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August 26, 2016

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

City of Griffin
Attn: Kenny L. Smith, City Manager
P.O. Box T
Griffin, Georgia 30224

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Griffin Police Department
Attn: Michael F. Yates, Chief of Police
868 W. Poplar St. Griffin, Georgia
Griffin, Georgia 30224

Re: Ante Litem Notice – Quindis Flemister v. City of Griffin
and Griffin Police Department

Dear Mr. Beach and Chief Yates:

Please be advised that this Firm has been retained to represent the interests of Mr. Quindis Flemister in connection with an incident that occurred on April 28, 2016 involving the Griffin Police Department.

Factual Allegations

On April 28, 2016, Mr. Flemister was arguing with his brother, William Talmage, on 229 N 9th Street in Griffin, Georgia. Officer Joshua Howell and several other officers were dispatched to the scene. At some point during the situation Mr. Talmage yelled some words to Mr. Flemister from a distance and Mr. Flemister stepped into the street and yelled back at his brother and also said "F-12." At this point, the two men were at least 40 feet away from each other. Suddenly, and without making any verbal commands of any kind to Mr. Flemister, Officer Howell rushed at Mr. Flemister and violently tackled him to the ground. As a result of being tackled in this manner, Mr. Flemister fractured his ankle and suffered other physical and emotional injuries. Upon information and belief, at some point after this incident occurred, Officer Howell resigned from the City of Griffin Police Department.

As part of our investigation of this claim, we obtained a copy of Officer Howell's personnel file. In reviewing his file, we learned that his Application for Employment with the

Griffin Police Department was received on October 20, 2014 by Sgt. Dwayne Hancock. On October 23, 2014, his criminal history report came back showing that he had a criminal record.

On September 7, 2000, he was charged with Criminal Damage to Property (Felony) and the report indicated that the crime was drug-related. The allegations were that he became angry during an argument and destroyed some items in the house. When the police attempted to arrest him, he resisted arrest. On August 1, 2001 he was arrested and charged with Terroristic Threats and Acts (Felony) and Simple Assault/Family Violence (Misdemeanor). Even though these arrests were ultimately expunged, they should have raised a red flag in the hiring process regarding his temperament and fitness for the position of police officer.

As a part of his Application process for the Griffin Police Department, Officer Howell was given a survey on or about October 23, 2014, which appears to have been used to create a Personnel Evaluation Profile (PEP). The PEP revealed some disturbing information. Officer Howell admitted that he has broken rules at his work and that it does not take a lot to get him angry at work. We believe that these are additional red flags.

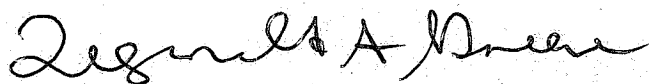
Despite the presence of red flags regarding his temperament, Officer Howell was hired by the City of Griffin Police Department.

Notice and Basis of Liability

This letter shall serve as an official ante litem notice given pursuant to O.C.G.A. § 36-33-5. Unless this matter can be resolved outside of litigation, my client intends to file suit against the City of Griffin, Officer Joshua Howell and any other responsible parties, to recover all damages allowed under the laws of the State of Georgia and 42 U.S.C § 1983. We believe he is entitled to compensatory and punitive damages for each cause of action stemming from this incident including without limitation, battery, intentional infliction of emotional distress and 42 U.S.C § 1983 violations. The basis of liability as to the City of Griffin, Griffin Police Department and/or their various departments is still being investigated. It is thought at this time, based upon information and belief, that the City may be liable to Quindis Flemister because Officer Joshua Howell violated the Constitutional Rights of Mr. Flemister and subjected him to battery, violation of applicable laws and derogation of Mr. Flemister's Civil Rights. The City is liable for the negligent hiring, supervision and/or training of Officer Joshua Howell. The City is vicariously liable for the tortious conduct Officer Joshua Howell committed in the course and scope of his employment by the City. The exact amount of damages is not known at this time, but Mr. Flemister is willing to settle these claims for **\$275,000.00**.

If you require any additional information regarding these claims, please do not hesitate to contact me and I will provide you with whatever information I have at my disposal.

Very truly yours,



Reginald A. Greene, Esq.

Griffin Police Department
Background Investigation Summary

CLASSIFIED
PERSONNEL ONLY

Report of Investigation

CANDIDATE: Joshua Joseph Howell

ADDRESS: _____

PHONE: Home: _____ Work: _____ Cell: _____

INVESTIGATOR: Sgt. Dwayne Hancock

DATE: November 11, 2014

DRIVER'S HISTORY: The candidate holds a Class A license. The history shows one citation for speeding (88/70) on 06/24/2012

CRIMINAL HISTORY: The candidate's criminal history shows two arrest that were dismissed and Expunged. The arrests were in 2000 and 2001.

EDUCATION: The candidate obtained a GED from Central Georgia Technical College in Macon, GA.

CREDIT HISTORY: A credit report was conducted and showed the candidate is current on his accounts.

MILITARY SERVICE: The candidate listed that he served in the United States Army

FORMAT:

The findings of this investigation will be discussed in narrative form through the use of interview summaries. These summaries will contain information gained from individuals who have either worked directly with or who have personal and or professional knowledge of the subject of this investigation. Additionally, I will conclude this report with a brief summary of my overall findings concerning the applicant.

Joshua Howell

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overall recommend or not recommend the applicant for the job. A moderately low score generally indicates that security interviews and background checks should be made prior to making a hiring decision. Joshua Howell scored at the 41 percentile on the Overall Recommendation scale.

DETAILED BREAKDOWN OF SURVEY RESPONSES

Item responses should not be used as the sole basis for making a hiring decision. Occasionally an applicant may inadvertently mark the wrong circle. These responses are printed to give employers insight into the applicant's value system and to prompt further inquiry or investigation.

ETHICS

Admissions: Joshua Howell indicated he:

- has broken rules at his work. — *Buckner's*
- has had his driver's license suspended or revoked.

It is suggested that this applicant be given a security interview to determine the extent of the misconduct and whether it is relevant to this job.

Temptations: Joshua Howell indicated he has been asked by a co-worker to steal.

Perception of Integrity: Joshua Howell indicated that he would not think that a friend who shoplifted a small item was dishonest [Q99]. Unclear answer given.

REPORTING

No reportable items

SOCIALIZATION

Patience/Impulsiveness: Joshua Howell indicated that it does not take a lot to get him angry at work [Q44]. Unclear answer given.

Getting Along: Joshua Howell indicated that he has raised his voice in an argument at work or school.

CUSTOMER SERVICE


No reportable items

ILLEGAL DRUG ATTITUDES

No reportable items

EMPLOYMENT BACKGROUND

Work History: Joshua Howell indicated he:

- has left a job without giving proper notice.
 - has been asked to leave at least one past job.
 - has been fired from a job. — *Buckner's in high school being late*
 - has received a verbal warning at a job.
 - has received a written warning at a job.
 - has had a boss that expressed concern over his job performance.
 - feels he has been mistreated at a job.
- 

WORK ETHIC

Talking: Joshua Howell indicated that he would not feel like he cheated the company if he talked socially more than 15 minutes on company time.