

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

DAREK LATHAN  
11271 STATE ROUTE 762  
ORIENT, OHIO 43146

*Plaintiff*

-v-

THE STATE OF OHIO/CORR.RECEP CENTER  
OFFICER SPITLER  
11271 STATE ROUTE 762  
ORIENT, OHIO 43146

*defendant*

CASE NO: \_\_\_\_\_

COMPLAINT

(JURY DEMAND ENDORSED HEREON)

JURISDICTION

- (1) Plaintiff is currently an inmate housed at Correctional Reception Center (C.R.C.) 11271 State Route 762, Orient, Ohio 43146;
- (2) The entity (Defendant) facility is incorporated in the State Of Ohio. It is licensed to receive convicts from surrounding counties to house and classify them before transporting to parent institutions;

FACTUAL BACKGROUND

- (3) Plaintiff, DAREK LATHAN, has been housed in Unit B-1-2012 since 9-11-15;
- (4) Upon arriving in Unit B-1, Plaintiff was once again orientated on rules and procedures of the block;
- (5) None of the rules or procedures explain to plaintiff touched on usage of bathroom during recreation;
- (6) No rule in the inmate handbook validate that an inmate has to choose between recreation of use the bathroom;
- (7) On 9-17-15 while at evening recreation, Officer Spitler manifested inappropriate supervision which is a violation of admistrative rules 5120-9-4;
- (8) Which states: Any continuous method of annoying, needlessly harassing an inmate or group of inmates, a single incident may, due to it's severity or egregiousness, be considered;

- (9) On 9-17-15, Plaintiff asked officer Splitler could he (Plaintiff) use one of the two open restrooms located on the right side of the Unit;
- (10) Officer Spitler's reply was "Noone go past my cones except porters and you're not a porter so no you can not use either of the bathrooms behind the cones;
- (11) Plaintiff at that point explained to officer Spitler that for the past 4(Four) days there has been no hot water to shower with and he (Plaintiff) feel that the ice cold showers has given him a cold and diarihia and he (Plaintiff) bowl movement has been sparatic;
- (12) Officer Spitler told Plaintiff "If I let you in your cell, Iim not coming back to get you out;
- (13) Plaintiff explained to Officer Spitler that he (Plaintiff) had an important phone call to make;
- (14) Officer Spitler to Plaintiff to either get in line or lose your recreation;
- (15) Plaintiff got back in line and within 10 minutes plaitiff's bowls released which caused plaintiff to get out of line and take another cold shower;
- (16) In the shower plaintiff noticed bowl soil in his underware and pants;
- (17) Plaintiff washed away the soil spots, got dressed and attempted to return to the line;
- (18) Once in line, several inmates told plaintiff he pissed his pants and they (Other Inmates) all begin laughing at plaintiff;
- (19) Plaintiff filed an informal complaint;

COUNT 1

- (20) Plaintiff incorporates herein the allegations contained in paragraphs 1-19;
- (21) Defendant's (State of Ohio) failed to enforce it's entity (Correctional Reception Center) to employ and enforce a policy which includes conduct of employees while at work not to do any of the following;

- (1) Endager the life of an inmate housed at C.R.C.;
- (2) Violate inmates constitutional rights to the 8th Amendment;
- (3) Manifest tyrant behavior which violate administrative rule 5120-9-4
- (4) Impose their (Employees) will upon inmates which may cause physical emotional stress or harm to inmates;
- (5) Cause embarrassing and harrassment to inmates;
- (6) To not abuse their employee authority when it comes to inmates health and security;
- (7) To not follow protocol when inmates health and safty is involved;

COUNT 2

- (22) Plaintiff, incorporate herein the allegations contained in paragraphs 1-19;
- (23) Defendant, Spitler an employee at C.R.C. which is an entity of the State Of Ohio willfully and intentionally failed to provide plintiff, Darek Lathan with a physical and emotional stress free atmosphere by abusing his authority, violating plaintiff's 8th Amendment right to U.S. CONSTI-TUTION, violated administrative rule 5120-9-4, defendant Spitler has imposed his own will and policy upon countless inmates by not allowing inmates to use the bathroom and enjoy the right to recoreation.

COUNT 3

- (24) Plaintiff incorporates herein the allegations contained in paragraph 1-19;
- (25) Defendant Spitler, an employee of C.R.C, an entity of the State Of Ohio on 9-17-15 evening rec, acted with gross disregards, wantonly and with gross negligence with respects to recreation to which defendant Spitler subjected Plaintiff (Darek Lathan), as an approximate result of his willfull and intentional conduct on part of the defendant Spitler, Plaintiff will suffer Harrassment, embarrassment, riddiculing, emotional stress, personal injuries Including, but not limited to, loss of enjoyment of life, physicalstress, fear of retaliation, food tampering, unsafe housing, false conduct reports,

Loss of rec, phone call, legal research, mail tampering, placed in segregation purpose delay to parent institution, intentional infliction of emotional stress.

WHEREFORE, Plaintiff demands compensatory damages in an award greater than \$1,000,000.00 and punitive damages in the amount greater than \$1,000,000.00. Jury Demand, Demand, Plaintiff hereby demand a trial by jury on all issues.

Respectfully Submitted By,

Darek Lee Lathan  
Plaintiff

Mr. Darek Lee Lathan  
11271 State Route 762  
Orient, Ohio 43146