IN THE UNITED STATES DISCTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Angela Hammond and Paul Hammond, As Co-Personal Representatives of the Estate of Zachary Hammond, Plaintiff, vs. City of Seneca Police Department, Mark Tiller and John Covington, Defendants.	)	**COMPLAINT** **(Jury Trial Demanded)**

INTRODUCTION

"I'll blow your **F**#&&*#@ head off," were the last words heard by Zachary Hammond as Lt. Mark Tiller of the Seneca Police Department yelled into the open driver's side window of Zachary's 2002 Silver Honda Civic in the parking lot of a Hardee's restaurant on July 26, 2015. In stunned disbelief after the first shot, Zachary turned towards his date, Tori Morton, and stared at her when the second and fatal shots rang out from Lt. Tiller's handgun and struck Zachary. The first shot struck Zachary on the left rear shoulder and lodged beneath his collar bone. The second shot entered his left-side rib cage through the flank and tore through his heart, lungs and ribs before exiting through the front right side of his chest. "Shots fired, shots fired," was the call that issued throughout the Seneca Police Department after Zachary was struck down.

Other officers of the Seneca Police Department moved in quickly to assist. "Where's the gun?!" one of the officer's queried. There was no gun. There was never a gun. As Lt. Tiller opened the driver's side door of the Honda Civic and pulled Zachary's barely 19 year old 121 lb. lifeless frame out of the car and onto the ground, he did not even know the identity of his victim.

After Zachary's body was on the ground, Lt. Tiller proceeded to the trunk of his patrol car, removed something from the vehicle that fit into the palm of his hand and returned to Zachary's body. Lt. Tiller then rolled Zachary's body and placed an item on or about his person, and then rolled his body back to its original position on the ground. Thereafter Zachary's body was left uncovered and unprotected on the ground for almost ninety minutes to be ravaged by ants while the crime scene was being processed. As other Seneca Police Department officers arrived, they either consoled Lt. Tiller or celebrated with him. Officer Anthony Moon, and perhaps others, raised Zachary's lifeless hand and gave Zachary's dead body a celebratory "high five".

It may be true that Tori Morton was in possession of a small amount of marijuana and was so charged. It is also alleged that a tiny envelope containing a white powdery substance was also "found" in Zachary's pocket, although the envelope is not reported in the multiple police incident reports released to date. At worst, and assuming that the envelope was not placed on his person, Zachary was in simple possession of drugs. For his offense, he was tried, convicted and executed by Lt. Mark Tiller, a misguided and improperly trained Seneca Police Department law enforcement officer, at approximately 8:20 pm in the parking lot of a Hardee's restaurant on July 26, 2015.

PARTIES AND JURISDICTION

1. Angela Hammond is a citizen and resident of Oconee County, South Carolina, and brings this action in her capacity as a Co-Personal Representative of the Estate of Zachary Hammond, her deceased son.

2. Paul Hammond is a citizen and resident of Oconee County, South Carolina, and brings this action in her capacity as a Co-Personal Representative of the Estate of Zachary Hammond, his deceased son.

3. Upon information and belief, the City of Seneca Police Department ("Seneca Police") is a political subdivision of the City of Seneca and, as such, is a political subdivision of the State of South Carolina.

4. Upon information and belief, Defendant Mark Tiller ("Tiller" or "Lt. Tiller") is a citizen and resident of Oconee County, South Carolina, who at all times relevant hereto, was acting under the color of state law in his capacity as an officer of the Seneca Police.

5. Upon information and belief, Defendant John Covington ("Covington" or "Chief Covington") is a citizen and resident of Oconee County, South Carolina, who at all times relevant hereto, was acting under the color of state law in his capacity as the Chief of the Seneca Police.

6. This acts complained of herein are actionable pursuant to the United States Code of Laws, Section 42 USC 1983. As a result, this court has original jurisdiction pursuant to 28 USC 1331.

7. In addition to those claims arising herein under 42 USC 1983, there are additional state law claims which are so related to the federal claims that they form part of the same case or controversy. As a result, this court has supplemental jurisdiction over the related state law claims pursuant to 28 USC 1367.

8. Venue is proper in this district as the acts and losses which formed the basis of this action occurred within this district.

FACTUAL BACKGROUND

9. On July 26, 2015, Zachary Hammond ("Zachary") picked up Tori Morton ("Tori") in his 2001 Honda Civic. Zachary and Tori were on a date.

10. Zachary had just turned 19 years old and weighed a slender 121 pounds.

11. The couple first went to a McDonald's restaurant in Seneca because Tori wanted a chocolate dipped ice-cream cone.

12. As they drove through the City of Seneca, the ice cream was melting faster than Tori could eat it. Tori wanted a paper towel. Zachary wanted a hamburger.

13. At or about 8:10 P.M., Zachary pulled his automobile into Hardee's where he intended to buy a hamburger and to get some napkins for Tori.

14. Unbeknownst to Zachary and upon information and belief, the Seneca Police were acting on a tip from a confidential informant and had interest in Tori for possible drug trafficking.

15. Tori's prior criminal record was not significant. Her only prior run in with the law in Oconee County came on May 30, 2012, when she was cited on a traffic violation for not safely restraining a child passenger in her car. It was a magistrate's court offense for which she pled guilty and paid a $155.00 fine in the Walhalla Magistrate's Court. In Pickens County where Tori resided at the time she had a traffic violation in 2009, she pleaded guilty in traffic court to driving a vehicle at a greater speed than is reasonable under conditions and paid a fine of $50.00. The only other time Tori was arrested was in Greenville County in 2013 and thereafter charged with shoplifting and possession of drug paraphernalia. She was found guilty on both charges and given time served.

16. The Seneca Police had positioned one or more officers at Hardee's for the purpose of conducting a drug sting against Tori.

17. Zachary was unknown to the Seneca PD for purposes of this supposed "sting" and was admitted not to have been the target that night.

18. As Zachary rounded the rear of the Hardee's restaurant, he did not know that at least one Seneca Police vehicle was parked in the rear parking lot awaiting the car's arrival.

19. Upon information and belief, the Seneca Police intended to blockade Zachary's vehicle in the rear of the Hardee's parking lot to prevent the car from exiting.

20. As Zachary was driving around the rear of the Hardee's restaurant and was in the process of parking, at least two Seneca Police vehicles quickly moved into position. One vehicle entered the Hardee's restaurant through the exit lane with its lights flashing to confront Zachary's vehicle directly as it made its way around the building, while the other approached Zachary's vehicle from the rear.

21. After trapping Zachary's vehicle, Lt. Tiller ran toward Zachary's car screaming with his handgun drawn.

22. Zachary was unarmed.

23. Tori was unarmed.

24. Zachary presented no risk of harm to Lt. Tiller or to the undercover officer who had approached the passenger side at the same position and also had his gun drawn.

25. Lt. Tiller approached Zachary's vehicle from the rear driver's side.

26. The driver's side window of Zachary's vehicle was open as Lt. Tiller approached.

27. Lt. Tiller yelled, "I'll blow your f#@*&^%@ head off," as he quickly approached Zachary's vehicle.

28. Zachary turned towards Tori. The two were holding hands.

29. Zachary then took his hand and attempted to put his car in "Park" with the shifter on the front floor.

30. Zachary was frightened.

31. Zachary took no action that could reasonably be perceived as threatening toward Lt. Tiller.

32. Zachary did not drive his vehicle at Lt. Tiller.

33. Zachary did not reverse his vehicle toward Lt. Tiller.

34. Zachary did not attempt to flee in his vehicle.

35. Zachary's vehicle did not represent a risk of harm to the general public.

36. There was no arrest warrant for a major crime (there was an outstanding magistrate court bench warrant for a minor littering offense), search warrant or amber alert issued against Zachary or Tori, and no one's life in the automobile was in danger.

37. In fact, the officers did not know how many individuals were in the automobile at the time.

38. Within seconds, Lt. Tiller fired two shots in succession into Zachary's open driver's side window. Both shots struck Zachary.

39. At the time Lt. Tiller fired two shots into Zachary's open driver's side window, Zachary's vehicle posed no risk of harm to Lt. Tiller.

40. At no time after entering the Hardee's parking lot did Zachary's car pose a risk to Lt. Tiller, to the undercover officer or to the other invitees at Hardee's.

41. At the time Lt. Tiller fired two shots into Zachary's open driver's side window, Zachary's vehicle posed no risk of harm to the general public.

42. Lt. Tiller's first shot struck Zachary on the left rear shoulder and lodged beneath his collar bone.

43. The shot was fired from the back.

44. Lt. Tiller's second shot entered Zachary's left side rib cage through the flank and tore through his heart and lungs before exiting through the front right side of his chest.

45. The bullet lodged within inches of Tori's back in the backrest of the right front passenger seat.

46. Tori watched Zachary get shot twice and die next to her.

47. An officer on the scene radioed that "shots had been fired". Other officers with the Seneca Police Department quickly responded.

48. Lt. Tiller opened the driver's side door and pulled Zachary's body out of the car and threw him to the ground.

49. Tori was pulled out of the vehicle through the passenger side door by another officer with the Seneca Police Department.

50. After being roughly pushed to the ground and pinned to the ground by the knee of the undercover officer, Tori watched Zachary's lifeless body staring back at her from underneath the vehicle as she was being handcuffed.

51. According to an eyewitness, after killing Zachary, Lt. Tiller walked to the back of his patrol vehicle, opened the trunk and removed something from it.

52. Lt. Tiller returned to Zachary's body, rolled his body over and placed something on or about his person and rolled the body back over to its original position.

53. Lt. Tiller did not know the identity of the person he had shot.

54. No other officer at the scene knew Zachary's identity.

55. Zachary did not have any identification with him.

56. Tori was asked by the Coroner Karl Addis, who had arrived on the scene, to identify the victim.

57. Zachary's body was left uncovered and unprotected on the asphalt in the Hardee's parking lot for approximately ninety minutes during the investigation that followed the shooting. His body was ravaged by ants.

58. Immediately following the shooting, an officer with the Seneca Police Department asked, "Where's the gun?"

59. The Honda Civic was searched for weapons. None were found. There was no gun. There was never a gun.

60. Upon information and belief, the Seneca Police Department was operating through a confidential informant who told them that Tori intended to engage in a drug transaction in the Hardee's parking lot.

61. If in fact the Seneca Police Department was operating under the belief that a drug transaction was about to occur in the Hardee's parking lot, they did not even wait to observe the transaction before moving in with guns drawn. No sale or purchase of drugs took place.

62. After Zachary was killed, the Honda Civic was searched for drugs. Upon information and belief, a small amount of marijuana was found on or about Tori's person.

63. Tori was issued a magistrate court citation for simple possession of marijuana in an amount that was not more than a small personal consumption amount.

64. A small envelope containing a white substance was alleged to have been "found" in Zachary's pants pocket as set forth in Tiller's attorney's August 7, 2015 press release, although none of the multiple police incident reports issued by the Seneca PD to date identify the same.

65. At worst, and assuming that the envelope contained drugs that were not placed on Zachary's person, Zachary would have been in simple possession of narcotics.

66. As other officers with the Seneca Police Department arrived at the scene, they celebrated the shooting with Lt. Tiller.

67. Officer Anthony Moon admitted that he lifted Zachary's lifeless hand and gave him a celebratory "high five" in front of the other officers.

68. As other officers with the Seneca Police Department arrived at the scene, they consoled Lt. Tiller.

69. Upon information and belief, rather than retaining his firearm in his holster as he waited for SLED to arrive and process the crime scene, Lt. Tiller's firearm was circulated among the Seneca Police officers on scene.

70. Following the shooting, the Seneca Police Department made a number of public statements about the events of July 26, 2015 through its chief, Defendant John Covington.

71. On July 27, 2015, Chief Covington was quoted by the Bluffton Today as having said that an undercover officer arranged to buy drugs from a woman passenger in Hammond's car and that Hammond was shot twice **in the chest** after **accelerating toward the officer**.

72. On July 27, 2015, Chief Covington told the Independent Mail that "the officer who shot Hammond was in uniform, assisting an undercover narcotics investigation, and felt threatened when **Hammond's car was aimed at him**."

73. On July 27, 2015, Chief Covington told Fox Carolina News that Lt. Tiller "fired two shots in self-defense."

74. On July 28, 2015, Chief Covington told the Greenville News that Zachary's car was turning toward Lt. Tiller and that Lt. Tiller was in the car's path when he fired through the driver's side window to keep the car from hitting him as it approached from an angle. Chief

Covington further said that, **"the car was still coming at [Lt. Tiller]" when the shots were fired.**

75. On July 29, 2015, Chief Covington told The Upstate Today/The Journal "...**the car swerved quickly**…..it [all] happened in three seconds".

76. Chief Covington reported to the State Newspaper that an undercover officer pulled up beside Hammond's car to buy the drugs and the officer in uniform was coming up to help with any arrests when Hammond drove his car "toward the lawman."

77. Chief Covington told WSAV News that an undercover officer arranged to buy drugs from a woman passenger in Hammond's vehicle and that Hammond was shot twice in the chest after "accelerating toward the officer."

78. On July 29, 2015, Chief Covington told the Post and Courier that "[i]t is rather difficult to articulate, but **the officer was more to the driver's side of the car than the front with the wheels turned sharply and accelerating towards him**."

79. On July 31, 2015, Chief Covington told Greenville Online that Zachary "was not shot from behind."

80. On August 7, 2015, Lt. Tiller[1] issued a press release through his legal counsel in which he stated in part that after ordering Zachary to show his hands:

- "Mr. Hammond rapidly reversed his vehicle toward Lieutenant Tiller's patrol vehicle. Mr. Hammond then rapidly accelerated in the direction of Lieutenant Tiller, forcing the lieutenant to push off of Mr. Hammond's car to keep from being struck and run over. In order to stop the continuing threat to himself

[1] It was only after intense protests from the Hammonds and the media that Chief Covington and Solicitor Chrissy Adams finally relented and released the name of Mark Tiller as the police officer who shot and killed Zachary. Prior to that date, Chief Covington refused to release Tiller's name and offensively justifying the refusal by referring to him as a "victim of attempted murder."

> and the general public, two shots were fired by Lieutenant Tiller in quick succession. **If not for Lieutenant Tiller's quick reflexes and his ability to push off of the car, Lieutenant Tiller would have easily been run over by Mr. Hammond**."

81. According to Lt. Tiller, at the time the shots were fired, Zachary's vehicle had first reversed toward the patrol vehicle and then rapidly accelerated toward Lt. Tiller. Prior to this date, Chief Covington had never publicly stated to the media in his many statements that Zachary's vehicle had first reversed when approached by Lt. Tiller with his gun drawn.

82. According to Lt. Tiller, Zachary's vehicle was accelerating toward him at the time the shots were fired.

83. Lt. Tiller's attorney's statement admits and confirms that he had time to reflect as to whether to shoot or not shoot before he discharged his drawn weapon and further that he took several seconds to right himself, be able to raise his weapon, to aim and then discharge his weapon at Zachary.

84. According to Chief Covington, it was "common practice" and the adopted and accepted policy of the Seneca Police Department for his police officers to "approach the car with guns drawn" when involved in a drug stop and/or arrests.

85. Because the Seneca PD had the reckless and unsafe policy for its officers to come with guns drawn, Lt. Tiller escalated a routine drug stop into an officer involved shooting.

86. Lt. Tiller shot Zachary through an open driver's side window at a downward angle and at point blank range from behind.

87. Lt. Tiller did not shoot Zachary from the front of the vehicle.

88. Lt. Tiller shot Zachary from the back and the side of the vehicle.

89. At the time of the shooting, Zachary's vehicle presented no risk of harm to anyone present or to the general public.

90. At the time of the shooting, if the car was indeed accelerating, Lt. Tiller breached national police protocol by shooting into a moving vehicle without just cause.

91. Without the requisite probable cause, without the requisite threat of weapons and without due process of law, Lt. Tiller used excessive and deadly force in depriving Zachary Hammond of his liberty, due process and the rest of his life on July 26, 2015.

For a First Cause of Action
As Against Defendants Tiller and Covington
42 U.S.C. § 1983

92. The paragraphs set forth above are incorporated herein as if realleged and restated in full verbatim.

93. On July 26, 2015, Lt. Tiller and Chief Covington were employed by the Seneca Police Department and as such were acting under the color of State law in the performance of their law enforcement duties.

94. Upon information and belief, Chief Covington was aware that his department, and specifically Lt. Tiller, would be engaged in a drug sting operation on July 26, 2015, and authorized the operation to take place.

95. While cloaked with State law and with the express authorization of Chief Covington, on July 26, 2015, Lt. Tiller used deadly and excessive force by shooting and killing Zachary Hammond in the Hardee's parking lot in Seneca, South Carolina.

96. Lt. Tiller and Chief Covington denied Zachary Hammond his rights to life and liberty without due process of law.

97. As a direct and proximate result, Zachary Hammond was shot in the rear left shoulder and left rib cage through the flank. Zachary experienced severe pain and suffering and extreme emotional distress after being shot and until the time of his death.

98. As a further direct and proximate result, the heirs of Zachary Hammond have suffered and will continue to suffer from the grief, shock, wounded feelings and mourning as a result of having lost their loved one, all of which feelings and losses are amplified given the terrible manner in which Zachary Hammond was killed.

99. The Plaintiffs are entitled to and pray for an award of damages for the conscious pain and suffering experienced by Zachary Hammond, an award of damages for the grief, shock, wounded feelings and mourning experienced by Zachary's heirs as a result of having lost their loved one and an award of punitive damages in an amount deemed sufficient by a jury to impress upon the Defendants the seriousness of their conduct and to deter such similar conduct in the future.

For a Second Cause of Action
As Against Defendant Seneca Police
Negligent Hiring, Training and Supervision

100. The paragraphs set forth above are incorporated herein as if realleged and restated in full verbatim.

101. At all times relevant hereto, Defendant Seneca Police owed a duty to the public, and specifically to Zachary Hammond, to exercise reasonable care in the hiring, training and supervision of its officers.

102. Seneca Police promulgated a number of policies and procedures known as General Orders ("GO") and had a duty to train and supervise their officers, including specifically Lt. Tiller, in the application of its GOs.

103. A number of the Seneca Police GOs are applicable to the shooting which occurred in the Hardee's parking lot on July 26, 2015, including but not limited to some or all of the following:

a. GO 174: If in fact Lt. Tiller believed that Zachary was attempting to flee in his vehicle, which Plaintiffs deny, then if properly trained and supervised, GO 174 would have instructed Tiller that: "Officers shall not discharge a firearm at or from a moving vehicle except in self-defense, or defense of another, when the suspect is using deadly force" and that the Seneca Police policy regarding the use of deadly force "must be strictly followed."

b. GO 176: If properly trained and supervised, GO 176 would have instructed Lt. Tiller that firearms and deadly force are only authorized: a) "in the defense of a citizen or an officer to prevent serious bodily harm"; or b) "against persons seeking to escape or avoid custody that have committed felony crimes involving the use, or threatened use, of deadly force against another person." GO 176 would have further informed Lt. Tiller that deadly force should not be used in situations involving "misdemeanors or civil infractions;

c. GO 177: If properly trained and supervised, GO 177 would have instructed Lt. Tiller that if an individual had been struck by rounds fired, it was his duty to "render first aid when appropriate." GO 177 would have further instructed Tiller and all officers involved that they were to "prepare a sworn statement which completely and accurately sets forth all circumstances surrounding the incident" and that the "Use of Force Report and sworn statements are to be completed

whenever officer's actions result in, or are alleged to have resulted in, injury or death of another person."

d. GO 180: If properly trained and supervised, GO 180 would have instructed Tiller that he could only use deadly force "when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of great bodily harm." In making this assessment, GO 180 would have informed Tiller that in order to use deadly force on Zachary, he would have to determine that Zachary:

   i. Had the "ability" to cause great bodily harm or death – Zachary was an unarmed, 121 lb., 19 year old suspect;

   ii. Had the "opportunity" to cause great bodily harm or death – Zachary was operating his 2001 Honda Civic in a Hardee's parking lot; and

   iii. Had placed Tiller in "jeopardy" by making an "overt, threatening move or gesture that could cause great bodily harm or death" – Zachary was shot through an open driver's side window from the left rear of Zachary's vehicle.

e. GO 180: If properly trained and supervised, GO 180 would have further instructed Lt. Tiller on the "use of control continuum," through which lethal force is only appropriate if the officer has failed to gain control of a situation through a) "officer presence," b) "verbal directions / commands," c) "empty hand control, pepper spray, Taser," or d) "hard empty hand/ASP Baton."

f. GO 181: If properly trained and supervised, GO 181 would have instructed Lt. Tiller that "deadly force may not be used solely to prevent escape or make an arrest for either a non-violent felony or a misdemeanor offense."

g. GO 182: If properly trained and supervised, GO 182 would have instructed Lt. Tiller that "where an officer discharges his/her weapon in a deadly force situation, or where an outside agency (SLED) is to investigate, the firearm is to stay in that officer's holster until it is requested by said investigating agency."

h. The Seneca Police improperly trained Lt. Tiller that it was the policy of the department that officers are to approach suspects in alleged drug offenses or auto stops with guns drawn. Such policy was unsafe, reckless and causes an immediate escalation of a routine drug stop.

104. Upon information and belief, before hiring Lt. Tiller, he had been employed by and moved through several other police agencies.

105. In hiring Tiller, the Seneca Police had a duty to investigate his background thoroughly to ensure his fitness to serve as a police officer, as well as a duty to ensure that Tiller was familiar with both the general standards of care expected of police officers and the GOs promulgated by the Seneca Police.

106. Furthermore, the Seneca Police had a duty after hiring Tiller to take appropriate corrective action if and when Tiller violated police policies and protocol and to document his employment file accordingly.

107. On August 7, 2015, Chief Covington released to the public approximately 15 pages of documents which he represented to be the entire personnel file for Lt. Tiller,

purportedly for the purpose of demonstrating that Tiller was a good and reliable officer with the Seneca Police.

108. Upon information and belief, Lt. Tiller had committed a number of infractions of policy and procedure prior to killing Zachary which were not documented in his file, which should have resulted in disciplinary action and which may have reflected upon his fitness as an officer. If properly disciplined, Lt. Tiller's behavior may have been corrected.

109. Upon information and belief, the undocumented policy and procedure and workplace breaches by Lt. Tiller before the shooting death of Zachary Hammond include, but are not necessarily limited to the following:

a. Lt. Tiller wore his Seneca Police uniform in providing private, off-duty, security services in violation of policy;

b. Lt. Tiller lost his trained K-9 dog for a period of time;

c. Lt. Tiller's K-9 dog bit a neighbor's relative on the neighbor's property;

d. Lt. Tiller lost a police issued weapon which was ultimately found and returned to the Seneca Police by a concerned citizen;

e. Lt. Tiller engaged in a high-speed response to a call while having a civilian "ride along" passenger in his patrol car. During this high-speed response, Tiller crashed his patrol car into a building causing extensive damage to both the vehicle and the building and unnecessarily endangering his "ride along" passenger in violation of policy;

f. Lt. Tiller failed to appear at scheduled court hearings and in so doing, jeopardized criminal prosecutions;

g. Lt. Tiller resigned his employment from Seneca PD in writing in June, 2015, and such resignation was not reflected in his employment file; and

h. Lt. Tiller, while married, had an intra-office affair with another Seneca Police Department employee, who was also married, that disrupted the workplace.

110. Lt. Tiller was not disciplined by the Seneca Police for these and possible other infractions. He was promoted three times in a period of 18 months.

111. Incredibly, since killing of Zachary, Lt. Tiller has repeatedly discharged weapons on his home property in close proximity to other homes.

112. Reflective of the inadequate hiring, training and supervision within the Seneca Police, Officer Anthony Moon celebrated the killing of Zachary and incredibly "high-fived" Zachary's hand after he arrived on the scene as the other officers were celebrating the shooting.

113. The Seneca Police breached its duty of care and otherwise acted in a negligent, grossly negligent, willful, wanton and reckless course of conduct as it relates to the hiring, training and supervision of Lt. Tiller, including but not limited some or all of the following particulars:

a. In failing to conduct a proper due diligence into Lt. Tiller before hiring him to serve the Seneca community;

b. In failing properly to train Lt. Tiller in both general policy standards of care and in the Seneca Police GOs;

c. In failing to take proper disciplinary action against Lt. Tiller following any of a number of violations of proper police protocol, workplace rules and/or Seneca Police GOs;

d. In failing to provide proper supervision to Lt. Tiller and Officer Moon;

e. In failing to properly promulgate and/or adopt the nationally recognized standards that have been in effect for over forty years about law enforcement officers discharging weapons into moving vehicles; and

f. In such other particulars as the evidence in the case may demonstrate.

114. As a direct and proximate result of the conduct of the Defendant, the Seneca Police armed Lt. Tiller and empowered him to engage in police activities, including drug sting operations. As a direct and proximate result, Zachary Hammond was shot in the rear left shoulder and left side rib cage through the flank. Zachary experienced severe pain and suffering and extreme emotional distress after being shot and until the time of his death.

115. As a further direct and proximate result, the heirs of Zachary Hammond have suffered and will continue to suffer from the grief, shock, wounded feelings and mourning as a result of having lost their loved one, all of which feelings and losses are amplified given the terrible manner in which Zachary Hammond was killed and treated on the scene by Officer Moon and others after the shooting.

116. The Plaintiffs are entitled to and pray for an award of damages for the conscious pain and suffering experienced by Zachary Hammond, an award of damages for the grief, shock, wounded feelings and mourning experienced by Zachary's heirs as a result of having lost their loved one.

WHEREFORE, Plaintiffs pray for judgment against the Defendants as set forth in the causes above, including an award of damages for the conscious pain and suffering experienced by Zachary Hammond, an award of damages for the grief, shock, wounded feelings and mourning experienced by Zachary's heirs as a result of having lost their loved one and an award of punitive damages in an amount deemed sufficient by a jury to impress upon the Defendants

the seriousness of their conduct and to deter such similar conduct in the future, together with such additional relief as the court deems just and proper.

Respectfully submitted,

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