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IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

FILED IN OFFICE
CLERK STATE COURT
GWINNETT COUNTY, GA

2017 SEP 12 PM 1:34

RICHARD ALEXANDER, CLERK

ANDY BLIMLINE,)
)
Plaintiff,)
)
v.)
)
MARSHA I. BALDWIN,)
)
Defendant.)

CIVIL ACTION FILE

NO. 17 C 05623-3

COMPLAINT

COMES NOW, ANDY BLIMLINE (hereinafter "Plaintiff"), and files this his STATEMENT OF CLAIM against MARSHA I. BALDWIN (hereinafter "Defendant") as follows:

JURISDICTION AND VENUE

1.

Defendant is a resident of Gwinnett County, Georgia, and may be served with process at her residence of 2090 Temple Johnson Road, Loganville, Georgia 30052. Jurisdiction is properly exercised over Defendant and venue for this action is proper in the Magistrate Court of Gwinnett County, Georgia.

FACTUAL BACKGROUND

2.

Plaintiff is a peace officer duly licensed by the State of Georgia and employed by the Lilburn Police Department (hereinafter "Lilburn PD").

3.

On September 16, 2016, Defendant was lawfully arrested by Plaintiff.

4.

On September 23, 2016, Defendant submitted a Citizen Complaint against Plaintiff to the Lilburn PD, Captain Christy Wentzell, alleging that Plaintiff sexually assaulted her during his search incident to the arrest by touching between her inner thighs and buttocks, between and underneath her breasts, and in her vaginal area.

5.

The Lilburn PD called in the Georgia Bureau of Investigation (hereinafter "GBI") to investigate due to the severity of the allegations, Felony Sexual Assault. Special Agent Scott (hereinafter "S.A. Scott") of the GBI was assigned to investigate Defendant's claims.

6.

Plaintiff was investigated for allegations of Felony Sexual Assault.

7.

Defendant told S.A. Scott that the sexual assault by Plaintiff took place when she was standing in front of his patrol vehicle.

8.

Defendant was provided the opportunity to watch dash camera video footage of her September 16, 2016 arrest. Defendant then claimed the video was altered or deleted.

9.

Defendant then claimed that the sexual assault by Plaintiff occurred while she was to the side of his patrol vehicle.

10.

Defendant was provided the opportunity to watch the body camera video footage of her September 16, 2016 arrest. Defendant claimed this video was altered or deleted as well.

11.

S.A. Scott sent the video to third-party forensic experts, who confirmed the video had not been altered or deleted.

12.

The GBI investigation concluded that Defendant's claims were untruthful.

13.

The investigation concluded that Plaintiff did not engage in any violations of the law or department standards of conduct. Specifically, Plaintiff did not engage

in excessive force or any type of sexual assault or sexual misconduct against Defendant.

14.

On November 22, 2016, S.A. Scott secured arrest warrants for Plaintiff for violations of O.C.G.A. § 16-10-20, False Report of a Crime, and O.C.G.A. § 16-10-26, Making False Statements.

15.

On November 22, 2016, Defendant turned herself in for arrest to the Gwinnett County Sheriff's Office.

16.

On July 26, 2017, Defendant's case for violations of O.C.G.A. § 16-10-20 and O.C.G.A. § 16-10-26 was heard before a grand jury. Defendant was indicted on both counts, Indictment Number 17-B-2818-2.

17.

Defendant maliciously and intentionally filed false complaints against Plaintiff with the intent to injure Plaintiff in his profession as a law enforcement officer.

18.

Defendant maliciously, intentionally and falsely accused Plaintiff of a crime, to wit: a violation of O.C.G.A. § 16-6-5.1(b)(3), Sexual Assault by a person who

has supervisory or disciplinary authority over another individual, through Defendant's allegation that Plaintiff engaged in sexual contact with her when Plaintiff knew she was in custody.

19.

Defendant maliciously, intentionally and falsely accused Plaintiff of a crime, to wit: a violation of O.C.G.A. § 16-6-22.1, Sexual Battery, through her allegation that Plaintiff intentionally made physical contact with her inner thighs, buttocks, breasts, and vaginal area without consent.

COUNT I: DEFAMATION

20.

Plaintiff incorporates all Paragraphs of his Complaint as if fully set forth herein.

21.

Defendant committed an act of defamation against the Plaintiff on September 23, 2016 when Defendant falsely and maliciously alleged in her complaint to Lilburn PD Captain Christy Wentzell that Plaintiff sexually assaulted her by touching between her inner thighs and buttocks, between and underneath her breasts, and in her vaginal area during his search incident to her arrest.

22.

Defendant committed an act of defamation against Plaintiff on October 21, 2016 when Defendant falsely and maliciously alleged in her interview with S.A. Scott that Plaintiff sexually assaulted her while conducting the search by “placing his hands underneath her breast then put[ting] both hands on top of and between her breasts”, searching “her inner thighs”, making “contact with her vaginal area”, and “push[ing] his hands far enough between her buttock and thigh area that he made contact with her labia”.

23.

Defendant made false statements to law enforcement authorities imputing to Plaintiff certain crimes punishable by law, knowing said statements to be false.

24.

Defendant made false statements to law enforcement authorities charging Plaintiff with criminal acts in reference to his trade, office or profession, and such charges were calculated to injure him therein.

25.

Defendant’s statements and allegations concerning Plaintiff’s conduct were false and defamatory.

26.

Defendant's false statements to law enforcement authorities constituted Slander Per Se in violation of O.C.G.A. § 51-5-4(a)(1) and O.C.G.A. § 51-5-4(a)(3).

27.

Defendant's false statements and allegations were not privileged communications to third parties.

28.

Defendant's false statements and allegations were made with actual malice, evil intent, and were not made in good faith.

29.

At the time Defendant made such slanderous statements to law enforcement authorities, Defendant either knew said statements and accusations were false, or alternatively, made the statements and accusations with reckless disregard for the truth.

COUNT II: DAMAGES

30.

Plaintiff incorporates all Paragraphs of his Complaint as if fully set forth herein.

31.

As a direct and proximate result of Defendant's defamatory and slanderous statements against Plaintiff, Plaintiff has suffered injury to his character and reputation, both personally and professionally.

32.

As a result of Defendant's violations of O.C.G.A. § 51-5-4(a)(1) and O.C.G.A. § 51-5-4(a)(3), damages are inferred and presumed per O.C.G.A. § 51-5-4(b).

33.

Plaintiff is entitled to any and all applicable damages as a result of Defendant's violations of O.C.G.A. § 51-5-4(a)(1) and O.C.G.A. § 51-5-4(a)(3).

COUNT III: PUNITIVE DAMAGES

34.

Plaintiff incorporates all paragraphs of his Complaint as if fully set forth herein.

35.

Defendant caused Plaintiff to suffer injuries and damages.

36.

Defendant's wrongful actions in making defamatory and slanderous statement against Plaintiff demonstrates willful misconduct, malice, wantonness

and/or that entire want of care which would raise the presumption of conscious indifference to consequences.

37.

Pursuant to O.C.G.A. § 51-12-5.1, Plaintiff is entitled to recover punitive damages from Defendant in order to penalize, punish, and/or deter Defendant from future wrongful conduct.

WHEREFORE, Plaintiff respectfully requests the following relief:

- (1) That Defendant be served with process and be required to Answer this Complaint within the time allowed by law;
- (2) That Plaintiff have judgment against Defendant as pled in the Complaint;
- (3) That all costs be cast upon Defendant including, but not limited to, court costs, attorney's fees and all expenses of litigation;
- (4) For a trial by jury; and
- (5) Such other and further relief as this Court deems just and proper.

Respectfully submitted this 8th day of September, 2017.

LORUSSO LAW FIRM, P.C.

By: 

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