# UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

ROY L. DENTON		)		
	Plaintiff	)	Case No.	1:07-cv-211
v.		)	JURY DEN	MAND
STEVE RIEVLEY		)	Collier/Car	rter
	Defendant	)		

# DEFENDANT STEVE RIEVLEY'S RESPONSE TO PLAINTIFF'S MOTION TO CONTACT A JUROR

Comes the Defendant, Steve Rievley, in his individual capacity, (herein "Officer Rievley"), through counsel, and hereby files his Response to Plaintiff's Motion to Contact a Juror. In his Motion, the Plaintiff is seeking permission to contact a juror which he identifies as "Jen Touchstone." The basis for the Plaintiff's Motion is an email he received from a person identifying him/herself as "jentouchstone", a juror on his case, and a blog exchange involving several people where a person identifying him/herself as "unfortunate juror" discussed the case. For the reasons set forth below, Officer Rievley respectfully requests that this Court deny the Plaintiff's Motion.

The Plaintiff, Roy Denton, filed his Complaint, *pro se*, on September 6, 2007. The first trial of this matter resulted in a hung jury on April 13, 2010. The second trial of this matter began on August 23, 2010, with the jury returning an unanimous verdict in favor of Officer Rievley on August 25, 2010.

After the jury unanimously returned a verdict in favor of Officer Rievley, someone purporting

to be a juror from the trial apparently contacted the Plaintiff through the Plaintiff's Topix account on August 25, 2010. This "Message" is attached hereto as <u>Exhibit A</u>. In this "Message", the person claims that s/he would have hung the jury "but according to the wording of the laws we were given I was outvoted & eventually out-fought, I think due to some lack of legal-ese knowledge. If you appeal, I hope you get some legal counsel to explain in detail some of these laws, and your position." *Id*. Exhibit A is attached as a basis for the Plaintiff's Motion as well.

The Plaintiff also references a website called "Topix" that is essentially a local community blog and sends this Court to a hyperlink where the trial of this matter was discussed following the jury verdict ("the Blog"). *See Court Doc. 141*. In the Blog, a person identified only as "unfortunate juror" wrote on August 26, 2010 that s/he was a member of the jury. *See* Blog #9, attached hereto as Exhibit B. The juror affirmatively stated because "it was up to the plaintiff to prove his case, and we had so many unanswered questions when we went to deliberate, we couldn't in good faith say he had proven his case. Although it would have helped him tremendously to have had a lawyer because there were many many tiresome tedious minutes/hours/days of objections from the actual lawyer in the room requiring the judge to explain legal proceedings to the plaintiff & us in the jury..."

Id.

It is clear from both the August 25<sup>th</sup> Message to Mr. Denton and the August 26<sup>th</sup> Blog, that the juror fulfilled her duty as a juror. See Exhibit A and Exhibit B. She understood that the Plaintiff had the burden of proof and she stated that the jury could not "in good faith say he had proven his case." Exhibit B. (emphasis added). She understood that she had to apply the law as instructed by the Court to the facts as presented during the trial of the case. See Exhibit A. (emphasis added). That is the fundamental task of a juror in a civil case: to determine if a plaintiff

has met his burden, and to apply the law as given by the Court to the facts as presented during the trial, all while setting aside any personal feelings the juror may have toward either party. It is clear in this case, from the postings of this juror, upon which the Plaintiff basis his Motion, that the jury was able to perform their task.

While the "juror" may hint at facts that were not presented, "unanswered questions" or the potential for a hung jury, it is clear that this is because the Plaintiff represented himself, and not because of any impropriety during the trial. In fact, the "juror" even states that the Plaintiff would have been helped "tremendously" if had a lawyer because of the necessity of the Court to explain legal proceedings to the Plaintiff. *See* Exhibit B - Blog #9.

During the pendency of the case, from the filing of the original Complaint through the filing of this Response, the Plaintiff has represented himself *pro se*. In choosing to represent himself, however, he does so at his own peril. According to the Rule 83.13 of the Local Rules for the Eastern District of Tennessee, a *pro se* litigant **shall** be expected to be familiar with and follow the Federal Rules of Civil Procedure and these rules. LR83.13 (emphasis added). Furthermore, the Plaintiff is "not entitled to special treatment with regard to the evidentiary rules. *Palmer v. Town of Jonesborough*, 2009 WL 1255780, \*2 (E.D. Tenn.,2009) (*citing Brock v. Hendershott*, 840 F.2d 339, 343 (6th Cir.1988) ("When a person ... chooses to represent himself, he should expect no treatment which prefers him over others who are represented by attorneys")).

Therefore, the Plaintiff cannot now fall back on the position that because he represented himself and did not know the rules of the games, he was somehow prejudiced. Likewise, he should not be allowed to bolster such a frivolous argument with insinuations and innuendos, especially in light of the fact that the very postings that provide the basis for his Motion clearly evidence the fact

that this juror acted in accordance with the Court's instructions and that she fulfilled her duties as a juror. To do otherwise, would be to allow the Plaintiff to continue to try this case after having a jury return a verdict against him.

Accordingly, Officer Rievley respectfully requests that the Plaintiff's Motion be denied.

Respectfully submitted,

ROBINSON, SMITH & WELLS Suite 700, Republic Centre 633 Chestnut Street Chattanooga, TN 37450

Telephone: (423) 756-5051 Facsimile: (423) 266-0474

By: s /Elizabeth Roderick

Ronald D. Wells, BPR# 011185

Elizabeth Roderick, BPR # 022762

Attorney for Defendant, Steve Rievley

# **CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of September, 2010 a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

This the 3<sup>rd</sup> day of September, 2010.

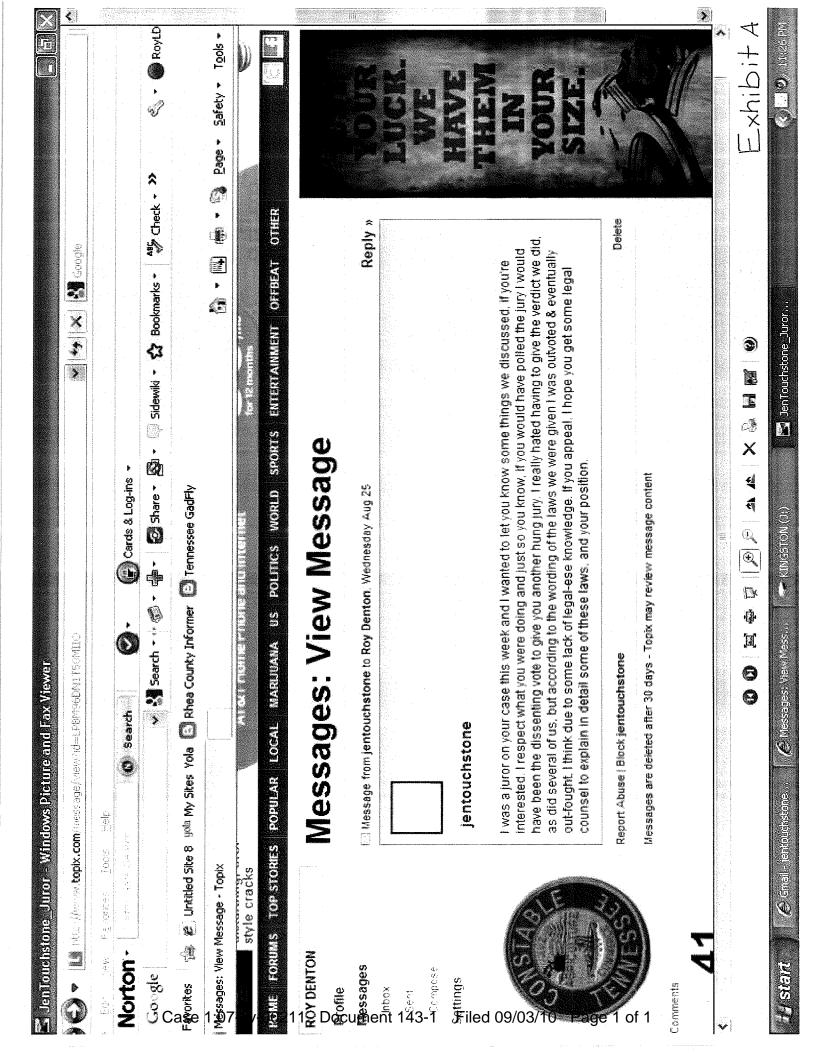
Robinson, Smith & Wells

By: /s Elizabeth Roderick

cc: Roy L. Denton 120 6<sup>th</sup> Avenue

Dayton, TN 37321

/09032010/daytondenton/respmotcontactjuror.wpd



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opix Issues Map: Would you support the legalization of Marijuana?

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**Lawsuit News** 

Wednesday Aug 25

Judge it! | Report Abuse | Reply x

Roy Denton was arrested for domestic assault in 2006 by Officer Steve Rievley of the Dayton Police Department. Roy sued the officer in Federal Court in Chattanooga in 2007. The case finally went to trial this week. A jury of their peers, twelve of them, rendered the verdict in favor of Officer Steve Rievley on all accounts. The jury decided that Officer Rievley did nothing wrong and that Roy Denton's arrest was proper and that the entry of his house was proper. Mr. Denton has written on several websites that he was garunteed a win and that he was going to have Officer Rievley's job. He even called it "The battle of the former Constable versus the soon to be former Policeman". Of course, all of his stories that he posted were only of side of the story. The Federal jury got to hear what really happened. Mr. Denton got to present his side, he got to question all of the witnesses, and he had the right to call his own witnesses. Even giving it his best, he still LOST. Officer Rievley was completely exonerated and it was found that HE DID NOTHING WRONG! Justice was served today!

fool for a client

Wednesday Aug 25

Judge it! | Report Abuse | Reply »

I wonder if Roy's loss had anything to do with the fact that he represented himself ( no lawyer) in a Federal trial?

Smart move, Roy

DAM THE GREEK

Wednesday Aug 25

Judge it! | Report Abuse | Reply »

fool for a client wrote:

I wonder if Roy's loss had anything to do with the fact that he represented himself (no lawyer) in a Federal triat?

Smart move, Roy.

IELL DUHHHHH.... Wednesday Aug 25

#4 |

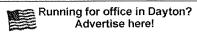
Judge it! | Report Abuse | Reply »

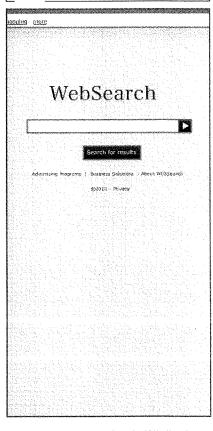
Judged:

Guess of Roy isn't as smart as he thinks he is. Serves the burn right.

**Truth Prevails** 

Hilarious





### KitchenAid 2-Slice Toaster

Model: KPTT780PM



209.99 See it at Sears

#### KitchenAid 2-Slice Toaster

Model: KPTT780PM

Powered by Krillion

DAYTON SHOPPING [See all]

Dayton, TN Jobs

Entry Level - Mail Room Clerk Jobs - Training

Cleveland. TN	Wednesday Aug 25	#5   Judge it!   Report Abuse   Reply »	MEDICAL RECEPTIONIST - Training Available .
		Judged:	MEDICAL BILLING and CODING - Training Available
	I wonder if Roy will put the jury verdict on h rest of the court files posted there, he might good to know that the truth still prevails!	- · · · · · · · · · · · · · · · · · · ·	Entry Level - AUTO TECHNICIAN - Training Available
Truth Prevails	Wednesday Aug 25	#6   Judge it!   Report Abuse   Reply »	Entry Level - Security Jobs - Training Available
Cleveland, TN		Judged: 1	Tax Professional/Tax Preparer Athens. TN
	f had to lough a minute and I did a goog		keywords
	I had to laugh a minute ago. I did a searc Tennessee Gadfly. It appears Roy has wri	itten an article about himself but made it	location
	seem someone else wrote it. He braggs al doesn't seem to understand that when the motion, they are required to look at it in the party. What this means is that when Sterindgement, the court had to give Roy's side let a jury decide the facts. Roy acted like he fake story he posted "The truth has been	ne courts look at a summary judgement the light most favorable to the non moving we Rievley filed his motion for summary full credibility. That's why they decided to won something. I really like this part of the	jobs by indeed  MORTGAGES [ See current mortgage rates ]  Amount: Loan Type:
	truth has served him well Denton said. As fo he has four years expierence prosecuting o lost a case yet." Even if this was true, I gues	r presenting his case to a jury Denton said cases before judges and juries and never	200,000 30 Year Fixed Conforming Search
Hilarious	Wednesday Aug 25	#7   Judge it!   Report Abuse   Reply »	FEATURED SPONSOR
Cleveland, TN	Doesn't seem like he has anything to say or be embarassed too if I had talked that much	•	See Your Free Credit Score Instantly! First Name:
Drunk Constable	Thursday Aug 26	#8   Judge it!   Report Abuse   Reply »	
Clavalano. 117	He will find someone else now to sue		Last Name:
			NEXT
			With enrollment in Triple Advantage. <sup>®</sup>
		AND THE RESIDENCE OF THE PROPERTY OF THE PROPE	Submit Query Experian
unfortunate juror Chaltanaoga, TN	Thursday Aug 26	#9   Judge it!   Report Abuse   Reply »	DAYTON YELLOW PAGES [ See all ]
		Judged: 1 1	Dayton - Cruises Dayton - Proctologists
	I was on the jury and it wasn't exactly like	this says. We didn't get to hear the whole	Dayton - Dentists Dayton - Car Repair
	story, and there were alot of gaps in testimo his case, and we had so many unanswered		Dayton - Real Estate Agents
	couldn't in good faith say he had proven his tremendously to have had a lawyer because		Dayton - Florists Dayton - Plastic Surgeons
	tedious minutes/hours/days of objections fro the judge to explain legal proceedings to the	om the actual lawyer in the room requiring	Dayton - Real Estate Agents Dayton - Cardiologists
	feel good about the whole thing when I le	ft because we just don't know the whole	Search
	story. Which is why I'm googling now to try to	o tigure it all out.	Control C
Truth Prevails Cleveland. TN	Thursday Aug 26	#10   Judge it!   Report Abuse   Reply »	DAYTON DATING
	unfortunate iuror wrote:	Judged: <sub>1</sub>	
	Inforumate juro wrone: I was on the jury and if wasn't exactly like story, and there were aid to gaps in test prove his case, and we had so many is deliberate, we couldn't in good faith say heave helped him temendously to have many many tresome tedicus minutes/heavyer in the room requiring the judge to a us in the jury All in all, I didn't feel good a we just don't know the whole story. Which all out.	timony. Since it was up to the plaintiff to manswered questions when we went to e had proven his case. Although it would had a lawyer because there were many pursidays of objections from the actual exclain legal proceedings to the plaintiff & shoul the whole thing when I left because	Bradford7002 opheliandain 36 - Cleveland, 30 - Cleveland, 36 - Cleveland, TN
	If this was true, why did it take less then a favor? If the jury really felt this way, why did ONE HOUR!	d they not de;iberate longer? LESS THAN	more search filters  Find my Match
	This is obviously Roy's attempt to save fa words. He has spent the last three years br		DAYTON PEOPLE SEARCH
	job and how great he is at legal issues and will turn out just like his DUI by consent cas		Addresses and phone numbers for FREE
	case also. He appealed and lost it as well. He be a waste of time. It was a good jury and the	le will appeal this jury verdict too but it will	First Name
	and half days of listening to Roy try his best,	it still took them LESS THAN ONE HOUR	Last Name
	TO RULE FOR THE COP! I think that speak	s volumes about this case.	

unfortunate juror Cnattanooga, TN	Thursday Aug 26	#11   Judge it!   Re	port Abuse   Reply »	City	Dayton
	It was an hour and a half, we w court liason at 11:40.	ent back just before 10 and brought	our decision to the	State	Tennessee Find
Truth Prevails Clevelend, TN	Thursday Aug 26	#12   Judge it!   Re	port Abuse   Reply »	DAYTON C	OUPONS   See all Coupons )
	unfortunate juror wrote: it was an hour and a half, we the court liason at 11.40.	e went back just before 10 and brough	t our decision to	COUPON	OF THE DAY
	Okay Roy. The jury had already been dismissed by 11:40. The foreperson said they had reached a verdict by 11:00. Not to mention that the jury got to the jury room around 10:00, but had to wait for the evidence to be brought back, which took around ten minutes, and then they had to elect a foreperson, and THEN they deliberated. So it was positively LESS THAN ONE HOUR.				ter - \$20 off Coupon  Italizer Save \$20 on All Purchases of \$100 or more at Naturalizer.  Coupon Code: NATSAVE20
Big Pappa Pump	Thursday Aug 26	#13   Judge it!   Re	port Abuse   Reply »		ED COUPONS pons from Dayton, TN
Cleveland, TN			Judged: 1	Electronic	cs • Women's Apparel • Toys & Games
		A Be Cop Roy! You Lost &&^*&! Yo	-	Compute	rs • Furniture • Flowers and more
Time Teller Cleveland, TN	Thursday Aug 26	#14   Judge it!   Re	port Abuse   <b>Reply »</b>	DAYTON NI	EWS, EVENTS & INFO
	leave you phone at the front do all over and everyone had left has reached a unanimous verchas to notify the court clerk, and has other important issues to I return to the courtroom. Court courtroom and assembled. The verdict and the foreperson answhands it to the court clerk to reaskes if either side wants the juminutes talking about our legal role. The jury is excused and it makes a frivilous motion to have believe that they didn't see it his is a complete waste of time. C paperwork. AFTER he leaves, if	p.m. saying that Officer Rievley had por of the courthouse so I know at me the building. Now let's think about it dict, the foreperson records this. It is then the court clerk has to notify the tend to so he has to finish whatever is reopened. Then the jury is brought is reopened. Then the jury is brought is reopened. Then the jury is brought is reopened. The reduction is reopened. The pudge reads the verdict to the same the judge reads the verdict to the judge. The judge thanks the jury I system and how they have played then the judge askes if there are any the the judge overturn the JURY verdicts way. He is told to put it in writing fourt is adjourned, and Roy goes at the person that sent me the text least	y 12:04 p.m. it was his: When the jury he foreperson then e judge. The judge or he is doing and light back in to the ey have reached a phimself, and then and then the judge and spends a few d a very important of other issues. Roy at because he can't for the record, but it nd gets his appeal	CIE)	for news, exents and into in Dayton  EWS
	the message. IF ANYONE CAN EXPLAIN HO AND 12:04 P.M. I WOULD LOV	OW ALL OF THIS HAPPENED BET Æ TO HEAR IT.	WEEN 11:40 A.M.	Youth Car	ent for Pets Adoptions Made for Cats Fo mp Founder Guilty of Sexual Battery owned Christian camp found guilty of se
unfortunate juror Chellanooge, TN	have just polled us. But it looks guy by posting my opinion of it know the guy, and I really did to	udge to overtum our verdict! That's h like I've inadvertently stirred up son t all. Sorry if I rained on anybody's ake my position as juror senously a nited evidence we were given. Can'	ne emotions on this parade, lol. I don't nd tried to get to a	<ul> <li>Kathy Mat</li> <li>Bryan Rea</li> <li>Hubbard T</li> <li>Woman us hospital</li> <li>Welding so</li> <li>Storm Dar</li> </ul>	k Petition to Secede from Hamilton Spa tea will kick off Patten Performances tdies For Start Of School Year To Serve 30 Months In Plot That Closed ses fake name, SS number to get chool plan hits snag mage Reports orial Debate Special! Basil Marceaux Is
MountainMourning Crap	Thursday Aug 26	#16   Judge it!   Re	port Abuse i <b>Reply »</b>		ore Dayton News from Topix »
Gaveleno, 114	I heard its hard to beat what car	nt be beatThe Truth			-
Back Bone Cleveland, TN	Thursday Aug 26	#17   <b>Judge it!</b>   Re	port Abuse   Reply »	DAILY HOR	ROSCOPE FOR SEPTEMBER 3
	My hat goes off to the Police Of this was, that have Back Bones	ficers that stood up and held to their and a Call To Duty.	guns on a case as	Focus on ma	atters at work as the changeable Moon ive Cancer and your tenth house of career on. Some Librans may feel tom between
He got one thing right Claveland, TN	Friday Aug 27 One thing of Roy did get right	#18   Judge it!   Re	port Abuse   Reply »	family respor and if so, the could be tem	nsibilities and career ambitions at this time by need to try to find a compromise. You pited to blow up at a troublesome co- noming, but don't waste your energy on
	percent correct!			petty matters	S
lurker Clavaland, TN	Saturday Aug 28	#19   Judge it!   Re	port Abuse   Reply »		Get your Horoscope »
	I read a bunch about this on the this lawsuit. I do think its kinda	internet. There are a bunch of webs		Sponsored I Find a Contract	
		at the truth, I guess he was right abo		Get Dayton, Ti screened cont	N contractors estimates Fast quotes from pre-

United States	Commence of the contract of th		
	I've read topix for a long time and I read al notice that this seems to have shut him up.		said about this cop.
HARRINAN PAUR LA PROPERTIE DE	Would you like us to afert you when someo	one adds a commen	1?
Showing posts 1 - 20 of	20		
Type in your comments	below	***************************************	
Name (appears on your post)		* · · · · · · · · · · · · · · · · · · ·	
Comments			*
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	Characters left: 4000		9
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			topix

Please note by clicking on "Post Comment" you acknowledge that you have read the Terms of Service and the comment you are posting is in compliance with such terms. Be polite. Inappropriate posts may be removed by the moderator. Send us your feedback.

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Comments made yest	erday: 126,318 • Total comments across all topic	cs: 118,222,087	Feedback?

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