutional rights.

129. Defendants' misconduct directly and proximately caused Mr. Smith's death.

COUNT III – VIOLATION OF 42 U.S.C. § 1983
Deliberate Indifference to Serious Medical
Needs and Treatment
Against Defendants Whigham, Simmons, Brown, and Whitley

130. Plaintiff reincorporates by reference paragraphs 1 and 6-46.

131. This Count applies only to Defendants Whigham, Simmons, Brown, and Whitley.

132. As described more fully above, Mr. Smith had an objectively serious medical need as he bled from various orifices of his body.

133. Each of the Defendants had notice of the seriousness of Mr. Smith's medical needs and the risk of harm he faced if he did not receive immediate medical care.

134. Despite such knowledge, Defendants unreasonably delayed Mr. Smith's medical care.

135. After the initial beating in the hallway, Defendants Whigham and Simmons drug Mr. Smith to a nearby supply and continued the brutal assault.

136. As Defendants Whigham and Simmons continued beating Mr. Smith, Defendants Brown and Whitley looked on without seeking any medical treatment.

137. This unreasonable delay in medical treatment exacerbated Mr. Smith's injuries and eliminated any chance Mr. Smith had at a meaningful recovery.

138. The Defendants misconduct described in this Count was objectively unreasonable and were done intentionally, with malice, and/or with reckless indifference to Mr. Smith's constitutional rights.

COUNT IV: VIOLATION OF 42 U.S.C. § 1983
Supervisory Liability
Against Defendants Dunn, Daniels, Brand, Gordy, and Whitley

139. Plaintiff incorporates by reference paragraphs 1-5 and 9-107.

140. As Commissioner of the ADOC who was responsible for the supervision and control of prisons in the State of Alabama, Defendant Dunn knew of the history of widespread abuse at Ventress and failed to take any corrective action to minimize such uses of force.

141. As Associate Commissioner for Operations who was responsible for ensuring safety at Ventress, Defendant Daniels knew of the history of widespread abuse at Ventress and failed to take any corrective action to minimize such uses of force.

142. As Associate Commissioner for Administrative Services, Defendant Brand who was responsible for training the workforce. Defendant Brand knew that further training was necessary to prevent further uses of excessive force but failed to implement such training prior to Mr. Smith's death.

143. As Head Warden who was responsible for the daily operations and control of Ventress, Defendant Gordy knew of the history of widespread abuse at Ventress and failed to take any corrective action to minimize such uses of force.

144. As Lieutenant who was responsible for safety on his shifts, Defendant Whitley knew of the history of widespread abuse at Ventress. In fact, Defendant Whitley participated in the widespread abuse.

145. Defendants Supervisors' failure to supervise and control such uses of excessive force subjected inmates, like Mr. Smith, to a substantial risk of serious harm.

146. Despite Defendants Supervisors' affirmative duty to ensure safety at Ventress, each Defendant failed to do so, thereby ratifying such abuse.

147. Defendants Supervisors' failure to take timely corrective action proximately caused Mr. Smith's death.

148. As described more fully above, each of the Defendants had a duty to prevent the violation of Mr. Smith's constitutional rights and failed to do so.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests the entry of judgment against Defendants, jointly and severally, pursuant to an order awarding:

- a. Nominal and compensatory damages in an amount to be determined by a jury;
- b. Punitive damages in an amount to be determined by a jury;
- c. Damages related to pain and suffering in an amount to be determined by a jury;
- d. Reasonable attorney's fees and costs; and
- e. Any other monetary and/or equitable relief that this Honorable Court might deem just.

JURY DEMAND

Plaintiffs respectfully request a trial by jury.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November 2025, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will serve a copy of the same upon all CM/ECF registrants. I further certify that I have mailed the foregoing via Certified Mail to those parties who does not receive such notifications at the following:

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