

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

EMMA JANE PROSPERO,

Plaintiff,

-versus-

DEPUTY RYAN SULLIVAN et al.,

Defendants

Civil Action File No.
2:20-cv-110

**PLAINTIFF’S STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT ON PROBABLE CAUSE AND MALICIOUS
PROSECUTION**

Plaintiff Emma Jane Prospero (“Prospero” or “Plaintiff”) hereby submits this Statement of Undisputed Material Facts in Support of her Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56(c) and Local Rule 56.1. All deposition transcripts, exhibits, discovery responses, and other evidence supporting the undisputed facts set forth below are filed contemporaneously herewith. No genuine issues remain to be tried regarding the following material facts:

Plaintiff Reports Gunshots on Thanksgiving Day, November 22, 2018

1. Plaintiff lives at 84 Magna Carta Drive in Woodbine, Camden County, Georgia. Ex. A, Call for Service Detail Report – CFS 391 (“911 CAD”) at 125.
2. On the afternoon of Thanksgiving Day, November 22, 2018, Plaintiff and her husband were at home at 84 Magna Carta Drive. Ex. B, Deposition Transcript of Emma Jane Prospero (“Prospero Tr.”) at 162:12-14.

3. Plaintiff heard sustained, consecutive gunshots. Ex. B (Prospero Tr.) at 166:24-167:5.

4. It “sounded like a whole ton of people were just - - it was boom, boom, boom, boom, boom, boom, boom, boom, boom, boom, boom, boom.” Ex. B (Prospero Tr.) at 167:2-4.

5. This shooting was unlike anything Plaintiff had heard before. Ex. B (Prospero Tr.) at 167:4-5.

6. At 14:42 (2:42 PM), Plaintiff called the Camden County Sheriff Office’s general administrative number (912-510-5100). Ex. B (Prospero Tr.) at 24:19-25:18; Ex. D, Transcript of 2:42 PM Non-emergency Call by Mrs. Prospero (“2:42 PM Tr.”); Ex. D-1, Audio File (2:42 PM Call).

7. Plaintiff’s call was answered by the Camden County Jail and transferred to the Camden County Dispatch Center (“Dispatch Center”) on a non-emergency line. Ex. E, Deposition Transcript of Dispatch Officer John Archibald (“Archibald Tr.”) at 21:23-22:25; Ex. F, Deposition of Dispatch Supervisor Sergeant Susan “Nikki” Flowers (“Flowers Tr.”) at 19:12-18.

8. Officer John Archibald (“Archibald”) in the Dispatch Center answered. Ex. D (2:42 PM Tr.) at 2:2; Ex. D-1, Audio File (2:42 PM Call); Ex. E (Archibald Tr.) at 31:3-13.

9. Plaintiff stated, “There’s a ton of shots behind the Chevron station over here. They’ve been shooting for about ten minutes and they’re not stopping.” Ex. D (2:42 PM Tr.) at 2:3-6; Ex. D-1, Audio File (2:42 PM Call); Ex. G, Call for Service Detail Report – CFS 388 (“Non-emergency CAD”).

10. Plaintiff asked, “Can you get somebody over there to tell them to stop shooting? It’s too close to the neighborhoods here.” Ex. D (2:42 PM Tr.) at 2:6-8; Ex. D-1, Audio File (2:42 PM Call); Ex. G (Non-emergency CAD).

11. Archibald asked her, “What is your name?” Ex. D (2:42 PM Tr.) at 2:14; Ex. D-1, Audio File (2:42 PM Call).

12. Plaintiff stated, “I don’t want to give my information. I’m not the one shooting. I just want the shooting to stop.” Ex. D (2:42 PM Tr.) at 2:15-17; Ex. D-1, Audio File (2:42 PM Call).

13. Archibald and Flowers testified it is not unusual, and is in fact typical, for callers to not give their name. Ex. E (Archibald Tr.) at 40:4-19; Ex. F (Flowers Tr.) at 23:5-8.

14. Callers are not required to give their names. Ex. E (Archibald Tr.) at 40:4-8; Ex. F (Flowers Tr.) at 22:21-23:4.

15. Archibald testified that Plaintiff’s withholding her name did not impair the Sheriff’s Office’s ability to respond to her call. Ex. E (Archibald Tr.) at 40:20-24.

16. Archibald told Plaintiff, “I understand. We will get somebody out there; okay?” Ex. D (2:42 PM Tr.) at 2:19-20; Ex. D-1, Audio File (2:42 PM Call).

17. Plaintiff thanked him and they hung up. Ex. D (2:42 PM Tr.) at 2:21-22; Ex. D-1, Audio File (2:42 PM Call).

18. Archibald testified that there was nothing inappropriate or disruptive about Plaintiff’s 2:42 PM call to report the gunshots. Ex. E (Archibald Tr.) at 42:10-43:3.

19. Archibald testified that gun shots going on for ten minutes constituted a legitimate reason for Plaintiff to call the Sheriff’s Office. Ex. E (Archibald Tr.) at 37:7-11.

20. Archibald testified, “Any bullet fired is a safety concern.” Ex. E (Archibald Tr.) at 37:2, and generally 36:10-37:11.

Defendant Sullivan Notified of Plaintiff’s Report of Gunshots

21. At 14:44 (2:44 PM), Dispatch called Camden County Sheriff’s Deputy Ryan Sullivan (Officer No. 1179) (“Sullivan”). Ex. H, Transcript of 2:44 PM Call by Dispatch to Sullivan (“2:44 PM Tr.”) at 2:1-4; Ex. H-1, Audio File (2:44 PM Call); Ex. I, Deposition Transcript of Sullivan (“Sullivan Tr.”) at 52:18-21.

22. The Dispatch Operator stated: “2040 Ga Spur 25 by the Chevron. Caller is advising she’s hearing shots coming from behind there. She wants it to stop so she can enjoy her dinner.” Ex. H (2:44 PM Tr.) at 2:5-9; Ex. H-1, Audio File (2:44 PM Call).

23. Sullivan confirmed: “They said it was behind the truck stop,” and the operator answered “10-4,” meaning “yes.” Ex. H (2:44 PM Tr.) at 2:10-12; Ex. H-1, Audio File (2:44 PM Call); Ex. I (Sullivan Tr.) at 37:10-23.

24. Sullivan testified that “[g]unshots behind a busy truck stop would usually generate an emergency response.” Ex. I (Sullivan Tr.) at 206:10-20.

25. But on Thanksgiving Day 2018, Sullivan told the Dispatch Operator who notified him of Plaintiff’s report of gun shots behind the Chevron truck stop: “That’s private property. I’m not going to go back there and make somebody stop shooting.” and stated “10-8 stat 3,” indicating no action taken. Ex. H (2:44 PM Tr.) at 2:13-15; Ex. H-1, Audio File (2:44 PM Call); Ex. I (Sullivan Tr.) at 39:3-40:1.

26. Sullivan asked if the caller wanted contact and the Dispatch Operator stated: “Negative.” Ex. H (2:44 PM Tr.) at 2:15-17; Ex. H-1, Audio File (2:44 PM Call); Ex. I (Sullivan Tr.) at 39:11-14.

27. Sullivan testified that if the caller had wanted contact, this would not have changed his determination that he was not going to stop the gunshots. Ex. I (Sullivan Tr.) at 50:23-51:1.

Sullivan Did Not Follow Sheriff's Office's Patrol Function SOP

28. The Camden County Sheriff's Office's Standard Operating Procedure (SOP) for Patrol Function states: "Deputies should be discouraged from forming definite opinions about a call before arriving at the scene." Ex. J, Camden County Sheriff's Office's Standard Operating Procedure Handbook, Chapter 16: Patrol Function ("SOP") at 316, § V.A.2.

29. When Sullivan made the determination that no action would be taken on Plaintiff's report of gunshots behind the Chevron truck stop, he was about 10 minutes away from the Chevron. Ex. K, Transcript of 2:48 PM Call by Sullivan to Flowers ("2:48 Tr.") at 7:2-10; Ex. K-1, Audio File (2:48 PM Call); Ex. F (Flowers Tr.) at 89:1-9.

30. Sullivan could not hear the gunshots when he told the Dispatch Operator they were occurring on private property. Nor could he see who was shooting, know how many people were shooting, know what kind of gun they were shooting, or know in what direction their rounds were traveling. Ex. I (Sullivan Tr.) at 43:1-16.

31. Sullivan assumed the gunshots were lawfully occurring on private property owned by an individual named Robert Paulk ("Paulk"). Ex. I (Sullivan Tr.) at 40:2-11; Ex. H (2:44 PM Tr.) at 2:19-20; Ex. H, Audio File (2:44 PM Call); Ex. K (2:48 Tr.) at 5:15-25; Ex. K-1, Audio File (2:48 PM Call).

32. Paulk owns three plots of land that border three sides of the small lake behind Plaintiff's residence at 84 Magna Carta Drive. Ex. I (Sullivan Tr.) at 56:21-57:23; Ex. L, Property Division Map of Magna Carta Drive.

Sullivan Did Not Investigate or Confirm Whether Gunshots were Lawful

33. Sullivan never confirmed his assumption that Paulk was lawfully shooting on private property. Ex. I (Sullivan Tr.) at 112:16-113:10.

34. Sullivan did not investigate or confirm whether whoever was shooting had permission from the property owner to be doing so; whether the shots had been fired within 50 yards of a public road (Satilla Bluff Road West); or whether the shots had been fired in a manner that would endanger the bodily safety of others, all of which are either required or prohibited by the Georgia Code in order for the discharge of a firearm to be lawful. Ex. I (Sullivan Tr.) at 56:21-57:23, 59:3-60:10, 63:10-66:5, 67:9-69:7, 216:19-217:25; O.C.G.A. §§ 16-11-103, 16-11-104, 16-5-60; Ex. W, Declaration of Camden County Public Works Director Shalana D. McNamee (“McNamee Decl.”) at ¶ 3.

35. Sullivan testified that if someone was shooting on private property in an unlawful manner, he had the authority to intervene. Ex. I (Sullivan Tr.) at 106:24-107:3.

36. Sheriff James Proctor testified that even if the reported gunshots were originating from private property as Sullivan had assumed, he (Proctor) “would want to go see” where the shots were coming from. Ex. M, Deposition Transcript of Camden County Sheriff Jim Proctor (“Proctor Tr.”) at 107:1-10.

Plaintiff’s Husband, Joseph Prospero, Called to Report Gunshots

37. Flowers testified that if there is a safety concern, specifically of shots fired, generally more than one person will call. Ex. F (Flowers Tr.) at 47:19-25.

38. At 14:46 (2:46 PM) on Thanksgiving Day 2018, Plaintiff’s husband Joseph Prospero called the Sheriff’s Office administrative number (912-510-5100) to report gunshots behind the Chevron truck stop. He was transferred to the Dispatch Center where Archibald

answered. Ex. E (Archibald Tr.) at 21:23-22:5, 52:13-24; Ex. N, Transcript of 2:46 PM Non-emergency Call by Joseph Prospero (“2:46 PM Tr.”) at 3:1-5; Ex. N-1, Audio File (2:46 PM Call).

39. Mr. Prospero stated, “They’ve been shooting around here now for the last 20, 25 minutes.” Ex. N (2:46 PM Tr.) at 3:3-5; Ex. N-1, Audio File (2:46 PM Call).

40. Archibald asked, “Where at?” and Mr. Prospero replied, “[I]t’s right behind the Chevron, Exit 14.” Ex. N (2:46 PM Tr.) at 3:6-8; Ex. N-1, Audio File (2:46 PM Call).

41. Archibald stated, “We received a call on it already. It’s a hunting club back there.” Ex. N (2:46 PM Tr.) at 3:10-11; Ex. N-1, Audio File (2:46 PM Call).

42. Mr. Prospero stated, “[I]t’s Thanksgiving. I mean, shooting around here. It’s ridiculous.” Ex. N (2:46 PM Tr.) at 3:13-14; Ex. N-1, Audio File (2:46 PM Call).

43. Archibald asked, “Would you like contact by a deputy?” and Mr. Prospero answered, “No, I don’t want contact. I want the shooting stopped.” Ex. N (2:46 PM Tr.) at 3:15-18; Ex. N-1, Audio File (2:46 PM Call).

44. Archibald stated, “[T]hey say it’s a hunting club, sir, and – and the deputies are aware of it. It’s private property.” Ex. N (2:46 PM Tr.) at 3:19-21; Ex. N-1, Audio File (2:46 PM Call).

45. Archibald’s statement that it was private property was based on what Sullivan had said when notified of Plaintiff’s initial 2:42 PM call. Ex. E (Archibald Tr.) at 64:5-11.

46. Mr. Prospero and Plaintiff each then stated, “It’s too close to the neighbor,” and Mr. Prospero continued, “They need to tell them to stop. It’s ridiculous.” Ex. N (2:46 PM Tr.) at 3:23-4:2; Ex. N-1, Audio File (2:46 PM Call).

47. Archibald stated, “[I]t’s private property. It’s a hunting club back there, sir.” Ex. N (2:46 PM Tr.) at 4:3-4; Ex. N-1, Audio File (2:46 PM Call).

48. Plaintiff then stated, “It’s illegal. They always stopped it before,” and Mr. Prospero stated, “They stopped it before.” Ex. N (2:46 PM Tr.) at 4:5-7; Ex. N-1, Audio File (2:46 PM Call).

49. Archibald responded, “Would you like to speak to a deputy about this, sir?” and Mr. Prospero declined. Ex. N (2:46 PM Tr.) at 4:8-9, 4:12-13; Ex. N-1, Audio File (2:46 PM Call).

50. Plaintiff asked, “Do we need to call the governor’s office?” Ex. N (2:46 PM Tr.) at 4:10-11; Ex. N-1, Audio File (2:46 PM Call).

51. Archibald then stated, “Okay, sir, you try and enjoy the rest of your day” and the call ended. Ex. N (2:46 PM Tr.) at 4:15-16; Ex. N-1, Audio File (2:46 PM Call).

Sullivan Refers to Plaintiff and Her Husband as “Stupid Motherfuckers”

52. Two minutes later, at 14:48 (2:48 pm), Sullivan called Dispatch and spoke with Dispatch Supervisor Flowers. Ex. K (2:48 PM Tr.) at 5:1-5; Ex. K-1, Audio File (2:48 PM Call).

53. Referring to Plaintiff and her husband, Sullivan stated, “What? Do people not have anything better to do than to bitch about somebody shooting on private property?” Ex. K (2:48 PM Tr.) at 5:6-8; Ex. K-1, Audio File (2:48 PM Call).

54. Flowers stated that the callers refused to give their names but “[w]e’re familiar with it, with them.” Ex. K (2:48 PM Tr.) at 5:9-14; Ex. K-1, Audio File (2:48 PM Call).

55. Sullivan stated, “Yeah, it’s the Paulks back there shooting on their private property.” Ex. K (2:48 PM Tr.) at 5:15-17; Ex. K-1, Audio File (2:48 PM Call).

56. Flowers stated, “We know.” Ex. K (2:48 PM Tr.) at 5:18-19; Ex. K-1, Audio File (2:48 PM Call).

57. Sullivan continued: “Yeah, those motherfuckers. I ain’t going out there to talk to Robert [Paulk] about - - ‘Hey, man, you can’t shoot on your private property because you’re disturbing people.’” Ex. K (2:48 PM Tr.) at 5:21-25; Ex. K-1, Audio File (2:48 PM Call).

58. Flowers stated, “[T]hat’s exactly what we told them the second time they called right directly after they called the first time.” Ex. K (2:48 PM Tr.) at 6:2-4; Ex. K-1, Audio File (2:48 PM Call).

59. Sullivan responded, “Stupid motherfuckers.” Ex. K (2:48 PM Tr.) at 6:5-6; Ex. K-1, Audio File (2:48 PM Call).

60. Flowers stated, “Apparently, you weren’t (unintelligible) us. You didn’t – you, know, warp speed over there.” Ex. K (2:48 PM Tr.) at 6:7-9; Ex. K-1, Audio File (2:48 PM Call).

61. Sullivan continued: “So – well, yeah, let them leave their fucking address or something or request contact. I’ll let them know how stupid they are.” Ex. K (2:48 PM Tr.) at 6:10-13; Ex. K-1, Audio File (2:48 PM Call).

62. Flowers stated, “Oh, no, they – they won’t. They live on Magna Carta.” Ex. K (2:48 PM Tr.) at 6:14-15; Ex. K-1, Audio File (2:48 PM Call).

63. Sullivan stated, “All righty, then. . . [N]ext time ping their phone so I can go talk to them.” Ex. K (2:48 PM Tr.) at 6:16-18; Ex. K-1, Audio File (2:48 PM Call).

64. Flowers stated, “You don’t have to. They live on Magna Carta,” and Sullivan stated, “I will ride through there after I get cleared up from over here.” Ex. K (2:48 PM Tr.) at 6:19-23; Ex. K-1, Audio File (2:48 PM Call).

65. Sullivan stated that he was at Berry Street, off of Colerain. Ex. K (2:48 PM Tr.) at 7:2-8; Ex. K-1, Audio File (2:48 PM Call).

66. Flowers asked, “Off Colerain. You’re a little far south, ain’t you?” to which Sullivan replied, “That’s neither here nor there, Nikki.” Ex. K (2:48 PM Tr.) at 7:9-12; Ex. K-1, Audio File (2:48 PM Call).

67. Colerain and Berry Street was outside of Sullivan’s assigned “north end” of the county patrol zone. Ex. K (2:48 PM Tr.) at 7:9-19; Ex. K-1, Audio File (2:48 PM Call); Ex. F (Flowers Tr.) at 85:14-86:23.

Plaintiff’s 2½ Minute 911 Call

68. The shooting was continuing and Plaintiff thought “it sounded like a war over there.” Ex. B (Prospero Tr.) at 220:21-221:7.

69. Plaintiff was “very concerned about the possibility of the shots coming too close to the neighbors and our home,” and wanted to let the Sheriff’s Office “know how serious it was.” Ex. B (Prospero Tr.) at 313:21-314:4, 220:21-221:7.

70. At 14:58 (2:58 PM), Plaintiff for the first and only time that day called 911. Ex. O, Transcript of 2:58 PM Emergency Call by Mrs. Prospero (“911 Tr.”) at 8:2-4; Ex. O-1, Audio File (911 Call).

71. The Dispatch Center had 6 to 8 emergency lines for receiving 911 calls with 4 Dispatch Officers available each shift to answer incoming calls. Ex. E (Archibald Tr.) at 20:17-21:7; Ex. F (Flowers Tr.) at 13:6-13, 14:5-8.

72. Dispatcher Archibald answered Plaintiff’s 911 call. Ex. E (Archibald Tr.) at 91:21.

73. Plaintiff stated, “There’s tons of shots and they keep going and going and going around the Chevron station over there in Woodbine.” Ex. O (911 Tr.) at 8:4-7; Ex. O-1, Audio File (911 Call).

74. Archibald responded, “Yes ma’am. That’s the hunting club back there.” Ex. O (911 Tr.) at 8:8-9; Ex. O-1, Audio File (911 Call).

75. Plaintiff stated, “Okay, well, it’s too close to the neighborhood. The shots are coming too close. They need to stop it.” Ex. O (911 Tr.) at 8:10-12; Ex. O-1, Audio File (911 Call).

76. Archibald asked, “Okay, would you like to see a deputy about this because we received multiple phone calls and then they -- they are telling us it's the -- it's the private property hunting club. Ex. O (911 Tr.) at 8:13-17; Ex. O-1, Audio File (911 Call).

77. Plaintiff stated: “I understand, but they’re not, because of the noise ordinances, they’re not supposed to have that. We’ve already been through this before, and they’ve stopped it. So, we want it stopped. We don't want to live next to the firing.” Ex. O (911 Tr.) at 8:18-23; Ex. O-1, Audio File (911 Call).

78. Archibald responded, “All right. Would you like to see a deputy about it?” Ex. O (911 Tr.) at 8:24-25; Ex. O-1, Audio File (911 Call).

79. Plaintiff stated, “No. We just want it stopped.” Ex. O (911 Tr.) at 9:1-2; Ex. O-1, Audio File (911 Call).

80. Archibald told Plaintiff, “Ma’am, they are not going to go out there. That’s what I’m saying. They’re not going to go out there, but if you want to see a deputy, you can.” Ex. O (911 Tr.) at 9:3-6; Ex. O-1, Audio File (911 Call).

81. Plaintiff stated, “No, I don’t -- I just want it stopped. Can I get your name? I – I don’t understand why they’re not going to – stopping it. They always do in the past. Why is this different today?” Ex. O (911 Tr.) at 9:7-11; Ex. O-1, Audio File (911 Call).

82. Archibald stated, “You know what, ma’am, hold on one second, please?” Ex. O (911 Tr.) at 9:12-13; Ex. O-1, Audio File (911 Call).

83. Flowers came on the line and introduced herself: “My name is Sergeant Flowers . . . like the pretty thing with petals.” Ex. O (911 Tr.) at 9:17-21; Ex. O-1, Audio File (911 Call).

84. Flowers stated, “The deputy that was dispatched to your address or to the . . . well, not to your address . . . but to the incident has advised that it is – when we gave him the location of where the shots were coming from, he advised that it is private property. It is a hunting club. They are well within their rights to shoot on that property.” Ex. O (911 Tr.) at 9:24-10:8; Ex. O-1, Audio File (911 Call).

85. Plaintiff stated, “Actually, that’s not what we’ve been told because of the noise ordinance. That’s what zoning (unintelligible) and things have told us.” Ex. O (911 Tr.) at 10:9-12; Ex. O-1, Audio File (911 Call).

86. Flowers stated, “They’re not – they’re not inside the city limits of the City of Woodbine.” Ex. O (911 Tr.) at 10:13-15; Ex. O-1, Audio File (911 Call).

87. Plaintiff responded, “Right, I understand, but if -- if the shots are coming to[o] close to people’s homes --” Ex. O (911 Tr.) at 10:16-18; Ex. O-1, Audio File (911 Call).

88. Flowers stated, “However, but now that we have your address, we will be – he will be en route to come and speak with you and explain this to you as well.” Ex. O (911 Tr.) at 10:19-22; Ex. O-1, Audio File (911 Call).

89. Plaintiff stated, “Okay, well, I don’t want anybody at our house here. It’s Thanksgiving and we don’t want – we have – we don’t want anybody at our home because we’re not the ones doing anything wrong, but I can go – to the TV station. People don’t want shots next to their houses. Do you understand, Officer Flowers, like the petal?” Ex. O (911 Tr.) at 10:23-11:8; Ex. O-1, Audio File (911 Call).

90. Flowers stated, “Okay, unfortunately, like I said, this is what the deputy explained, and he’s on his way to come and explain that to you in person.” Ex. O (911 Tr.) at 11:9-12; Ex. O-1, Audio File (911 Call).

91. Plaintiff stated, “Well, I’m not answering the door. We’re leaving. Good-bye. . . We will call the TV station,” and ends the call. Ex. O (911 Tr.) at 11:13-17; Ex. O-1, Audio File (911 Call).

Plaintiff’s 911 Call Did Not Interfere or Disrupt the Emergency Phone Service

92. Plaintiff’s single 911 call lasted approximately 2½ minutes. Ex. I (Sullivan Tr.) at 155:4-6; Ex. O-1, Audio File (911 Call); Ex. V, Defendant Deputy Ryan Sullivan’s Response to Plaintiff’s Requests for Admission (“Sullivan RFAs”) at No. 32.

93. The Dispatch Center Call Log for that day, November 22, 2018, did not show any other calls coming into the Dispatch Center during Plaintiff’s 911 call. Ex. C, Camden County Sheriff’s Office Dispatch Center Call Log (“Call Log”); Ex. E (Archibald Tr.) at 97:14-17.

94. Had another call come in during Plaintiff’s 911 call, other officers working in the Dispatch Center were available to answer it. Ex. E (Archibald Tr.) at 97:18-21.

95. Archibald was asked in deposition, “Is there anything that you could not get done that day because Mrs. Prospero had called 911 for two and a half minutes?” and he answered, “Not, that I can recall.” Ex. E (Archibald Tr.) at 105:1-4.

Sullivan Responded to Plaintiff's House, Not to Scene of Reported Gunshots

96. At 15:15 (3:15 PM), about 15 minutes after Plaintiff's 911 call had ended, Sullivan arrived at the Plaintiff's residence at 84 Magna Carta Drive. Ex. I (Sullivan Tr.) at 102:12-21.

97. Sullivan reported that he did not hear gunshots. Ex. I (Sullivan Tr.) at 103:3-5; Ex. A (911 CAD) at 15:17:15.

98. Sullivan believes he knocked on Plaintiff's door and no one answered. Ex. I (Sullivan Tr.) at 105:11-21.

99. Sullivan had Dispatch call Plaintiff's number twice, and it rang to voicemail both times. Ex. I (Sullivan Tr.) at 108:25-109:4; Ex. A (911 CAD) at 3:19:02 & 3:20:22.

100. Sullivan asked Dispatch to run a "CH" or criminal history on Plaintiff. Ex. A (911 CAD); Ex. I (Sullivan Tr.) at 126:13-127:8.

101. Sullivan left Plaintiff's address at 84 Magna Carta Drive at approximately 15:30 (3:30 PM). Ex. I (Sullivan Tr.) at 110:6-8.

Sullivan Never Confirmed if Gunshots Were Safely Fired on Private Property

102. After leaving Plaintiff's address, Sullivan attempted to contact Robert Paulk, who owns land bordering three sides of the small lake behind Plaintiff's house at 84 Magna Carta Drive, but the gate to Paulk's property was closed. Ex. I (Sullivan Tr.) at 57:19-23, 111:10-112:8.

103. Sullivan testified that had he contacted Paulk, he would have made sure Paulk "was firing in a safe direction, that he was the one actually firing on his property, which I believed." Ex. I (Sullivan Tr.) at 112:9-15.

104. Sullivan testified that he was never able to confirm with Paulk that he had been firing safely on his private property. Ex. I (Sullivan Tr.) at 112:16-113:10.

Sullivan's Calls with Dispatch

4 PM Call

105. At 16:00 (4:00 PM) Sullivan called Dispatch and spoke to Officer Heather Sievers ("Sievers"). Ex. P, Transcript of 4:00 PM Call By Sullivan to Dispatch ("4:00 PM Tr.") at 16:2-3; Ex. P-1, Audio File (4:00 PM Call).

106. Sullivan asked Sievers, "Hey, did – did Ms. Prospero curse at anybody or use offensive or obscene language?" Ex. P (4:00 PM Tr.) at 16:6-7; Ex. P-1, Audio File (4:00 PM Call).

107. Sievers responded, "She didn't use offensive language or curse [Sullivan: Okay] is what Nikki said. She just was not a happy camper and she wanted y'all to get it taken care of." Ex. P (4:00 PM Tr.) at 16:8-13; Ex. P-1, Audio File (4:00 PM Call).

108. Sullivan responded, "Oh, it's taken care of. All right, then." Ex. P at 16:14-15; Ex. P-1, Audio File (4:00 PM Call).

109. Flowers confirmed that Sievers' statement to Sullivan accurately represented her (Flowers') understanding of Plaintiff's purpose for calling and that "it" referred to the gunshots. Ex. F (Flowers Tr.) at 127:7-21.

4:12 PM Call

110. At 16:12 (4:12 PM), Sullivan again called Dispatch. Ex. Q, Transcript of 4:12 PM Call by Sullivan to Dispatch ("4:12 PM Tr.") at 2:2-4; Ex. Q-1, Audio File (4:12 PM Call).

111. Sullivan spoke to Flowers and asked, “Did she [Plaintiff] call in one time – I mean, two times or three times?” Ex. Q (4:12 PM Tr.) at 3:15-16; Ex. Q-1, Audio File (4:12 PM Call).

112. Flowers responded, “We spoke to her twice. The husband called one time. They called in on the non-emergency line two different times and they called 911 once.” Ex. Q (4:12 PM Tr.) at 3:17-20; Ex. Q-1, Audio File (4:12 PM Call).

113. Sullivan asked what time “the husband” called and Flowers replied, “We’d have to go back and look.” Ex. Q (4:12 PM Tr.) at 3:21-24; Ex. Q-1, Audio File (4:12 PM Call).

114. Flowers further stated, “John [Archibald] talked to him the second, talked to the male the second time. We’d have to pull the tape.” Ex. Q (4:12 PM Tr.) at 3:24-4:1; Ex. Q-1, Audio File (4:12 PM Call).

115. Flowers continued, “[W]e had already dispatched you and you made the statement, private property, they are allowed to do that.” Ex. Q (4:12 PM Tr.) at 4:8-10; Ex. Q-1, Audio File (4:12 PM Call).

116. Flowers continued, “We had told him that . . . and stated that if he wanted any further action we could send him a deputy. They refused the deputy, so we disconnected the line and then they called 911.” Ex. Q (4:12 PM Tr.) at 4:16-22; Ex. Q-1, Audio File (4:12 PM Call).

117. Flowers confirmed, “That [the husband’s call] was right before the 911.” Ex. Q (4:12 PM Tr.) at 4:23-5:1; Ex. Q-1, Audio File (4:12 PM Call).

118. Sullivan stated he was trying to get a timeline of the three calls, “But that’s all right. I’ll just say it [husband’s call] was right before the 911 call.” Ex. Q (4:12 PM Tr.) at 5:7-18; Ex. Q-1, Audio File (4:12 PM Call).

119. Sullivan and Flowers agreed that “the original shots fired call came in at 14:42” and “the next one at 14:58,” so the husband’s call was “probably . . . between 14:40 and 14:52.” Ex. Q (4:12 PM Tr.) at 5:22-6:11; Ex. Q-1, Audio File (4:12 PM Call).

120. Flowers stated, “I can go back on John’s recorder and see if I can find the exact time, if you need it,” and Sullivan replied, “No, that’s okay. Thank you.” Ex. Q (4:12 PM Tr.) at 6:15-18; Ex. Q-1, Audio File (4:12 PM Call).

Dispatch Encouraged that Sullivan Listen to the Recordings

121. At 16:13 pm (4:13 PM) Lt. Russell Prescott (“Prescott”) called Dispatch and spoke to Officer Sievers, who told him that Flowers was on another line speaking with Sullivan. Ex. R, Transcript of 4:13 PM Call by Sheriff’s Lieutenant Russell Prescott to Dispatch (“4:13 PM Tr.”) at 7:2-12; Ex. R-1, Audio File (4:13 PM Call).

122. Prescott stated, “I’m sitting over here with Ryan [Sullivan] just aggravating y’all.” Ex. R (4:13 PM Tr.) at 7:13-14; Ex. R-1, Audio File (4:13 PM Call).

123. Sievers stated, “I don’t know why you have to aggravate us. If y’all want to know something, come listen to the damn tape. That’s what I was trying to tell him [Prescott: Yeah.] Tell him to come listen to the tape. He can hear. I’ll play it back for him. How about that?” Ex. R (4:13 PM Tr.) at 7:15-24 (Prescott’s response unintelligible); Ex. R-1, Audio File (4:13 PM Call).

124. Prescott stated to Sievers, “[W]e’re trying to get our timeframe down so that we can actually charge her,” referring to Plaintiff. Ex. R (4:13 PM Tr.) at 8:13-15; Ex. R-1, Audio File (4:13 PM Call).

Recordings Were Readily Available but Sullivan “Didn’t Want to Listen” to Them

125. Sullivan did not listen to the recording of Plaintiff and her husband’s calls on November 22, 2018 prior to submitting his arrest warrant affidavit. Ex. I (Sullivan Tr.) at 151:17-22.

126. Sullivan testified that he “didn’t want to listen to the recordings.” Ex. I (Sullivan Tr.) at 152:14-15.

127. He relied on the information given to him by the dispatchers and on the Computer-Aided Dispatch (“CAD”) reports. Ex. I (Sullivan Tr.) at 151:17-22; 152:15-16; 160:4-25.

128. Recordings of calls to the Dispatch Center are “readily available” to Sheriff’s deputies and deputies can hear the recordings over the phone while talking to the Dispatch Center. Ex. E (Archibald Tr.) at 107:4-21.

129. If Sullivan had asked to hear the recordings of Plaintiff and her husband’s November 22, 2018 calls, he could have listened to them “right away.” Ex. E (Archibald Tr.) at 107:4-108:2.

130. Flowers testified that it would have taken her about 5 minutes to pull the recording of a call, and that she could have played it for Sullivan over the phone while he was in the field. Ex. F (Flowers Tr.) at 140:20-141:4, 141:20-142:3.

Information Contained in the Computer-Aided Dispatch (CAD) Reports

131. When the Camden County Dispatch Center receives a call for service, the dispatcher who answers the call creates a Computer-Aided Dispatch (CAD). Ex. F (Flowers Tr.) at 28:7-29:3.

132. A CAD contains an auto-generated incident number, the call date, time, type, status, priority, dispatcher, the caller's information, and the action taken, if any. *See, e.g.*, Exs. A (911 CAD) & G (Non-emergency CAD).

133. A CAD also includes a description of the call and corresponding time stamps. *See, e.g.*, Exs. A (911 CAD) & G (Non-emergency CAD).

134. The CAD is created either simultaneously with the call or shortly after the call to which it corresponds. Ex. E (Archibald Tr.) at 44:6-14.

135. The CAD is not a transcript of the call itself. Ex. E (Archibald Tr.) at 44:15-19.

136. The dispatch operators use the CAD to dispatch the appropriate agency to respond to the call for service. Ex. F (Flowers Tr.) at 39:2-13.

137. On November 22, 2018, the Dispatch Center created two CADs for Plaintiff's two calls for service. Exs. F A (911 CAD) & G (Non-emergency CAD).

138. No separate CAD was created for Plaintiff's husband's call. Ex. S, Transcript of 3:28 PM Call by Sullivan to Dispatch ("3:28 PM Tr.") at 15:8-13; Ex. S-1, Audio File (3:28 PM Call).

CAD for 2:42 PM Call

139. Plaintiff's first call at 2:42 PM on November 22, 2018 is documented in a CAD titled, "Call for Service Detail Report – CFS 388." Ex. G (Non-emergency CAD).

140. It states the "Call Type" is "Shots Fired," and "Priority" is "High." Ex. G (Non-emergency CAD).

141. It lists the relevant address as "2040 GA SPUR 25, Woodbine," and "Common Name Chevron X14." Ex. G (Non-emergency CAD).

142. It lists "Caller Name" as "refused." Ex. G (Non-emergency CAD).

143. It states, “Shots from behind the Chevron.” Ex. G (Non-emergency CAD) at 2:43:07 PM.

144. It states, “She just wants it to stop so she can enjoy her dinner.” Ex. G (Non-emergency CAD) at 2:43:45.

CAD for 911 Call

145. Plaintiff’s 911 call at 2:58 PM on November 22, 2018 is documented in a CAD titled, “Call for Service Detail Report – CFS 391.” Ex. A (911 CAD).

146. This CAD states the “Call Type” is “911 Hang Up,” and “Priority” is “High.” Ex. A (911 CAD).

147. It lists the relevant address as “84 MAGNA CARTA DR, Woodbine,” and lists “Caller Name” as “PROSPERO, MS.” Ex. A (911 CAD).

148. It states, “Calling about the shooting . . . from the hunt club.” Ex. A (911 CAD) at 2:59:35 PM, 2:59:47 PM.

149. It continues, “Doesn’t want the deputy at her house just wants it stopped.” Ex. A (911 CAD) at 3:00:09 PM.

150. “Compl[ainant] stated repeatedly she did not want a deputy but that these gunshots were in violation of noise ordinances.” Ex. A (911 CAD) at 3:01:59 PM.

151. “The Compl[ainant] was adv[ised] that 1179 previously stated that the subjs firing are on private property and on a hunting club and well with in [sic] their rights to use their firearms.” Ex. A (911 CAD) at 3:03:13 PM.

152. 1179 is Sullivan’s badge number. Ex. I (Sullivan Tr.) at 32:21-24.

153. The CAD continues, “Compl[ainant] was not happy with this response and nor was she happy with the fact that a deputy was dispatched to her residence[.] Adv[ised] that she

would not answer the door or that she would leave the residence.” Ex. A (911 CAD) at 3:05:04 PM.

154. “Compl then adv[ised] that she would contact the TV stations and disconnected.” Ex. A (911 CAD) at 3:05:30 PM

155. The CAD further states, “Per 1179 he has sat in the driveway for several moments and has not heard any gunshots.” Ex. A (911 CAD) at 3:17:15 PM.

156. “1179 adv[ised] contact the caller and have her answer the door” and “Voicemail X2.” Ex. A (911 CAD) at 3:19:02 & 2:20:22 PM.

157. “Case # Given.” Ex. A (911 CAD) at 3:20:26 PM.

158. “Per 1179 neg[ative] contact with the female.” Ex. A (911 CAD) at 3:22:54 PM

159. “1179 adv[ised] that he heard no gunshots the entire time he was at the residence.” Ex. A (911 CAD) at 3:23:19 PM.

160. “Per 1179 run a CH,” referring to a criminal history on Plaintiff. Ex. A (911 CAD) at 3:36:18 PM; Ex. I (Sullivan Tr.) at 126:13-127:8.

Sullivan Decides “There Was Enough” to Charge Plaintiff with an Offense

161. At 3:28 PM on November 22, 2018, Sullivan called Dispatch and requested the CADs for Plaintiff’s calls. Ex. S (3:28 PM Tr.) at 15:8-15, Ex. S-1, Audio File (3:28 PM Call).

162. At the time Sullivan requested the CADs, he “was still investigating” but “knew there was enough there for an offense.” Ex. I (Sullivan Tr.) at 124:24-125:5.

163. Sullivan “believed [Plaintiff’s] intentions were to be disruptive to the dispatchers until she got the answer or got the services that she would like.” Ex. I (Sullivan Tr.) at 122:20-123:2.

164. Sullivan testified that Archibald or Flowers had told him this in-person at the Dispatch Center – i.e., that Plaintiff’s purpose was to disrupt in order to get the results she wanted. Ex. I (Sullivan Tr.) at 125:11-126:9; 141:18-142:1; 192:25-193:10.

165. Archibald and Flowers were not able to confirm this. See Ex. E (Archibald Tr.) at 106:5-107:3; Ex. F (Flowers Tr.) at 145:7-21.

166. Sullivan’s determination to charge Plaintiff was based only on the events of Thanksgiving Day 2018. Ex. I (Sullivan Tr.) at 125:11-15.

167. Sullivan had never interacted with Plaintiff or responded to a call for service from her prior to Thanksgiving Day 2018. Ex. I (Sullivan Tr.) at 156:9-18.

168. Sullivan had no knowledge of where Plaintiff had lived before living in Camden County or any contacts she had with law enforcement there. Ex. I (Sullivan Tr.) at 157:12-20.

169. Sullivan knew Plaintiff had been in contact with the Camden County Sheriff’s Office prior to Thanksgiving Day 2018, but he did not recall any details or who had shared this information with him. Ex. I (Sullivan Tr.) at 156:19-157:5.

170. Sullivan’s awareness that Plaintiff had previously been in contact with the Sheriff’s Office did not play any part in his decision to charge her or seek a warrant for her arrest. Ex. I (Sullivan Tr.) at 157:6-11.

Sullivan Generated and Submitted His Arrest Warrant Affidavit

171. Sullivan was not in a hurry to get a warrant for Plaintiff’s arrest. Ex. I (Sullivan Tr.) at 142:11-19.

172. Sullivan generated his warrant affidavit using a program called “onlinewarrants.com.” Ex. I (Sullivan’s Tr.) at 185:1-3.

173. Sullivan included in his warrant affidavit all of the information that he believed was relevant and supported probable cause to charge Plaintiff, stating “I try to be as detailed as possible.” Ex. I (Sullivan Tr.) at 162:17-24.

174. After entering information into “onlinewarrants.com”, Sullivan did not review the full warrant affidavit for accuracy. Ex. I (Sullivan’s Tr.) at 185:1-188:5.

175. By no later than 17:02 (5:02 PM) on November 22, 2018, Sullivan had submitted his arrest warrant affidavit (“affidavit” or “warrant affidavit”) to the Camden County Magistrate Court. Ex. T, Plaintiff’s Arrest Warrant Affidavit (“Warrant Affidavit”) at 157 (time stamped 17:02).

176. Sullivan believes that he Face-Timed or Skyped with the judge, but does not believe the judge asked him any questions about the substance of his affidavit, only whether he swore to its contents as being true and accurate. Ex. I (Sullivan Tr.) at 165:25-166:16.

177. The judge approved the warrant. Ex. T (Warrant Affidavit) at 158.

Sullivan Accused Plaintiff of Calling for the Purpose of Interfering With or Disrupting 911 Because He Deemed She Was Requesting “Non-Emergency” Service

178. Sullivan’s affidavit stated that Plaintiff committed a violation of O.C.G.A. § 16-11-39.2 (Misdemeanor, Unlawful Conduct during 911 Call) “when he/she unlawfully contacted 9-1-1, an emergency telephone service in reference to an incident that was not a true emergency for the purpose of interfering or disrupting an emergency telephone service.” Ex. T (Warrant Affidavit) at 157, ¶ 2.

179. O.C.G.A. § 16-11-39.2(b) states that unlawful conduct during a 9-1-1 call occurs if the caller:

Without provocation, uses obscene, vulgar, or profane language with the intent to intimidate or harass a 9-1-1 communications officer;

Calls or otherwise contacts 9-1-1, whether or not conversation ensues, for the purpose of annoying, harassing, or molesting a 9-1-1 communications officer or *for the purpose of interfering with disrupting emergency telephone service*;

Calls or otherwise contacts 9-1-1 and fails to hang up or disengage the connection for the intended purpose of interfering with or disrupting emergency service;

Calls or otherwise contacts 9-1-1 with the intention to harass a communications officer; or

Calls or otherwise contacts 9-1-1 and makes a false report.

O.C.G.A. § 16-11-39.2(b) (emphasis added).

180. Sullivan’s affidavit concludes by stating, “Mrs. Prospero disrupted an emergency telephone service for service that was not an emergency,” but does not allege that her purpose was to disrupt. Ex. T (Warrant Affidavit) at 158, ¶ 1.

181. O.C.G.A. § 16-11-39.2 does not prohibit or make it unlawful to contact 911 for non-emergency service.

Sullivan Misrepresented that Reported Gunshots Were Lawful

182. Sullivan’s affidavit repeatedly states that the gunshots reported by Plaintiff and her husband were lawful because the shooters were within their rights to shoot on private property. Ex. T (Warrant Affidavit) at 157, ¶ 4 (“Being from the immediate area, I knew the shots [initially reported by Plaintiff] were being fired from private property in which the individuals shooting were well in their rights to be shooting. . . I advised the Camden County Dispatch Center that the subjects allegedly shooting had every right to do so.”); *id.* at ¶ 5 (“Dispatchers relayed [to Ms. Prospero’s husband] the information given by me stating that the subjects shooting were within their rights to do so . . .”); *id.* (during 911 call, “[Plaintiff] was given the same information that was given to husband in reference to the subjects being within their rights to be shooting firearms on private property.”).

183. Sullivan assumed that the shooting was occurring safely and lawfully on private property, but he never confirmed this. Ex. I (Sullivan Tr.) at 112:16-113:10.

184. Sullivan could not hear the gunshots when he assumed they were occurring on private property and required no action. Nor could he see who was shooting, know how many people were shooting, know what kind of gun they were shooting, or know in what direction their rounds were traveling. Ex. I (Sullivan Tr.) at 41:24-43:16.

185. Sullivan did not investigate or confirm whether whoever was shooting had permission from the property owner to be doing so; whether the shots had been fired within 50 yards of a public road (e.g., Satilla Bluff Road West which borders Paulk's property); or whether the shots had been fired in a manner that would endanger the bodily safety of others, all of which are either required or prohibited by the Georgia Code in order for the discharge of a firearm to be lawful. Ex. I (Sullivan Tr.) at 56:21-57:23, 59:3-60:10, 63:10-66:5, 67:9-69:7, 216:19-217:25; O.C.G.A. §§ 16-11-103, 16-11-104, 16-5-60; Ex. W, Declaration of Camden County Public Works Director Shalana D. McNamee ("McNamee Decl.") at ¶ 3.

Sullivan Misrepresented Length of 911 Call

186. Sullivan's affidavit states that Plaintiff made a "911 Call on November 22, 2018 at 2:58 PM to November 22, 2018 at 3:30 PM." Ex. T (Warrant Affidavit) at 157, ¶ 1.

187. Nowhere else in Sullivan's affidavit does it state an end-time for Plaintiff's 911 call. Ex. T (Warrant Affidavit) at 157-158.

188. 2:58 PM to 3:30 PM is a span of 32 minutes.

189. Sullivan generated this statement using "onlinewarrants.com," where he entered the "Offense Date" and "Offense Time" as November 22, 2018, 2:58 PM and entered the "Until Date" and "Until Time" as November 22, 2018, 3:30 PM. Ex. U, Online Warrant Data Entry

Instructions (“Warrant Instructions”) at 6-7; Ex. I (Sullivan Tr.) at 182:9-15, 182:20-183-4, 184:15-20, 185:1-3.

190. Sullivan testified he did nothing to ascertain the length of Plaintiff’s 911 call because he did not think it was important. Ex. I (Sullivan Tr.) at 155:12-20.

191. The CAD for Plaintiff’s 911 call, which Sullivan requested from Dispatch and testified he would have looked at, stated that Plaintiff had disconnected by 3:05 PM. Ex. A (911 CAD) at 3:05:30; Ex. I (Sullivan Tr.) at 160:4-161:7; Ex. S (3:28 PM Tr.) at 15:8-15, Ex. S-1, Audio File (3:28 PM Call).

192. 2:58 PM to 3:05 PM is a span of 7 minutes.

193. As captured by the readily available audio-recording, Plaintiff’s actual 911 call lasted 2 ½ minutes. Ex. V, Defendant Deputy Ryan Sullivan’s Response to Plaintiff’s Requests for Admission (“Sullivan RFAs”) at No. 32; Ex. I (Sullivan Tr.) at 155:3-6; Ex. O (911 Tr.); Ex. O-1, Audio File (911 Call).

Sullivan Omitted Exculpatory Information Regarding Plaintiff’s Purpose for Calling

194. Sullivan’s affidavit charges Plaintiff with contacting 911 “for the purpose of interfering or disrupting an emergency telephone service.” Ex. T (Warrant Affidavit) at 157, ¶ 2.

195. During Sullivan’s 4:00 PM call with Dispatch, Officer Heather Sievers told him that Dispatch Supervisor Susan “Nikki” Flowers, who had spoken to Plaintiff, said Plaintiff “just was not a happy camper and *she wanted y’all to get it taken care of.*” Ex. P (4:00 PM Tr.) at 16:11-13 (emphasis added); Ex. P-1, Audio File (4:00 PM Call).

196. Flowers has since confirmed that Sievers’ statement to Sullivan accurately represented her (Flowers’) understanding of Plaintiff’s purpose for calling and that “it” referred to the gunshots. Ex. F (Flowers Tr.) at 127:7-21.

197. Sullivan omitted from his affidavit information relayed to him by Officer Sievers that Plaintiff's purpose for calling was "to get it taken care of." Ex. T (Warrant Affidavit) at 157-158.

Sullivan Omitted Other Exculpatory Information He Reasonably Should Have Known

198. The audio-recording of Plaintiff's and her husband's November 22, 2018 calls, including the 911 call, were readily available to Sullivan when he was preparing his write-up. Ex. E (Archibald Tr.) at 107:22-108:2; Ex. F (Flowers Tr.) at 140:20-141:114, 141:20-142:3.

199. Dispatch encouraged that Sullivan listen to the recording. Ex. R (4:13 PM Tr.) at 7:15-24; Ex. R-1, Audio File (4:13 PM Call).

200. Sullivan was not in a hurry to get the warrant. Ex. I (Sullivan Tr.) at 142:11-19.

201. Yet, Sullivan did not listen to the recordings. Ex. I (Sullivan Tr.) at 151:17-22.

202. Sullivan testified that he "didn't want to listen to the recordings." Ex. I (Sullivan Tr.) at 152:14-15.

203. Had Sullivan listened to the recording of Plaintiff's 911 call, he would have heard her state several times that she called to get the gunshots stopped because she believed the shots were coming "too close" to people's homes, and she did not understand why the law enforcement response was different than when she had called in the past. Ex. O (911 Tr.) at 8:10-12, 8:20-22, 9:1-2, 9:7-11, 10:16-18; Ex. O-1, Audio File (911 Call).

204. This information about Plaintiff's reasons for calling was not included in Sullivan's affidavit. Ex. T (Warrant Affidavit) at 157-158.

205. Had Sullivan listened to the recording of Plaintiff's husband's call, Sullivan would have heard him say the gunshots behind the Chevron were "too close to the neighbor" and

“They stopped it before.” Ex. N (2:46 PM Tr.) at 3:25-4:1; 4:7; Ex. N-1, Audio File (2:46 PM Call).

206. This information about Mr. Prospero’s reasons for calling was not included in Sullivan’s affidavit. Ex. T (Warrant Affidavit) at 157.

Sullivan Misrepresented Plaintiff’s Initial Call to Non-Emergency Line

Sullivan obfuscates that Plaintiff called the non-emergency line

207. Sullivan’s affidavit describes Plaintiff’s initial call as follows: “at approximately 1442 hours, the Camden County Public Safety Complex received a call for alleged emergency service in reference to shots being fired in the area of 84 Magna Carta Drive. The call was taken by correctional staff and [sic] forwarded the call to the Camden County Emergency Dispatch Center.” Ex. T (Warrant Affidavit) at 157, ¶ 3.

208. The foregoing description of Plaintiff’s 14:42 call does not state that she called the non-emergency line.

209. In contrast, Sullivan’s affidavit plainly states that Plaintiff’s husband – who Sullivan did not charge – called the non-emergency line. Ex. T (Warrant Affidavit) at 157, ¶ 4, last sentence (“Ms. Prospero’s husband contacted the Camden County Emergency Dispatch Center by using the non-emergency phone number at approximately 1452 hours”).

210. Sullivan knew Plaintiff had initially called the non-emergency line because during his 4:12 PM call with Dispatch, Supervisor Flowers told him: “We spoke to her [Plaintiff] twice. The husband called one time. They called in on the non-emergency line two different times, and they called 911 once.” Ex. Q (4:12 PM Tr.) at 3:15-20; Ex. Q-1, Audio File (4:12 PM Call); Ex. I (Sullivan Tr.) at 202:17-203:2. Sullivan further misrepresented this information in his affidavit when he attributed both non-emergency calls to Plaintiff, despite one of those two calls having

been from her husband. Ex. T (Warrant Affidavit) at 158 (“Ms. Prospero contacted 9-1-1 (an emergency telephone service) after first contacting the non-emergency number *twice* . . .”).

Sullivan mischaracterizes the reported location of the gunshots

211. Sullivan’s affidavit states, “The caller, later identified as Ms. Emma J. Prospero, advised the Camden County Emergency Dispatch Center that she heard shots being fired from behind her residence *in the area of the hunting club* behind the Chevron Truck Stop.” Ex. T (Warrant Affidavit) at 157, ¶ 3, third sentence (emphasis added). The affidavit later states, “I advised the Camden County Dispatch Center that the subjects allegedly shooting had every right to do so on the *private property of a hunting club which is the location Ms. Prospero stated the shots were coming from.*” *Id.* at ¶ 4, third sentence.

212. Plaintiff never mentioned a hunting club in describing the location of the gunshots. She only identified the shots as coming from behind the Chevron truck stop, which is what Dispatch relayed to Sullivan, both over the phone and in the related CAD report. Ex. H (2:44 PM Tr.) at 2:5-9 (Dispatch to Sullivan: “2040 Spur 25. 2040 Ga Spur 25 by the Chevron. Caller is advising she’s hearing shots coming from behind there. She wants it to stop so she can enjoy her dinner.”); Ex. H-1, Audio File (2:44 PM Call); Ex. G (Non-emergency CAD) (“Shots from behind the Chevron”).

Sullivan misrepresentation Plaintiff’s interaction with Dispatch

213. The fourth paragraph of Sullivan’s affidavit states, “Ms. Prospero ended the 14:42 call by hanging up after refusing to give any further information.” Ex. T (Warrant Affidavit) at 157, ¶ 4, first sentence.

214. Dispatch never conveyed to Sullivan that Plaintiff's initial call ended in this manner. Ex. G (2:44 PM Tr.); Ex. H-1, Audio File (2:44 PM Call); Ex. G (Non-emergency CAD).

215. As captured in the readily available audio-recording, the call ended politely with Dispatch Officer Archibald stating, "I understand. We will get somebody out there, okay?" Mrs. Prospero responded, "Okay, thank you," and Archibald said, "Bye-bye." Ex. D (2:42 PM Tr.) at 2:19-22; Ex. D-1, Audio File (2:42 PM Call). Ex. E (Archibald Tr.) at 42:10-18.

Plaintiff's Arrest, Detention & Dismissal of the Charge

216. Pursuant to the warrant that Sullivan obtained, Plaintiff was arrested January 28, 2019 in the St. Mary's Walmart parking lot, detained at the Camden County Jail, and released on bond on January 30, 2019. Ex. X, Prospero Booking Card; Ex. Y, Incident Report – Incident: 2019-00000252 ("Release Report").

217. The charge against Plaintiff was dismissed November 12, 2019. Ex. Z, Warrant Dismissal Order.

Respectfully submitted this 6th day of July, 2023.

/s/ Clare R. Norins

Clare R. Norins

Georgia Bar No. 575364

cnorins@uga.edu

FIRST AMENDMENT CLINIC

University of Georgia School of Law

Post Office Box 388

Athens, Georgia 30603

Telephone: (706) 542-1419

Attorney for Plaintiff