

Lawsuit filed in alleged jail beating

By Matt Shrum
Herald Banner Staff

The former Hunt County Jail inmate whose alleged beating resulted in the indictment of a jailer last year has filed a federal civil rights lawsuit against the county.

Don A. Tittle, the attorney for Kenneth Mack Melvin, filed the lawsuit in Dallas with U.S. District Judge Jorge Solis July 20.

The suit names as defendants Fred McManus, Glen Neal Hales, Robby D. Stevens, Mike Shackleford, Hunt County Sheriff Bobby Young and Hunt County.

A Hunt County grand jury on Nov. 10, 1993, indicted McManus on one count of violation of the civil rights of a prisoner and one count of official oppression.

Hales and Stevens also were indicted on charges not related to the allegations in the federal civil rights lawsuit.

The grand jury investigation was under the direction of the Texas Attorney General's Office.

According to the indictment, on, or about July 23, 1992, McManus, while employed as a jailer, and knowing his conduct was unlawful, intentionally subjected Melvin, who was in custody, to bodily injury by ordering his physical beating.

Violation of the civil rights of a prisoner is a third degree felony, punishable by two to 10 years in prison and a \$10,000 fine and official oppression is a Class A misdemeanor punishable by one year in jail and a \$3,000 fine.

According to the lawsuit, Melvin

was arrested on or about July 23, 1992, for investigation of driving while intoxicated and investigation of driving with a suspended license by a law enforcement officer employed by the Department of Public Safety.

Melvin was transported to the county jail by Shackleford. During the time he was booked into jail, he was being harassed by various jailers, he claims. It was during this time period the McManus, the chief jailer, ordered at least one inmate and several deputy sheriffs to physically beat Melvin, the suit alleges.

The suit charges that Hales, Stevens and Shackleford were actively involved in the beating of Melvin and then conspired to cover up the unlawful beating by each charging Melvin with aggravated assault on a peace officer.

Melvin entered a plea of guilty to one count of aggravated assault of a peace officer on May 25, 1993, and was sentenced to 11 years in prison. According to the suit he agreed to do so only because Hales, Stevens and Shackleford were prepared to testify falsely against him.

The suit also claims Melvin feared the plea bargain was the only way he could avoid further beatings by the defendants.

"As a result of their concerted unlawful action, malicious physical abuse, and the false arrest of plaintiff, defendants McManus, Hales, Stevens and Shackleford deprived plaintiff of his right to equal protection of the laws and impeded the due course of justice, in violation of the Fifth and

See Lawsuit/Page A2

Community

Lawsuit

Continued From Page 1

Fourteenth Amendment of the Constitution of the United States," the suit claims.

Young and the county, according to the suit, negligently failed to instruct, supervise, control and discipline on a continuing basis the defendant deputy sheriff's and further claims Young had actual knowledge that deputy sheriffs including the defendants, have previously and persistently committed the acts charged in the suit.

The suit claims Young and the county, directly, or indirectly, under color of law, approved or ratified the unlawful, deliberate, malicious, reckless and wanton conduct of the other defendants.

Stevens resigned from the sheriffs department April 29, 1993, and Hales was fired June 10, 1993, during what

was later discovered to be an internal investigation into allegations by female inmates at the jail of jailers providing outside food or drugs for sex.

Stevens eventually was indicted on four counts of official oppression and one indictment with three counts of prohibited substance in a correctional facility.

Hales was indicted with one charge of tampering with a witness and one indictment with two counts of public lewdness and two counts of official oppression.

McManus and Hales each are scheduled for trial Oct. 3.

Stevens accepted a plea bargain March 28 that did not require any prison time. In exchange for entering a guilty plea, he was sentenced to 10 years deferred probation, ordered to pay a \$3,500 fine and do 300 hours of community service.

Shackleford had never been associated with the investigation into the sheriffs department last year by the Texas Attorney General's Office.

Tittle said he is still investigating the case and filed the lawsuit only days before the two-year time limit would have run out. He said they have yet to determine the amount of damages they will request.

The case could have been filed in state district court or federal court, according to Tittle. He chose the federal court because he believed it would be best to move the case out of Hunt County.

Melvin filed a motion claiming he is being held unlawfully and unconstitutionally, which will be heard Aug. 8, according to Tittle.

"There are thousands of these motions filed every year and just dismissed," Tittle said.

In this case though, the appeals

court ordered the trial court to conduct a hearing to make determinations, including if there was an investigation going on against his accusers that Melvin had a right to know about, according to Tittle.

Hunt County Attorney Peter Morgan said the lawsuit has been forwarded to the county's insurance agency and that it would assign an attorney and eventually would respond to the suit. As of Wednesday, it had not responded.

Jeff Thomas, the lawyer for McManus in the criminal charges and his personal council, said he was happy to see the time frame laid out by the lawsuit.

Thomas said the time frame shows it occurred two or three hours before McManus came on duty.

"This is the first indication we have received of a time frame," Thomas said.