

Filing # 76693565 E-Filed 08/20/2018 02:39:19 PM

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NO.: 2018-CA-5686

DIVISION: CV-G

BARBARA ANN LAND, Individually, and as  
Personal Representative of the Estate of  
BLANE S. LAND, Deceased, and H.C. LAND,  
Individually,

Plaintiffs,

vs.

TIMOTHY JAMES and  
JACKSONVILLE SHERIFF'S OFFICE,

Defendants.

**COMPLAINT FOR DAMAGES**

Plaintiffs, BARBARA ANN LAND, individually, and as Personal Representative of the Estate of BLANE S. LAND, Deceased, and H.C. LAND, individually, by and through undersigned counsel, file this complaint against the Defendants, TIMOTHY JAMES (hereinafter referred to as "Defendant" or "OFFICER JAMES") and JACKSONVILLE SHERIFF'S OFFICE (hereinafter referred to as "Defendant" or "JSO"), and state as follows:

**FOUNDATION ALLEGATIONS**

1. This is an action for damages in excess of \$15,000.00.
2. The incident giving rise to this Complaint as described herein below occurred in Jacksonville, Duval County, Florida.

3. At all times material, Plaintiff, BARBARA ANN LAND, was the natural parent of BLANE S. LAND, deceased. She is in the process of petitioning the Court for issuance of Letters of Administration appointing her as Personal Representative of the Estate of BLANE S. LAND, deceased. Said Estate will be opened in Escambia County, Florida, which is also her place of residence.

4. At all times material, Plaintiff, H.C. LAND, was Barbara Ann Land's husband, resided in Escambia County, Florida, and was the natural parent of BLANE S. LAND, deceased.

5. At all times material herein, Plaintiff, BLANE S. LAND, deceased, was a resident of Pensacola, Escambia County, Florida, but was in Duval County for business at all material times. Blane resided in Pensacola, Escambia County, Florida continually for the last seven (7) years, providing daily assistance to his parents.

6. At all times material herein, Defendant, OFFICER JAMES, an employee-officer of the Defendant, JSO, was a resident of Jacksonville, Duval County, Florida.

7. Defendant, JSO, is a governmental entity and division of the government of the State of Florida with its principal place of business at 501 East Bay Street, Jacksonville, Florida 32254.

8. On or about May 10, 2017 at or around 9:45 p.m., BLANE S. LAND was walking across University Boulevard east of its intersection with Phillips Highway in Jacksonville, Duval County, Florida.

9. At said time and place, Defendant, OFFICER JAMES, was employed by Defendant, JSO, and was acting within the course and scope of his employment with Defendant, JSO.

10. At said time and place, Defendant, OFFICER JAMES, was operating a motor vehicle owned by Defendant, JSO, within the course and scope of his employment with Defendant, JACKSONVILLE SHERIFF'S OFFICE.

11. Upon information and belief, additionally and/or alternatively, as a result of his personal actions, inactions and/or omissions, Defendant, OFFICER JAMES, acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property of BLANE LAND.

12. Venue is proper in this county since the cause of action described herein arose here and the named Defendants reside in said county.

13. Plaintiff has performed all conditions precedent prior to bringing this action as to each Defendant.

14. Plaintiffs, BARBARA ANN LAND and H.C. LAND, were the parents of BLANE S. LAND, deceased.

15. All potential beneficiaries of any recovery for wrongful death and their relationship to Plaintiff, BLANE S. LAND, deceased, are identified as follows:

- a. BARBARA ANN LAND – his biological mother; and
- b. H.C. LAND – his biological father.

16. Plaintiff, BARBARA ANN LAND, as putative Personal Representative of the Estate of BLANE S. LAND, deceased, is entitled and empowered by the

Florida Wrongful Death Act to recover for his parents as the sole statutory survivors and beneficiaries, and his estate, all the damages allowed pursuant to its provisions.

17. Blane left behind his parents Barbara Ann Land and H.C. Land of Pensacola; three sisters, Barbara Land Smith of Pensacola, Sheri Land Isgrigg of Clarksville, Indiana, and Stacy Land of Atlanta; four nephews, two nieces, a great nephew, and a loving extended family.

#### **FACTUAL ALLEGATIONS**

18. On or about May 10, 2017, at approximately 9:45 p.m., Officer James was responding to a robbery in marked patrol car at a high rate of speed. He was not using all of the emergency equipment that was required to be activated on his vehicle.

19. On May 10, 2017, at approximately 9:45 p.m., BLANE S. LAND was crossing the street when Defendant, OFFICER JAMES, ran him over after making no attempt to brake or stop.

20. Immediately after the incident, Defendants falsely presented the facts of this matter to indicate that BLANE S. LAND suddenly approached from Defendant, OFFICER JAMES', right hand side, when in fact he walked across his vehicle fully and completely at a relatively low rate of speed before being impacted by the JSO vehicle.

21. During a press conference initiated by Jacksonville Sheriff's Office on the scene, JSO employee Chis Pedler made several statements, as summarized below, which do not appear remotely verifiable:

- a. That a Jacksonville Fire and Rescue vehicle was "just ahead" of Officer James as it traveled eastbound on University Boulevard. Said vehicle allegedly had its emergency lights and sirens on;
- b. That a man "ran from the business," identified as a Burger King, directly in front of the Jacksonville Fire and Rescue vehicle;
- c. That said gentleman went "in front of the [Jacksonville] Fire and Rescue vehicle;"
- d. That said gentleman "stopped in the center lane;"
- e. That the Jacksonville Fire and Rescue vehicle had to sound its air horn;
- f. That as soon as the Jacksonville Fire and Rescue vehicle passed said gentleman, that he "darted back across" towards the roadway and was subsequently struck by Officer James;
- g. That said gentleman referenced in subparts "a" through "f" was BLANE S. LAND;

- g. Mr. Pedler indicated he "didn't know" and "wouldn't rule out" a suicide attempt;
- h. Mr. Pedler indicated BLANE S. LAND "may appear to be homeless;" and
- i. Mr. Pedler indicated that Officer James was driving the speed limit.

22. Each and every allegation in Paragraph 21 above is false and can be disproven by video from the scene and eyewitness statements.

23. Defendant, JSO, publicly disclosed that the victim might have been a suicidal subject, and further indicated personnel from JFRD Rescue 21 stated the same individual who was the victim had walked out in front of them and that their vehicle had barely missed him. This is also malicious untruth.

24. Defendant, JSO's, statements were made with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property of Blane Land. The statements made during the press conference were published to the YouTube page solely managed by the Defendant, JSO. No retraction has been issued to these falsehoods, even after the receipt and review of the relevant surveillance footage.

25. Media asked Jacksonville Sheriff's Office representative Chis Pedler about the speed of Defendant, OFFICER JAMES', vehicle at the point of impact and Mr. Pedler indicated that the speed was not yet determined and "there are (sic) equipment on all vehicles" and "they will be able to get that information."

Witnesses have indicated, "the cop then hit his brakes [after he struck Land] and turned around," indicating Defendant, OFFICER JAMES, failed to keep a lookout, was distracted, and failed to apply his brakes before hitting Blane Land and otherwise at all material times.

26. Even by admission of Defendant, JSO, the street lights provide lighting, the roadway is straight at this point, and motorists have an open view of the roadway and surrounding area.

27. BLANE S. LAND was 6 feet and 3 inches in height and weighed 310 lbs.

28. Plaintiff's counsel requested records from the Defendant, JSO, pertaining to Defendant, OFFICER JAMES', history and received a bill from JSO's public record department in the amount of \$314,690.74 in response. Same also exhibited malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property of Blane Land.

29. According to the medical examiner on the scene, BLANE S. LAND, sustained a broken skull, broken legs and his abdomen was "eviscerated." Mr. Land's internal organs were visibly outside of his body as a direct result of the force and speed of the crash. His parents have sustained extensive losses, losing not only their caretaker and son, but having had to endure compounded pain and suffering as a result of Defendant, JSO's, un-retracted and purposeful untruths.

**OFFICER JAMES' CONSISTENT PATTEN OF MISCONDUCT**

30. In the past several years, Officer James has been involved in multiple motor vehicle collisions.

31. Officer James was previously disciplined for maintaining a non-platonic relationship with a JSO recruit against office policy.

32. In 2014, Officer James collided his JSO vehicle into a tree without investigation or explanation.

33. In 2017, Officer James reported his service weapon as stolen – same was later recovered by a civilian and returned to JSO. A conclusion was reached that Officer James had left the gun on the top of his vehicle and it had eventually fallen off to the ground as he was driving.

34. While off-duty, Officer James attended a Pearl Jam concert in April 2016 and threw another person to ground repeatedly.

35. On April 26, 2017, Officer James was involved in an incident with a patient at Shands Hospital, where he allegedly spit at and tackled Daniel Nyman.

36. Officer James thereafter beat a handcuffed teenager, Elias Campos, about the face, knocking teeth loose, chipping teeth and leaving permanent scarring on his face on June 10, 2017. James' superior officer, JSO Sergeant Howell, observed and reported James for administering fist blows to Elias Campos. Howell indicated he could see James' arm coming up and down between four (4) and six (6) times in a beating motion.



37. After sending a request, we received a confirmation email from JSO on June 15, stating, “[y]ou will be contacted about the availability and/or provided with copies of the records in question.” On July 17, at 4:58 PM, we received the invoice for \$314,687.91.

38. The Jacksonville Sheriff's Office allowed Officer James to maintain a social media presence where he regularly threatened the citizens of the City of Jacksonville with posts such as:

- a. "Someone just learned a hard lesson about showing your ass in public in Jacksonville. 3 felonies 2 misdemeanors and an (sic) asswhooping to boot. Lol. I love my job." (Facebook – January 29, 2016.)
- b. "Yep it's that kinda night already. Someone's getting a size 13 boot to the ass tonight. I can feel it." (Facebook – February 5, 2016.)
- c. "If you ask me "can I go this way" I'm going to drag your ass out of your car through your window and monkey stomp you! #realtalk" (Facebook – February 16, 2016.)

**COUNT I: WRONGFUL DEATH BY NEGLIGENT ACT - VICARIOUS LIABILITY  
(ESTATE OF BLANE S. LAND v. JACKSONVILLE SHERIFF'S OFFICE)**

Plaintiff re-alleges Paragraphs 1 through 38 as if set forth fully herein and further alleges:

39. Defendant, JSO, employed an officer with an extensive history of misconduct, injury to others and threats to the public under the color of law.

40. Additionally, Defendant, JSO, employed an officer with a history of problematic operation of a motor vehicle.

41. Defendant, JSO, knew or reasonably should have known that Defendant, OFFICER JAMES', actions were substantially certain to cause or could result in great bodily harm or death to others.

42. As a direct and proximate result of the foregoing conduct of Defendant, TIMOTHY JAMES, for which Defendant, JACKSONVILLE SHERIFF'S OFFICE, is vicariously liable under the doctrine of respondeat superior, BLANE S. LAND sustained injuries that resulted in his death. As a result of his death, the Estate of BLANE S. LAND has suffered damages including medical or funeral expenses that have become a charge against the Estate or were paid by or on behalf of the decedent. Further, as a direct and proximate result of the aforementioned conduct of Defendant, TIMOTHY JAMES, for which Defendant, JACKSONVILLE SHERIFF'S OFFICE is vicariously liable, and the death of Plaintiff, BLANE S. LAND, deceased, the Estate has lost its prospective net accumulations that might have reasonably been expected but for the wrongful death, reduced to present value. The Estate and survivors are also entitled to all other damages as allowed by 768.21, Florida Statutes.

WHEREFORE, Plaintiff, BARBARA ANN LAND, as putative Personal Representative of the Estate of BLANE S. LAND, deceased, demands judgment against Defendant, JACKSONVILLE SHERIFF'S OFFICE, for compensatory

damages, costs, interest as allowed by law, and for such other relief as this Court deems just and proper.

**COUNT II: WRONGFUL DEATH BY DANGEROUS INSTRUMENTALITY  
(ESTATE OF BLANE S. LAND v. JACKSONVILLE SHERIFF'S OFFICE)**

Plaintiff re-alleges Paragraphs 1 through 38 as if set forth fully herein and further alleges:

43. Defendant, JSO, owned and controlled a 2010 Chevrolet Impala vehicle (Tag No.: ZE136, VIN No.: 2G1WD5EM3A1229987) and allowed Defendant, OFFICER JAMES, to operate same in the course and scope of his employment with JSO on or about May 10, 2017, and otherwise at all times material hereto.

44. Defendant, JSO, allowed Defendant, OFFICER JAMES to possess, control, and operate said vehicle despite its knowledge that Defendant, OFFICER JAMES, was unable or unwilling to operate same in a responsible manner.

45. Defendant, JSO's, action described in Paragraph 44 operated to commit Defendant, JSO, to the judgment of Defendant, OFFICER JAMES, and further operated to accept liability for his actions or omissions.

46. Defendant, JAMES, exhibited a pattern of irresponsible behavior such that Defendant, JSO, was on actual notice of his inability to make responsible judgments and decisions.

47. Defendant, JSO, knew or reasonably should have known that Defendant, OFFICER JAMES', judgment, decisions, actions and overall pattern of

behavior would, to a substantial degree of certainty, cause or result in great bodily harm or death.

48. As a direct and proximate result of the foregoing conduct of Defendant, JSO, Plaintiff, BLANE S. LAND, deceased, sustained injuries that resulted in his death. As a result of his death, the Estate of BLANE S. LAND, deceased, sustained injuries that resulted in his death. As a result of his death, the Estate of BLANE LAND has suffered damages including medical or funeral expenses that have become a charge against the Estate or were paid by or on behalf of the decedent. Further, as a direct and proximate result of the aforementioned conduct of Defendant, JACKSONVILLE SHERIFF'S OFFICE, and the death of Plaintiff, BLANE S. LAND, deceased, the Estate has lost its prospective net accumulations that might have reasonably been expected but for the wrongful death, reduced to present value. The Estate and survivors are also entitled to all other damages as allowed by 768.21, Florida Statutes.

WHEREFORE, Plaintiff, BARBARA ANN LAND, as putative Personal Representative of the Estate of BLANE S. LAND, deceased, demands judgment against Defendant, JACKSONVILLE SHERIFF'S OFFICE, for compensatory damages, costs, interest as allowed by law, and for such other relief as this Court deems just and proper.

**COUNT III: WRONGFUL DEATH BY BAD FAITH OR WITH MALICIOUS PURPOSE OR  
IN A MANNER EXHIBITING WANTON AND WILLFUL DISREGARD OF HUMAN RIGHTS  
(ESTATE OF BLANE LAND v. TIMOTHY JAMES)**

Plaintiff re-alleges Paragraphs 1 through 38 as if set forth fully herein and

further alleges:

49. Additionally and alternatively, Defendant, OFFICER JAMES, engaged in actions and/or inactions which exhibited malicious purpose or in a manner exhibiting wanton and willful disregard of human right. These include, but are not limited to:

- a. intending harm under the color of law to the general public;
- b. using a mobile device or computer for personal reasons while in a high speed pursuit;
- c. traveling at a high rate of speed without keeping a proper look-out;
- d. traveling at a high rate of speed without all of the required emergency equipment activated;
- d. providing untruthful statements to fellow law enforcement;
- e. failing to brake and/or stop for pedestrians in his path of travel; and
- f. being under the influence of drugs or over the counter stimulants which changed his mood and made his a threat to the public.

50. Defendant, OFFICER JAMES, knew or reasonably should have known that his actions were substantially certain to cause or could result in great bodily harm or death.

51. As a direct and proximate result of the foregoing conduct of Defendant, TIMOTHY JAMES, BLANE S. LAND sustained injuries that resulted in his death. As a result of his death, the Estate of BLANE S. LAND, deceased, sustained injuries that resulted in his death. As a result of his death, the Estate of BLANE LAND has suffered damages including medical or funeral expenses that have become a charge against the Estate or were paid by or on behalf of the decedent. Further, as a direct and proximate result of the aforementioned conduct of Defendant, TIMOTHY JAMES, and the death of Plaintiff, BLANE S. LAND, deceased, the Estate has lost its prospective net accumulations that might have reasonably been expected but for the wrongful death, reduced to present value. The Estate and survivors are also entitled to all other damages as allowed by 768.21, Florida Statutes.

WHEREFORE, Plaintiff, BARBARA ANN LAND, as putative Personal Representative of the Estate of BLANE S. LAND, deceased, demands judgment against Defendant, TIMOTHY JAMES, for compensatory damages, costs, interest as allowed by law, and for such other relief as this Court deems just and proper.

**COUNTS IV and V: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS  
(BARBARA ANN LAND and H.C. LAND v.  
TIMOTHY JAMES AND JACKSONVILLE SHERIFF'S OFFICE)**

Plaintiffs re-alleges Paragraphs 1 through 38 as if set forth fully herein and further alleges:

52. After BLANE S. LAND was killed, Defendant, JSO, intentionally, and with reckless indifference, publicized false facts via postings to its social media

accounts and a press conference to news media and concurrently did not disclose - and has not disclosed - the true facts of what happened during the subject incident. Said false story was spread by Defendants, JSO and OFFICER JAMES, and their representatives in order to hinder prosecution or otherwise effectuate any liability, discipline or charges against itself.

53. Defendants, JSO and OFFICER JAMES, knew or reasonably should have known that communicating false information to fellow police officers or to the widespread community would not only hinder the prosecution of the person ultimately responsible for Plaintiff, BLANE S. LAND's, death, but would also cause serious emotional harm to his family, including his mother and father, siblings and other family and friends.

54. Defendants, JSO and OFFICER JAMES, made said statements, which were known to be false, in reckless disregard for the emotional harm which is certain to result from said actions.

55. Said actions and false statements made and disseminated to the public by Defendants, JSO and OFFICER JAMES, were utterly intolerable in a civilized society and were extreme and outrageous.

56. Said statements caused the State Attorney's Office to refuse any investigation of the subject incident that led to BLANE S. LAND's death and otherwise lead to widespread reporting of this as "suicide by cop," a homeless person being hit and other speculation and lies.

57. Said torment, untruthfulness and other extreme and outrageous conduct by Defendants, JSO and OFFICER JAMES, caused Plaintiff, BLANE S. LAND's, parents and survivors, BARBARA ANN LAND and H.C. Land, to experience extreme emotional trauma and other emotional harms as the investigation of their son's death was thwarted, delayed, and otherwise whitewashed. Said emotional trauma and damages were proximately caused by Defendants, JSO and OFFICER JAMES.

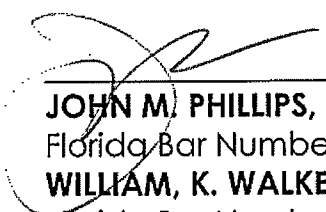
WHEREFORE, Plaintiffs, BARBARA ANN LAND and H.C. LAND, demand judgment against Defendants, JACKSONVILLE SHERIFF'S OFFICE and TIMOTHY JAMES, for compensatory damages, costs, interest as allowed by law, and for such other relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury for all issues so triable.

**DATED this 20<sup>th</sup> of August, 2018.**

**Law Office of John M. Phillips, LLC**



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