

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

ROY L. DENTON)	
)	
Plaintiff)	Case No. 1:07-cv-211
)	
v.)	JURY DEMAND
)	
STEVE RIEVLEY)	Collier/Carter
)	
Defendant)	

**DEFENDANT STEVE RIEVLEY’S RESPONSE TO MOTION FOR ORDER OF
CONTEMPT AGAINST THE DEFENDANT STEVE RIEVLEY, IN THE
ALTERNATIVE, MOTION FOR EXTRAORDINARY RELIEF**

Comes the Defendant, Steve Rievley, in his individual capacity, (herein “Officer Rievley”), through counsel, and hereby files his Response to the Plaintiff’s Motion for Order of Contempt Against the Defendant Steve Rievley, In the Alternative, Motion for Extraordinary Relief. Both Officer Rievley and his counsel deny the allegations in the Plaintiff’s Motion. For this reason and the reasons set forth below, Officer Rievley respectfully requests that this Court deny the Plaintiff’s Motion.

The Plaintiff has filed a Motion for Contempt against Officer Rievley alleging that he “knowingly” made a “false statement” while he was under oath during the first and second trial of this matter. *See Court Doc. 152*. Moreover, the Plaintiff has also accused Officer Rievley’s counsel, Attorneys Wells and Roderick, of allegedly “consort[ing] with Steve Rievley, for the subornation of perjury.” *Id.* In his Motion, the Plaintiff has gone so far as to request an inquiry by the United States Attorneys’ Office for any alleged misconduct on the part of Officer Rievley’s counsel.

As a basis for his Motion, the Plaintiff claims that Officer Rievley's testimony at trial is not supported by his cell phone records. The Plaintiff did not subpoena Officer Rievley's cell phone records before the first trial and thus they were not at issue at that time. Furthermore, Officer Rievley's cell phone records were never entered into evidence during the second trial although they were available at that time. The Plaintiff had ample opportunity to cross-examine Officer Rievley regarding his testimony both during the first trial and the second trial regarding this issue.

Moreover, the Affidavit supplied by Attorney Roderick clearly was intended for the purpose to support Officer Rievley's Motion to modify the Court's order for obtaining the cell phone records in such a compressed time frame. Her Affidavit specifically detailed the steps she undertook to comply with this Court's Order to produce the cell phone records in such a short time frame given the information she had received from Sprint/Nextel and Verizon regarding their process for handling subpoenas.

Not only are such allegations by the Plaintiff completely groundless and without any merit whatsoever, they seek to impugn the good name and reputation of Officer Rievley and his counsel. For this reason, Officer Rievley respectfully requests that this Court deny the Plaintiff's Motion.

ROBINSON, SMITH & WELLS

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By: s /ElizabethRoderick
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Elizabeth Roderick, BPR #022762
Attorney for Defendant, Steve Rievley

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of September, 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 27th day of September, 2010.

Robinson, Smith & Wells

By: s/ Elizabeth Roderick

c: Roy L. Denton
120 6th Avenue
Dayton, TN 37321

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