

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA**

**MYLES MCMILLIN, INDIVIDUALLY CIVIL ACTION NO.:  
AND ON BEHALF OF HIS MINOR  
CHILD, O.M.**

**VERSUS**

**JUDGE JERRY EDWARDS, JR.**

**SHERIFF TONEY EDWARDS AS THE  
CATAHOULA PARISH SHERIFF AND  
DEPUTY BEN ADAMS, IN THEIR  
INDIVIDUAL AND OFFICIAL  
CAPACITIES**

**MAGISTRATE JUDGE PEREZ-  
MONTES**

**PETITION**

**NOW INTO COURT**, through undersigned counsel, comes plaintiff,  
**MYLES MCMILLIN, INDIVIDUALLY AND ON BEHALF OF HIS MINOR  
CHILD, O.M.**, who respectfully represent, to-wit:

**PRELIMINARY STATEMENT**

Criticism of the way law enforcement officials conduct their public duties is expressive activity given the highest levels of protection by the First Amendment to the U.S. Constitution. This conduct is essential to monitoring encounters between law enforcement and members of the public. No matter how unartfully phrased, such criticism is protected activity and cannot be suppressed or form the basis of retaliation by the leveling of, or the threat of, criminal charges.

Nevertheless, the Catahoula Parish Sheriff and his deputies with the Catahoula Parish Sheriff Office routinely threaten to criminally charge—and, as here, actually file criminal charges against—members of the community who criticize them on social media platforms. The First Amendment does not tolerate retaliation and criminal punishment of civilians who criticize government officials. After exercising his First Amendment right to post his criticism of Defendant Edward's conduct of sexually harassing the plaintiff's wife and with sexually harassing other women in the community, including minors, on the plaintiff's Facebook page, on March 4, 2024, Plaintiff McMillin was arrested by the Catahoula parish sheriff office and charged with one hundred (100) counts of Cyberstalking under La R.S. 14:40.3.

The arrest of McMillin for the one hundred (100) counts of cyberstalking on March 4, 2024 in violation of La R.S. 14:40.3 was initiated by the Defendants Edwards and Adams and the filing of criminal charges was expressly intended to retaliate against Mr. McMillin for exercising his constitutionally protected right to free speech. As such, Defendants violated McMillin's rights under the First, Fourth, and Fourteenth Amendments to the United States Constitution, as well as Article I, sections 7 of the Louisiana Constitution. This civil rights action seeks declaratory relief, permanent injunctive relief, and damages.

## **JURISDICTION AND VENUE**

1. This Court has jurisdiction over the subject matter of this Complaint under the First, Fourth and Fourteenth Amendments to the United States Constitution and 28 U.S.C. § 1331 (federal question) and § 1343 (civil rights) and has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1337.
2. The Court has authority to issue declaratory and injunctive relief under 28 U.S.C. § 2201 and 2202 and Rules 57 and 65 of the Federal Rules of Civil Procedure.
3. Venue is proper in this District under 28 U.S.C. §§ 1331 because Defendants reside within the district in Catahoula Parish, State of Louisiana, and the acts giving rise to this lawsuit occurred within the district in Catahoula Parish, State of Louisiana.

## **PARTIES**

4. Plaintiff Myles McMillin ("McMillin") is a citizen of the United States and at all relevant times was a resident of Harrisonburg, in Catahoula Parish in the State of Louisiana and the biological father of the minor child, O.M.
5. Defendant, Toney Edwards ("Edwards"), was at all times relevant to this Complaint the elected sheriff of Catahoula Parish. In his capacity as sheriff for Catahoula Parish he had a legal obligation to act in conformity with the United States and the Louisiana Constitutions and other applicable federal and state laws.

At all times relevant to this complaint, Defendant Edwards was acting under color of the laws of the United States and the State of Louisiana.

6. Defendant Ben Adams ("Adams") was at all times relevant to this Complaint a deputy with the Catahoula Parish Sheriff Office. In his capacity as a deputy for Catahoula Parish, Defendant Adams had a legal obligation to act in conformity with the United States and the Louisiana Constitutions and other applicable federal and state laws. Defendant Adams is sued in his official capacity and in his individual capacity. At all times relevant to this Complaint Deputy Adams was acting within the scope and course of his employment with Catahoula Parish Sheriff Office under the direction of Defendant Edwards. At all times relevant to this Complaint, Deputy Adams was also acting under color of the laws of the United States and the State of Louisiana.

### **FACTUAL ALLEGATIONS**

7. Myles McMillin ("McMillin") was born in Jonesville, Louisiana but has lived in Harrisonburg Louisiana since 1999.

8. McMillin is Sixty-two years old.

9. McMillin resides in Harrisonburg with his teen age son. His wife died in 2020

10. McMillin works as surveillance supervisor for the Jena Choctaw tribal casino

11. Like many, McMillin created a Facebook account to help him keep in touch with old friends, classmates and colleagues, and to participate in civic life in his local area.

12. McMillin initially created his Facebook account/profile back in 2009.

13. McMillin has always thought of himself as someone who supports law enforcement and the difficult service they perform.

14. On March 1, 2024, McMillin received a Facebook message from a Facebook friend that concerned Sheriff Toney Edwards and his act of allegedly sending a minor sexually explicit photos of himself by text message on a cell phone.

15. McMillin then made a post on Facebook on March 1, 2024, that read as follows:

“Have ya heard the word on the street Catahoula Parish? Word is a 16yr old minor in Concordia Parish had her phone confiscated and it has supposedly been turned over to the Attorney General. Someone of interest is supposed to be in that phone too, and has been missing in action the last few days. Dic Pics, text messages. Whatcha think?”

16. McMillin made a second post on Facebook on March 2, 2024, that read as follows:

Don't you think for a minute I'm NOT gonna wear this out! All you Flying Monkeys have known it for decades. How many years I been telling you???



17. McMillin made a second post on Facebook on March 2, 2024, that read as

follows:

Zip-a-dee-doo-dah, zip-a-dee-ay. My, oh, my what a wonderful day.... I saved this one for a long time. YEARS!



18. McMillin made a third post on Facebook on March 2, 2024, with a meme video

attached that read as follows:

I'm no troublemaker. I've never been a liar. All I've ever done has been a champion of exposing the truth that none of YOU have ever had the balls to even acknowledge.

19. McMillin made a post on Facebook on March 3, 2024, that read as follows:

I know you and your flying monkeys are gonna be scouring my page, imagine Denise's soul right now, smiling. One of her demons has finally been exposed to light! God does work in mysterious ways.

20. McMillin made a second post on Facebook on March 3, 2024, that read as follows:

Well the latest word on the street in reference to Catahoula's SnapChatHero is that he's supposed turn himself in tomorrow. Since he was awarded the leniency of not being immediately cuffed and stuffed in a patrol car like you would have, I'm sure he's had ample time to clean all his electronic devices in preparation. Flying Monkeys shouldn't fret, they won't throw him in for an overnight sleepover with Bubba either.

**WHEN YOU EXPOSE A DEGENERATE FOR  
EXACTLY WHAT THEY ARE, DON'T EXPECT  
ANY APOLOGIES FROM THE PEOPLE WHO  
BOUGHT INTO THEIR RATIONALIZATIONS  
AND SOCIALIZED THEIR BAD BEHAVIOR.**

**THEY KNOW WHAT THEY'VE GOT, ITS JUST  
HARD TO ACKNOWLEDGE THEIR OWN  
RESPONSIBILITY FOR CONDONING THEM.**

**SNAPCHATHEROES**

21. McMillin made a third on Facebook on March 3, 2024, that read as follows:

You never really know do ya? Especially when it comes to Catahoula Parish because the circus left a long time ago, but the shows have never ended. I dunno, I'm so far disconnected from what's going on around here now thankfully, that I'm like spotting a shadow in the night!

So, if they're right, and they REALLY did corner up the ole Snapper..... you're supposed to find out today!!!

Welcome back my friends, to the show that never ends. We're so glad you could attend, Come inside! Come inside!



22. As a result of these post identified in factual allegation numbers 17 to 23 above, Defendant Adams prepared and swore out an arrest affidavit for the arrest of McMillin for cyberstalking sheriff Toney Edwards.

23. Defendant Adams presented this sworn affidavit to Judge John C Reeves on March 4, 2024 and Judge Reeves issued a warrant for a felony arrest of Myles McMillin for cyberstalking the sheriff of Catahoula Parish, an elected official.

24. Defendant Adams stated on March 4, 2024, in his sworn affidavit that:

*On March 4, 2024, CPSO detectives began investigating multiple counts of cyberstalking, after receiving information regarding a subject identified as Myles Milan McMillin, who recently made a public post by way of social media, accusing sheriff Toney Edwards of being a pedophile. In the most recent post, which has been deleted, McMillian publicly stated that Edwards was being investigated by the Concordia Parish Sheriff Office, after he transmitted sexually explicit photos to*

*a 16-year-old minor. The post then went “Viril”, with McMillin further commenting that Edwards had been pulled out of a Sheriff’s Association meeting and informed that he was under investigation. Both Sheriff Edwards and Sheriff David Hedrick, of Concordia Parish Sheriff Office, began receiving inquiries from multiple media outlets for further information. There was at no time and investigation involving Sheriff Edwards and a minor, conducted by the CPSO.*

25. Defendant Adams sworn affidavit has materially false allegations contained in the affidavit that have no basis in fact and were fabricated by defendant Adams to establish probable cause in his affidavit. To wit:

- There is no such post that McMillin ever accused sheriff Toney Edwards of being a pedophile. This affiant statement is fabricated and untrue.
- There is no such post that stated Edwards was being investigated by the Concordia Parish Sheriff Office. This affiant statement is fabricated and untrue.
- There is no such post of McMillin commenting that Edwards had been pulled out of a Sheriff’s Association meeting and informed that he was under investigation. This affiant statement is fabricated and untrue.

26. Defendant Adams sworn affidavit for arrest warrant further contains material representations that *“Aside from the recent false public post made by the account over 100 precious posts were made all directed towards Sheriff Edwards in a harassing manner, over the court of several years.”*

27. Defendant Adams made no allegations of when the one hundred (100) posts were made and what these one hundred (100) posts contained to support an arrest for cyberstalking on these one hundred (100) counts.

28. In Louisiana on March 4, 2024, La R.S. 14:40.3 provided as follows:

#### §40.3. Cyberstalking

A. For the purposes of this Section, the following words shall have the following meanings:

(1) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by wire, radio, computer, electromagnetic, photoelectric, or photo-optical system.

(2) "Electronic mail" means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person.

B. Cyberstalking is action of any person to accomplish any of the following:

(1) Use in electronic mail or electronic communication of any words or language threatening to inflict bodily harm to any person or to such person's child, sibling, spouse, or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person.

(2) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of threatening, terrifying, or harassing any person.

(3) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to threaten, terrify, or harass.

(4) Knowingly permit an electronic communication device under the person's control to be used for the taking of an action in Paragraph (1), (2), or (3) of this Subsection.

C.(1) Whoever commits the crime of cyberstalking shall be fined not more than two thousand dollars, or imprisoned for not more than one year, or both.

(2) Upon a second conviction occurring within seven years of the prior conviction for cyberstalking, the offender shall be imprisoned for not less than one hundred and eighty days and not more than three years, and may be fined not more than five thousand dollars, or both.

(3) Upon a third or subsequent conviction occurring within seven years of a prior conviction for stalking, the offender shall be imprisoned for not less than two years and not more than five years and may be fined not more than five thousand dollars, or both.

(4) Repealed by Acts 2020, No. 352, §2.

D. Any offense under this Section committed by the use of electronic mail or electronic communication may be deemed to have been committed where the electronic mail or electronic communication was originally sent, originally received, or originally viewed by any person.

E. This Section does not apply to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others.

Acts 2001, No. 737, §1; Acts 2010, No. 763, §1; Acts 2020, No. 352, §2.

29. On March 4, 2024, eight (8) to ten (10) deputies of the Catahoula Parish Sheriff Office, some in full tactical gear armed with automatic weapons, went to the home of McMillian and entered into his home without knocking or announcing themselves that he was under arrest.

30. On March 4, 2024, McMillian and his minor son were taken into custody and Myles McMillian was formally arrested for one (100) counts of cyberstalking.

31. McMillian and his minor son were then taken to the courthouse in Harrisonburg, Louisiana where two photographers from the Catahoula News Booster were waiting and took “perp walk” photos of McMillin and his minor child in the jail area of the courthouse.

32. McMillian's minor child was forced to remain in the jail area of the courthouse until his sister arrived to take the child with her some two hours later.

33. McMillian was at one point intentionally "perp waked" by members of the Catahoula Parish Sheriff Office in front of his minor child while at the jail.

34. On March 6, 2024 McMillians photo of him being under arrest and perp walked was published on the front page of the Catahoula news booster.

35. On March 7, 2024, McMillin visited with attorney Paul A. Lemke and retained Lemke to represent him on the criminal charges in Catahoula Parish.

36. Counsel for McMillin has also been threatened with arrest and faced repeated acts of hostility by defendant Edwards and his staff because of his representation of McMillin.

37. Defendant Adams further had issued a search warrant on the home of McMillian without submission of any affidavit of probable cause in support of the search warrant and on March 4, 2024 executed said search warrant signed by Judge John Reeves and seized property belonging to McMillian.

38. It was determined later that Judge Reeves had executed the arrest warrant on McMillin and then self-recused two (2) days later citing he could not be fair and impartial on the action involving McMillin.

39. Defendant Adams then fabricated an affidavit in support of a search warrant that was issued at his request by the magistrate on March 4, 2024, in order to

attempt to circumvent and cure the deficient search warrant the now recused magistrate rendered and that defendant Adams had executed by officers of the Catahoula Parish Sheriff Office at his and Defendants Edwards direction on March 4, 2024.

40. McMillin went before the magistrate on March 7, 2024 and a \$50,000.00 dollar bond was fixed on his charges of cyberstalking-100 counts.

41. On June 4, 2024 Mr. McMillin was set for arraignment and the prosecutor indicated they were still investigating the case against McMillin and requested the arrangement be continued.

42. On August 20, 2024 the criminal matter was fixed for arraignment and the state again indicated it was still investigating the case against McMillin and asked for a second continuance.

43. On October 8, 2024, the criminal matter was re-fixed for arraignment and the state again indicated it was still investigating the case against McMillin and asked for a second continuance.

44. On December 10, 2024, the matter was re-fixed for arraignment and the state indicated it was not going to institute prosecution of McMillin at this time and the court ordered McMillin released from his bond obligation on the charges.

45. As a result of the charges, and the order of the court via a condition of bail that required McMillian “Do not access or use Facebook or any social media until

further order,” and his fear of continued retaliation for his posts and political expressions of speech by the actions of the defendant Edwards and Defendant Adams under color of law and in abuse of their authority as law enforcement officers, McMillian has experienced anxiety, high blood pressure, and difficulty breathing and fear of arrest and incarceration from exercising his right to speak about the defendant Edwards, an elected official.

46. As a result of McMillian’s arrest on March 4, 2024 he was suspended from his employment, without pay, and not reinstated for some months after his making bail on the arrest of March 4, 2024.

47. In addition, the action of the state in unjustified delay in the initiation of criminal charges against McMillin has cause extreme emotional anxiety about speaking to anyone about anything for fear of arrest for exercising his right to free speech on anything personal or political in nature.

48. Defendant Edwards and Defendant Adams have shown by their arrest of McMillian and continued persecution of McMillian and threats to his counsel of deliberate indifference to the constitutional rights of the residents and visitors to Catahoula Parish by failing to train the employees and deputies of the Catahoula Parish Sheriff’s Office that the pressing of criminal charges against individuals who express their disagreement with officers and the sheriff—even in inarticulate

or offensive ways—is conduct that is protected by the First Amendment to the United States Constitution and article I, section 7 if the Louisiana Constitution.

**CAUSES OF ACTION**  
**COUNT I**

**42 U.S.C. S 1983 - CONSTITUTIONAL TORT - FIRST AMENDMENT**  
**RETALIATION- DEFENDANTS EDWARDS AND ADAMS**

49. McMillin incorporates by reference the allegations of the proceeding paragraphs as though set forth at length herein.

50. Publicly criticizing the actions of the government and government officials, however, unartfully, is conduct protected by the First Amendment to the United States Constitution.

51. The First Amendment of the United States Constitution provides as follows: Amendment I; “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

52. Defendants' conduct in bringing and investigation and seeking an arrest warrant for criminal charges against McMillin for his Facebook post critical of the elected sheriff chilled and denied McMillin from exercising his First Amendment rights to freedom of Speech and freedom of the press and constituted retaliation and harassment of McMillin for his expression of speech protected by the United States

Constitution, First Amendment under the Bill of Rights of Citizens of the United States.

**COUNT II**  
**LOUISIANA STATE CONSTITUTIONAL TORT-FIRST AMENDMENT**  
**RETALIATION AND DENIAL OF RIGHTS UNDER ARTICLE I**  
**SECTION 7 OF THE LOUISIANA CONSTITUTION-DEFENDANTS**  
**EDWARDS AND ADAMS**

53. McMillin incorporates by reference the allegations of the proceeding

paragraphs as though set forth at length herein.

54. Publicly criticizing the actions of the government and government officials; however, unartfully, is conduct protected by the Louisiana Constitution and Article I, section 7.

55. Louisiana Constitution article I section 7 provides for: Freedom of Expression Section 7. No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom.

56. Defendants' conduct in bringing and investigation and seeking an arrest warrant for criminal charges against McMillin for his Facebook post critical of the elected sheriff chilled and denied McMillin from exercising his Louisiana Constitutional right to freedom of expression and constituted retaliation and harassment of McMillin for his expression of speech protected by the Louisiana Constitution article I, section 7.

**COUNT III**  
**42 U.S.C. § 1983-CONSTITUTIONAL TORT-FALSE ARREST & STATE**  
**TORT-CONVERSOION OF PROPERTY (Unlawful Seizure)-**  
**DEFENDANTS EDWARDS AND ADAMS**

57. McMillin incorporates by reference the allegations of the proceeding paragraphs as though set forth at length herein.

58. McMillin has a clearly established right under the Fourth and Fourteenth Amendments to the United States Constitution, article I, section 7 of the Louisiana Constitution, and Louisiana state law to be free from unreasonable seizure of his property, a right Defendants Edwards and Adams violated when, claiming to act under proper legal authority, they worked to file criminal charges against McMillian without any probable cause or reasonable legal basis for believing that McMillin committed harassment or any other crime in the state of Louisiana against an elected official. In conjunction with that investigation, they did conspire in solido to falsify and file a falsified affidavit in support of a search warrant on April 12, 2024 and did in fact execute a search warrant on March 4, 2024 and converted and damaged certain property owned by McMillin, to wit:

- Multiple SD cards
- Nine phones
- External Hard Drive
- Dell Computer
- Ring Binder with personal papers

**COUNT IV**  
**LOUISIANA CIVIL CODE ARTICLE 2315-STATE CONSTITUTIONAL**  
**TORT-FALSE ARREST-**  
**DEFENDANTS EDWARDS AND ADAMS**

59. McMillin incorporates by reference the allegations of the proceeding paragraphs as though set forth at length herein.

60. McMillin has a clearly established right under the Fourth and Fourteenth Amendments to the United States Constitution, article I, section 7 of the Louisiana Constitution, and Louisiana state law under La C.C. art 2315 to be free from unreasonable seizure of his person, a right Defendants Edwards and Adams violated when, claiming to act under proper legal authority, they worked to file criminal charges against McMillian without any probable cause or reasonable legal basis for believing that McMillin committed harassment or any other crime in the state of Louisiana against an elected official and submitted a false and misleading affidavit for arrest to the magistrate to secure a warrant for McMillians arrest they knew or should have known lacked probable cause to support such arrest warrant and did commit the tort of false arrest and are the cause of damages to McMillin both pecuniary and nonpecuniary.

**COUNT V**  
**LOUISIANA CIVIL CODE ARTICLE 2315-STATE CONSTITUTIONAL**  
**TORT-FALSE IMPRISONMENT-**  
**DEFENDANTS EDWARDS AND ADAMS**

61. McMillin incorporates by reference the allegations of the proceeding paragraphs as though set forth at length herein.

62. McMillin has a clearly established right under the Fourth and Fourteenth Amendments to the United States Constitution, article I, section 7 of the Louisiana Constitution, and Louisiana state law under La C.C. art 2315 to be free from unreasonable seizures of his person, a right Defendants Edwards and Adams violated when, claiming to act under proper legal authority, they worked in solido to file criminal charges against McMillian without any probable cause or reasonable legal basis for believing that McMillin committed harassment or any other crime in the state of Louisiana against an elected official and submitted a false and misleading affidavit for arrest to the magistrate to secure a warrant for McMillians arrest they knew or should have known lacked probable cause to support such arrest warrant and did commit the tort of false imprisonment between the dates of March 4, 2024 and March 7, 2024 are the cause of damages to McMillin both pecuniary and nonpecuniary.

**COUNT VI**  
**LOUISIANA CIVIL CODE ARTICLE 2315-STATE CONSTITUTIONAL**  
**TORT-MALICIOUS PROSECUTION-**  
**DEFENDANTS EDWARDS AND ADAMS**

63. McMillin incorporates by reference the allegations of the proceeding paragraphs as though set forth at length herein.

64. McMillin has a clearly established right under the Fourth and Fourteenth Amendments to the United States Constitution, article I, section 7 of the Louisiana Constitution, and Louisiana state law under La C.C. art 2315 to be free from unreasonable seizures of his person, a right Defendants Edwards and Adams violated when, claiming to act under proper legal authority, they worked in solido to file criminal charges against McMillian without any probable cause or reasonable legal basis for believing that McMillin committed harassment or any other crime in the state of Louisiana against an elected official and committed the tort of false arrest and are the cause of damages to McMillin both pecuniary and nonpecuniary.

**COUNT VII**  
**LOUISIANA CIVIL CODE ARTICLE 2315-STATE CONSTITUTIONAL**  
**TORT- INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS-**  
**DEFENDANTS EDWARDS AND ADAMS**

65. McMillin incorporates by reference the allegations of the proceeding paragraphs as though set forth at length herein.

66. McMillin has a clearly established right under the Fourth and Fourteenth Amendments to the United States Constitution, article I, section 7 of the Louisiana Constitution, and Louisiana state law under La C.C. art 2315 to be free from unreasonable seizures of his person, a right Defendants Edwards and Adams violated when, claiming to act under proper legal authority, they worked together in solido to file criminal charges against McMillian without any probable cause or reasonable legal basis for believing that McMillin committed harassment or any other crime in the state of Louisiana against an elected official and committed the tort of Intentional infliction of emotional distress in that the conduct of the defendants in submitting false and misleading sworn statements to the magistrate was extreme and outrageous. As a result of that conduct McMillin and his minor child, O.M., both suffered severe emotional distress. Further that it was the defendants active desire to inflict severe emotional distress on both McMillian and his minor child, O.M., or the defendants knew that severe emotional distress would be certain or substantially certain to result from their conduct to both McMillian and his minor son, O.M., and that their actions are the cause of damages to McMillin and his minor son, O.M., both pecuniary and nonpecuniary damages.

**COUNT VIII**  
**MONELL CLAIM-FAILURE TO TRAIN-**  
**DEFENDANT EDWARDS IN OFFICIAL CAPACITY AS SHERIFF OF**  
**CATAHOULA PARISH**

67. McMillin incorporates by reference the allegations of the proceeding paragraphs as though set forth at length herein.

68. Defendant Edwards was deliberately indifferent when acting in his official capacity as Sheriff of Catahoula Parish when he it failed to properly train himself and the deputies under his authority as sheriff that McMillin has a First Amendment and Article I, section 7 right to publicly criticize law enforcement officers and their official and personal actions on social media.

69. Without the Defendant Edwards deliberate indifference, failure to provide a leadership role, failing to have a proper policy, and to properly train the deputies under his authority, McMillin would not have suffered the retaliatory actions and arrest at the hands of the Defendant Edwards as sheriff of Catahoula Parish and his employees and would not have been injured as a result.

70. The lack of an agency policy and lack of proper training of the agents under his authority by defendant Edwards have created in the Catahoula Parish community an abject fear of arrest and retaliation by law enforcement for even daring criticize law enforcement officers and have had a chilling effect upon members of the communities right to freedom of speech.

**WHEREFORE, PLAINTIFF, MYLES MCMILLIN, INDIVIDUALLY AND ON BEHALF OF HIS MINOR CHILD, O.M.,** prays that defendants,

**SHERIFF TONEY EDWARDS AS THE CATAHOULA PARISH SHERIFF AND DEPUTY BEN ADAMS, IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES**, be duly served with copies of this petition and cited to answer same and that after all due proceedings had, there be judgment in favor of plaintiff, **MYLES MCMILLIN, INDIVIDUALLY AND ON BEHALF OF HIS MINOR CHILD, O.M.**, and against defendants, **SHERIFF TONEY EDWARDS AS THE CATAHOULA PARISH SHERIFF AND DEPUTY BEN ADAMS, IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES**, for the following:

- a) A declaratory judgment that Defendants' conduct violated McMillin's rights under the First Amendment of the U.S. Constitution and Article I, section 7 of the Louisiana Constitution;
- b) An award of compensatory damages against all Defendants, joint and severally, in an amount to be determined at trial, including but not limited to:
  1. Bond fees;
  2. Attorney fees;
  3. Lost wages;
  4. Emotional damages for being wrongfully imprisoned and deprived of freedom;
  5. Compensatory damages for the retaliation and denial of his right to freedom of speech; and
  6. Damages to his minor child, O.M., including emotional damages, expenses related to mental health counselling for the child and travel expenses and cost related to the same.
- c) An award of punitive damages against all Defendants;
- d) A permanent injunction, enjoining Defendants, their employees, agents, assigns and all those acting in concert with them, from criminally charging individuals for constitutionally protected speech that criticizes the Defendants

and the Defendant's actions in conducting their duties for the parish, and requiring training of Catahoula Parish Sheriff Office employees and law enforcement officers regarding the free speech rights of the citizens they under oath are sworn to protect and serve;

- e) An award for costs, expenses and attorney's fees pursuant to 42 U.S.C. § 1988;
- f) A trial by jury is hereby demanded; and
- g) Enter such other relief as this Honorable Court may deem just and deserving.

Respectfully submitted,

**LAW OFFICE OF MALCOLM X. LARVADAIN, INC.**

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