

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

FILED
U.S. DIST. COURT
MIDDLE DIST. OF LA

2003 NOV 14 P 2:53

SHANNON KOHLER

NUMBER

SIGN BY DEPUTY CLERK 

VERSUS

DIVISION

**PAT ENGLADE, ELMER LITCHFIELD,
DETECTIVE CHRISTOPHER JOHNSON,
CITY OF BATON ROUGE, and PARISH OF
EAST BATON ROUGE**

CV03-857-D-M2

**COMPLAINT FOR DAMAGES AND INJUNCTIVE
RELIEF UNDER TITLE 42 U.S.C.A. SECTION 1983, ET SEQ,
TITLE 42 U.S.C.A. SECTION 1988 AND TITLE 28 U.S.C.A. SECTION 1367**

The complaint of Shannon Kohler, citizen of the United States and resident of East Baton Rouge Parish, Louisiana with respect shows that

1.

Shannon Kohler is a citizen of the United States, residing at 2482 Louisiana Avenue, Baton Rouge, Louisiana in the Parish of East Baton Rouge, State of Louisiana.

2.

The jurisdiction of this court is conferred by Title 42 Section 1983 and 1988 of the United States Code and Title 28 Section 1367 providing supplemental jurisdiction for state law claims.

3.

Defendants are Elmer Litchfield, Sheriff and chief law enforcement officer of East Baton Rouge Parish, Louisiana; Pat Englade, Chief of Police of the City of Baton Rouge; Christopher Johnson, a Baton Rouge City Police Officer; the City of Baton Rouge, a political subdivision of the State of Louisiana and employer of Pat Englade and of Christopher Johnson; and the Parish

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JP, Waiver

of East Baton Rouge, a political subdivision of the State of Louisiana and employer of Elmer Litchfield.

4.

On September 23, 2001 Ms. Gina Green was murdered in her home on Stanford Avenue, Baton Rouge, Louisiana; on May 31, 2002 Ms. Charlotte Pace was murdered in her home on Sharlo Avenue, Baton Rouge, Louisiana; on July 12, 2002, Mrs. Pamela Kinamore was abducted from her home on Briarwood Place, Baton Rouge, Louisiana and later found murdered in Iberville Parish at the Whiskey Bay Exit off Interstate Highway 10.

5.

Police investigation as announced to the public, revealed that DNA evidence obtained from each victim came from the same person.

6.

After the murders, a “task force”, designated “serial killer task force” was formed including officers of the East Baton Rouge Parish Sheriff’s Office, Baton Rouge City Police, Louisiana State Police, and possibly others. On information and belief, the “task force” was not given any legal status, but was an unofficial group. It appeared to be directed by Elmer Litchfield and Pat Englade.

7.

A task force spokesperson, Baton Rouge City Police Corporal Mary Anne Godowa, called for the public to call in any information they might have relating to the case. The statements were made publicly by television and radio broadcast and released to the newspapers over a period of several months. She also appeared on television in several press conferences, announcing findings and information about the investigation.

8.

Included in the information publicly released by Corporal Godowa, was the fact that the killer had left a bloody footprint from a size 10 or 11 Rawlins running shoe in the residence of one of the victims.

9.

As a part of the request for information, a telephone number announced to receive calls received several thousand calls. At a time unknown to Shannon Kohler, two “tips” were supposedly received from different persons stating that Shannon Kohler was a “possible person” to be checked.

10.

Task force detectives including Christopher Johnson made several telephone calls and a visit to Shannon Kohler asking him to submit to a swabbing for DNA testing. When he refused they said if he didn’t “voluntarily” give a sample a court order would be obtained and he would “possibly get his name in the paper.” He told detectives he wore size 14 shoes and boots.

11.

An Affidavit for Seizure Warrant under Louisiana Code of Civil Procedure Article 161 et seq, was prepared by Detective Christopher Johnson of the Baton Rouge City Police Department and submitted to Judge Richard Anderson of the 19th Judicial District Court requesting a Seizure Warrant issue for the seizure of the Body of Shannon Kohler. The affidavit did not establish probable cause to believe that Shannon Kohler had committed any of the three crimes. Included in the affidavit was information given to the Police Officers by Shannon Kohler, that he had been convicted of burglary in 1982. Concealed from the affidavit and therefore from the judge, was the information he conveyed to the officers that he had received a full pardon in 1996.

12.

Also concealed from the information in the affidavit and from the judge was the fact that Shannon Kohler wore size 14 shoes or boots, and therefore it was impossible for him to have left the size 10 or 11 bloody footprints in the Pace home.

13.

The “tips” stating that Shannon Kohler was a “possible person” who needed to be checked, were not identified as having come from named individuals, persons requesting to remain anonymous, or anonymous callers. No information was submitted to the judge to indicate that the tips conveyed any information whatsoever to indicate that the callers had any factual information or knew of any, nor was there any factual information in the affidavit which would show that the tipsters were credible or reliable.

14.

The affidavit stated that more than 600 white males have been contacted for obtaining oral saliva swabs for DNA comparison, and out of that number, less than 15 refused to voluntarily submit. The affidavit did not state whether or not seizure warrants had been obtained to compel any of the “less than fifteen” to submit involuntarily to the saliva testing for DNA comparison. The affidavit further stated that Shannon Kohler was “last employed” as a welder for a fabrication company headquartered on Old Perkins Road, with another shop on Choctaw Drive. Although Shannon Kohler told the detectives that he had not worked at the Choctaw Drive address for 11 years, that fact was concealed from the affidavit and from the judge.

15.

Detective Christopher Johnson did not have, and did not submit, probable cause to Judge Richard Anderson for the issuance of the seizure warrant. No reasonably well trained detective would have honestly believed he had probable cause for the seizure of Shannon Kohler.

16.

Notwithstanding the absence of probable cause, and not having been apprised of the facts concealed from the affidavit, Judge Richard Anderson issued a seizure warrant commanding Detective Christopher Johnson “to seize the aforesaid body/person of Shannon F. Kohler” and obtain a saliva swab.

17.

Acting pursuant to the seizure warrant obtained from Judge Anderson on the 12th of November 2002, Detective Christopher Johnson and a detective or officer named Hamilton went to the residence of Shannon Kohler on the 14th of November, 2002, and seized Shannon Kohler. They told him that they had a court order to collect a saliva sample from him, and they did so.

18.

On the 18th of November 2002, Detective Christopher Johnson or another “task force” officer filed the affidavit, warrant and return of seizure in the public records of the 19th Judicial District Court at 1:29 PM. Of over 600 men who had been swabbed for DNA, and the 15 who had refused, Shannon Kohler was the only one whose name was publicly identified by the Baton Rouge Police or placed in the public records by them. He was identified in television, radio, newspaper and internet stories all over the world as a serial rape-murder suspect who refused to cooperate with police.

19.

At the same time the seizure warrant was obtained for a saliva test, an arrest warrant was not obtained, nor was a search warrant obtained for other items of evidence, such as bloody clothes, a bloody knife, the bloody size 10 or 11 Rawlins shoes publicly identified as worn by the killer, and jewelry publicly reported stolen from victims. No such warrants were requested.

20.

Shannon Kohler found as a result of a broadcast on WAFB Channel 9 and a two-line mention in the Baton Rouge Advocate that he had been cleared as a suspect in the serial rape-murders. No defendant or member of the Baton Rouge Police Department, Sheriff's Office, or "Serial Killer Task Force" ever notified Shannon Kohler that he had been cleared as a serial rape-murder suspect. Nothing was placed in public records to show he was exonerated.

21.

Shannon Kohler has requested return of his DNA samples, and any reports or records relating to him. He has sued in the 19th Judicial District Court for return of the evidence, as provided by Louisiana Revised Statutes, Title 15 Section 41 and Louisiana Code of Criminal Procedure, Article 167. The defendants have refused to return anything, and the petition for return has not been acted on by the court.

22.

The actions of defendants have violated Shannon Kohler's rights to privacy and the security of his person guaranteed by Article I, Section 5 of the Louisiana Constitution and the Fourth Amendment to the Constitution of the United States.

23.

The actions of the defendants have violated Shannon Kohler's rights to due process of law guaranteed by the Constitution of the United States under the Fourth and Fourteenth Amendments and Article I, Section 2 of the Louisiana Constitution.

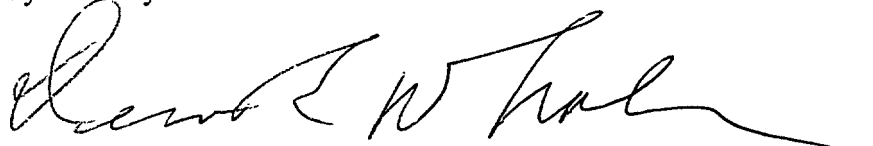
24.

The actions of defendants were committed while acting as commissioned state, parish, or city law enforcement officers.

WHEREFORE Shannon Kohler demands trial by jury and damages and attorney fees and costs.

Shannon Kohler further demands a mandatory injunction issue against the defendants, requiring all DNA materials obtained from him and stored or disseminated to any other agency be returned to him; the return to him of any investigative materials, records or reports; and obliteration of all record of him related to the serial killer investigation.

By Attorney:



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