

IN THE CIRCUIT COURT, OF THE  
SEVENTH JUDICIAL CIRCUIT, IN  
AND FOR FLAGLER COUNTY,  
FLORIDA.

CASE NO.:

DAKOTA WARD,

Plaintiff,

vs.

FLAGLER COUNTY SHERIFF'S OFFICE,

Defendant.

\_\_\_\_\_ /

### **COMPLAINT**

Plaintiff, DAKOTA WARD, by and through the undersigned attorney, sues Defendant, FLAGLER COUNTY SHERIFF'S OFFICE, as follows:

1. This Court has jurisdiction over this matter as the amount in controversy exceeds \$15,000, exclusive of attorney's fees and costs.
2. At all times relevant to this cause of action, Plaintiff was a resident of Flagler County, Florida.
3. Defendant is a State Organization, organized under Florida law, and located in Flagler County, Florida.
4. The incident upon which this Complaint is based occurred in Flagler County, Florida.
5. On April 11, 2016, Plaintiff sent a letter via certified mail to the Claims Administrator for the Flagler County Sheriff's Office, Flagler County, Florida, pursuant to Section 768.28 of the Florida Statutes. A copy of Plaintiff's letter is attached hereto as Exhibit "A". Plaintiff has redacted his social security number from the letter.

### **FALSE ARREST AND IMPRISONMENT**

#### **Factual Basis**

6. Plaintiff realleges and reincorporates the facts contained in paragraphs 1 through 5 above.
7. On December 15, 2015 the Flagler County Sheriff's Office wrote a complaint for battery against "Dakota G. Ward" who resided at 3701 East Moody Boulevard, Bunnell, Florida 32110.
8. On March 26, 2016, Deputies from Flagler County Sheriff's Office arrived at 606 North Orange Avenue, Bunnell, Florida 32110 to arrest Plaintiff.
9. Despite Plaintiff's insistence that he was the wrong "Dakota Ward" and that the address listed on the arrest warrant was not Plaintiff's address, the Plaintiff was nonetheless arrested.

10. Following Plaintiff's arrest, Plaintiff's attorney met with the alleged victim in the original battery complaint written by the Flagler County Sheriff's Office.
11. The alleged victim signed a written affidavit that he was "100% sure" that the Flagler County Sheriff's Office had arrested the wrong "Dakota Ward". A copy of that affidavit is attached hereto as Exhibit "B".
12. The correct person that should have been arrested pursuant to the Flagler County Sheriff's Office complaint is De'Coda Ward who resides at 3701 Old Moody Boulevard, Bunnell, Florida 32110.
13. It is alleged that De'Coda Ward's name was spelled correctly in the original complaint filed December 15, 2015 by the Flagler County Sheriff's Office.
14. De'Coda Ward's description stated that he had red hair and blue eyes and lived 3701 Old Moody Boulevard, Bunnell, Florida 32110.
15. Plaintiff lives at 606 North Orange Avenue, Bunnell, Florida 32110 and has brown hair and brown eyes.
16. At no time during Flagler County Sheriff's Office investigation was a photo line-up presented.
17. The Plaintiff was arrested, fingerprinted, had his mug shot taken, and was booked into the Flagler County Inmate Facility against his will with no probable cause.
18. On April 1, 2016 Sheriff James Manfre issued a formal apology to the Plaintiff.
19. Additionally, on April 1, 2016, the Office of the State Attorney, Seventh Judicial Circuit, Flagler County, Florida entered a "Nolle Prosequi" dropping all charges against Plaintiff.

### **Legal Argument**

A claim for false arrest and imprisonment is based upon the unlawful restraint of a person against that person's will. Probable cause is required in order to effectuate an arrest of an individual. The existence of probable cause is determined by the totality of the circumstances of a particular situation. An Officer is held to a reasonable person standard when determining whether probable cause exists. The facts and circumstances, based upon reasonably trustworthy information, must be such that "would cause a prudent person to believe" the suspect has committed a crime. *Lee v. Ferraro*, 284 F. 3d 1188, 1195 (11<sup>th</sup> Cir. 2002) (quoting *Williamson v. Mills*, 65 F. 3d 155, 158 (11<sup>th</sup> Cir. 2002)).

Flagler County Sheriff's Office Deputies' arrest of Plaintiff was not reasonable. Flagler County Sheriff's Office Deputies' failed to confirm the identity of the Plaintiff by ignoring the description, correct spelling of the suspect's name, and the address listed for the suspect contained within the original complaint. Upon Plaintiff's insistence that he was not the correct person to be arrested, Flagler County Sheriff's Office Deputies further ignored the reasonably trustworthy information available to him at this time and instead arrested Plaintiff. Flagler County Sheriff's Office Deputies did not act reasonably when arresting Plaintiff and their arrest of Plaintiff was unlawful.

Plaintiff sustained damages as a direct and proximate result of his unlawful arrest and detention.

Plaintiff demands a trial by jury

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter Judgment in favor of Plaintiff and against Defendant in the full jurisdictional amount.

BY: \_\_\_\_\_/s Joshua Davis\_\_\_\_\_  
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**Exhibit "A"**



**DAVIS LAW**  
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Sheriff James L. Manfre  
Flagler County Sheriff's Office  
901 East Moody Boulevard  
Bunnell, FL 32110

April 11, 2016

Re: Dakota G. Ward

Dear Sheriff Manfre,

This firm serves as counsel to Dakota G. Ward in reference to a charge of battery. On December 15, 2015 the Flagler County Sheriff's Office wrote a complaint for battery against Dakota G. Ward. My client, Dakota G. Ward, was arrested on March 26, 2016 at his home address of 606 North Orange Street, Bunnell, Florida 32110. Despite the urgings of my client, his father, and his mother that he was the wrong Dakota Ward, and that he lived at a different address than listed for the Defendant, the arrest was made nonetheless.

In the week that was to proceed, this firm met with the alleged victim in the case. This victim signed an affidavit that he was "100% sure" the Flagler County Sheriff's Office had arrested the wrong man. The true Defendant's identity is De'Coda Ward. De'Coda resided at 3701 East Moody Boulevard, Bunnell, Florida 32110, and had red hair and blue eyes. The Flagler County Sheriff's Office arrested Dakota Ward who resided at 606 North Orange Street, Bunnell, Florida 32110 and had brown hair and brown eyes. Dakota Ward was arrested, fingerprinted, had his mugshot taken, and was booked into the Flagler County Inmate Facility against his will with no probable cause. His mugshot appears on multiple websites and this case has been in the print, internet, and television media.

At no time during Flagler County Sheriff's Office investigation was a photo line-up presented. It is alleged that the victim's statement contained the proper spelling for the intended Defendant "De'Coda Ward." A formal apology was issued by Sheriff James Manfre on April 1, 2016. The Office of the State Attorney, Seventh Judicial Circuit also entered a "Nolle Prosequi" dropping all charges against my client on April 1, 2016.

Consider this letter to be a formal notice of our intent to seek damages pursuant to the provisions of Section 768.28 of the Florida Statutes. As a direct and proximate result of the actions of the Flagler County Sheriff's Office, my client has been damaged.

My client has no judgments against him or other disabilities as set forth in the provisions of Chapter 768, including unpaid child support. My client was born in Daytona Beach, Florida on April 4, 1997. His social security number is [REDACTED].

Sincerely,



Joshua D. Davis, Esquire