

IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO

ESTATE OF DONOVAN L. LEWIS, :
by and through its Administrator, :
Rebecca Duran :
c/o Cooper Elliott :
305 West Nationwide Boulevard :
Columbus, Ohio 43215, :

Plaintiff, :

v. :

RICKY R. ANDERSON :
c/o City of Columbus Division of Police :
120 Marconi Boulevard :
Columbus, Ohio 43215 :

and :

CHANCE KNOX :
c/o City of Columbus Division of Police :
120 Marconi Boulevard :
Columbus, Ohio 43215 :

and :

HARRY DORSEY :
c/o City of Columbus Division of Police :
120 Marconi Boulevard :
Columbus, Ohio 43215 :

and :

JACK RANDALL :
c/o City of Columbus Division of Police :
120 Marconi Boulevard :
Columbus, Ohio 43215 :

and :

JUSTIN DODRILL :
c/o City of Columbus Division of Police :
120 Marconi Boulevard :
Columbus, Ohio 43215, :

Defendants. :

**JURY DEMAND
ENDORSED HEREON**

COMPLAINT

1. In the early morning hours of August 30, 2022, a team of Columbus Division of Police officers entered Donovan Lewis's apartment, with a dog, to serve a warrant. The warrant accused Donovan, a 20-year-old Black man, of committing a misdemeanor and missing a court date. Donovan was in his bed. Officer Ricky Anderson opened Donovan's bedroom door with his right hand while holding the dog in his left. In less than a second, Anderson shot Donovan as he was sitting up in his bed. Instead of providing aid, Anderson left. Donovan was mortally wounded. He suffered, then died an hour later.

2. This senseless death was completely preventable.

3. To this day, neither the Columbus Division of Police, nor the City of Columbus, nor any of its officers has acknowledged responsibility for Donovan's death. Donovan's family brings this lawsuit seeking accountability for the reckless police conduct that violated Donovan's rights and caused his tragic death, and to encourage the reforms needed to prevent other such injuries and deaths.

FACTS

A. Anderson and the K-9 are radioed to Donovan's apartment in the middle of the night

4. On Tuesday, August 30, 2022, around 2:34 a.m., Anderson receives a request over his police radio to come with his K-9 to a small apartment building in the Hilltop neighborhood of Columbus, Ohio.

5. Four other Columbus Division of Police officers, Chance Knox, Harry Dorsey, Jack Randall, and Justin Dodrill, had been at the apartment building for about 15 minutes.

6. Anderson and the other officers were there to try to arrest Donovan Lewis, a 20-year-old Black man. They believed he was probably sleeping in one of the apartments in the building.

7. Why these officers chose to try to arrest Donovan that night, at that time, is not yet known. Donovan supposedly had three warrants: one issued August 10, 2022, after he was accused of committing a misdemeanor violation that day; one issued August 12, 2022, after the misdemeanor accusation triggered a hearing about whether he also had now violated the probation he was serving for a different minor misdemeanor from two years before; and one issued May 20, 2022, after Donovan had missed a court hearing date because notice of the hearing had been sent to the wrong address.

8. Since August 10, 2022, however, Columbus police had not tried to find, contact, or otherwise get in touch with Donovan. It would not have been hard to do so. Donovan had been living in the same apartment for a while. He had not tried to evade anyone. He posed absolutely no threat to public safety.

9. Nevertheless, these officers chose to hunt Donovan in the middle of night.

10. The officers knock, then start banging on Donovan's apartment door.

11. Just before Anderson arrives, two young men cautiously exit the apartment. They show their hands. Police handcuff them.

12. The two young men were there because they did not have a place to live, and Donovan had taken them in.

13. Police say they are looking for Donovan. Knox says to the young men, "We're gonna send the dog in here in a second, so if he doesn't come out..."

14. Dorsey says to the young men, “You know who’s in the apartment that you’re in. He’s gonna get bit by a dog.”

B. Anderson arrives at the apartment

15. Around 2:37 a.m., Anderson and the K-9 arrive at the apartment.

16. Anderson, who is 59 years old and has been a police officer for 30 years, is working the midnight shift.

17. According to Columbus Police Internal Affairs Bureau records, Anderson had at least 58 internal investigations into his conduct between 2001 and 2020.

a. 10 investigations into Anderson’s conduct were classified as “Citizen Complaints / IAB Internal Investigations.”

b. An astounding **48 investigations into Anderson’s conduct** were classified as “Use of Force / Chain of Command Investigations.”

18. Between 2001 and 2020, Columbus Police had found that Anderson violated Columbus Division of Police policy at least **ten** times, including in **eight** “Use of Force / Chain of Command Investigations.”

19. The number of policy violations is striking for any police officer. It is even more alarming for a Columbus Police officer, since more than 99% of Columbus Police’s use of force investigations result in no policy violation finding.

20. Anderson’s conduct had gotten worse in recent years. **Six** of the eight “Use of Force / Chain of Command” violations occurred since 2018.

21. In 2020, internal affairs investigated Anderson for allegations of sexual harassment. Anderson was working an off-duty detail at the Jewish Community Center. A female employee reported Anderson had committed sexual assault. Internal Affairs found that

Anderson engaged in “unbecoming conduct” when he approached the female employee from behind, pressed up against her, and said “Hey, Sexy. How’s it going?” Even though internal affairs had sustained the sexual harassment allegation, Columbus Police issued Anderson a “document constructive counseling,” the lowest form of discipline.

22. Despite Anderson’s documented history of misconduct, Columbus Police and the City had kept Anderson on the job, and he was called to Donovan’s apartment with his dog.

C. Anderson sends the dog in

23. Around 2:38 a.m., Anderson stands in the doorway of Donovan’s apartment and sends the K-9 into the apartment. The dog runs to the back of the apartment. Someone from the bedroom makes a sound. The dog enters Donovan’s bedroom. The dog then returns to Anderson.

24. The dog does not bite or apprehend anyone, or give any indication that anyone in the bedroom poses a threat.

25. Knox yells, “That dog’s gonna bite ya if you don’t come out!”

26. Anderson sends the dog back a second time. The dog runs to the back of the apartment and enters Donovan’s bedroom, barking. Someone from the bedroom again makes a sound. The dog returns to Anderson.

27. The dog does not bite or apprehend anyone, or give any indication that anyone in the bedroom poses a threat.

28. Anderson sends the dog a third time. The dog goes to the back of the apartment and remains barking outside of the bedroom door, which is now closed.

29. Anderson says, “I’m gonna move up.”

30. An officer says, “Has somebody got a taser?” Another responds, “He’s got one.”

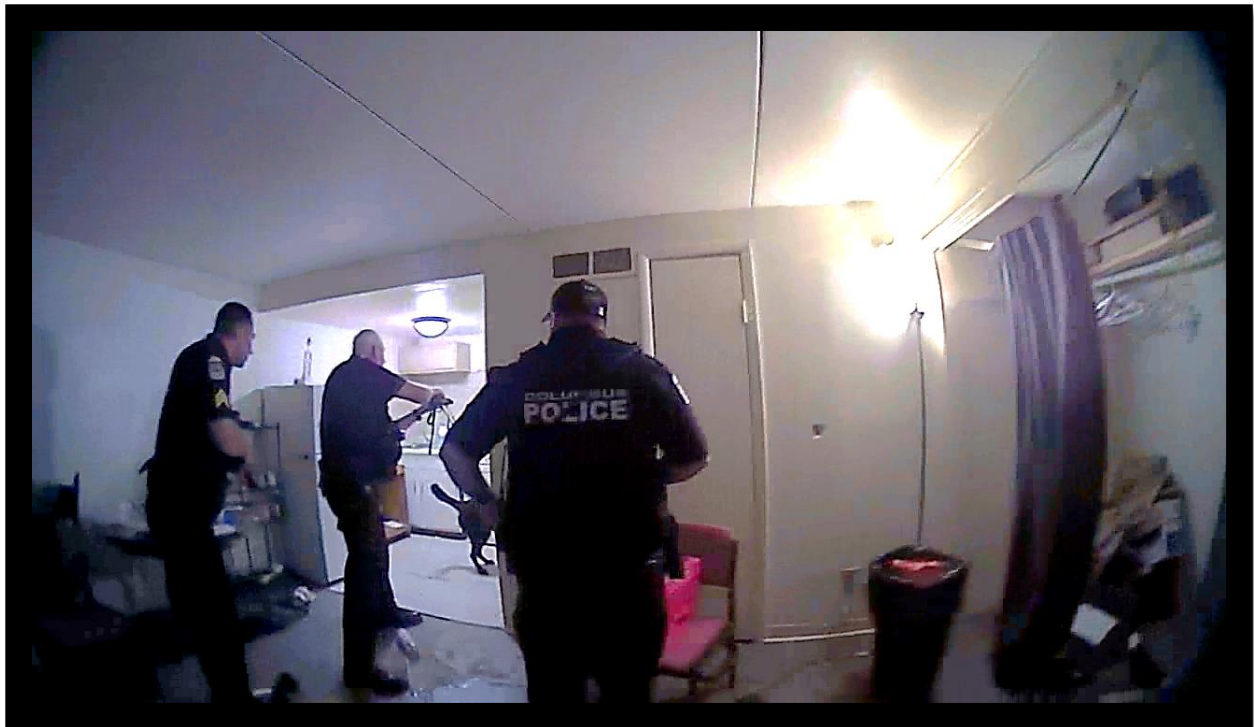
D. Anderson and three other Columbus Police officers enter the apartment

31. Anderson enters the apartment, gun drawn and holding a leash in his left hand.

Knox is right behind him, gun drawn. Randall enters behind Knox and draws a weapon.

32. About 15 seconds later, Dodrill enters the apartment.

33. There are now four Columbus police officers, weapons ready, and a dog inside a small apartment, at 2:38 a.m. on a Tuesday morning, searching for a man accused of committing a misdemeanor and missing a court date:



34. About 30 seconds after Anderson enters, he holsters his gun and leashes the dog.

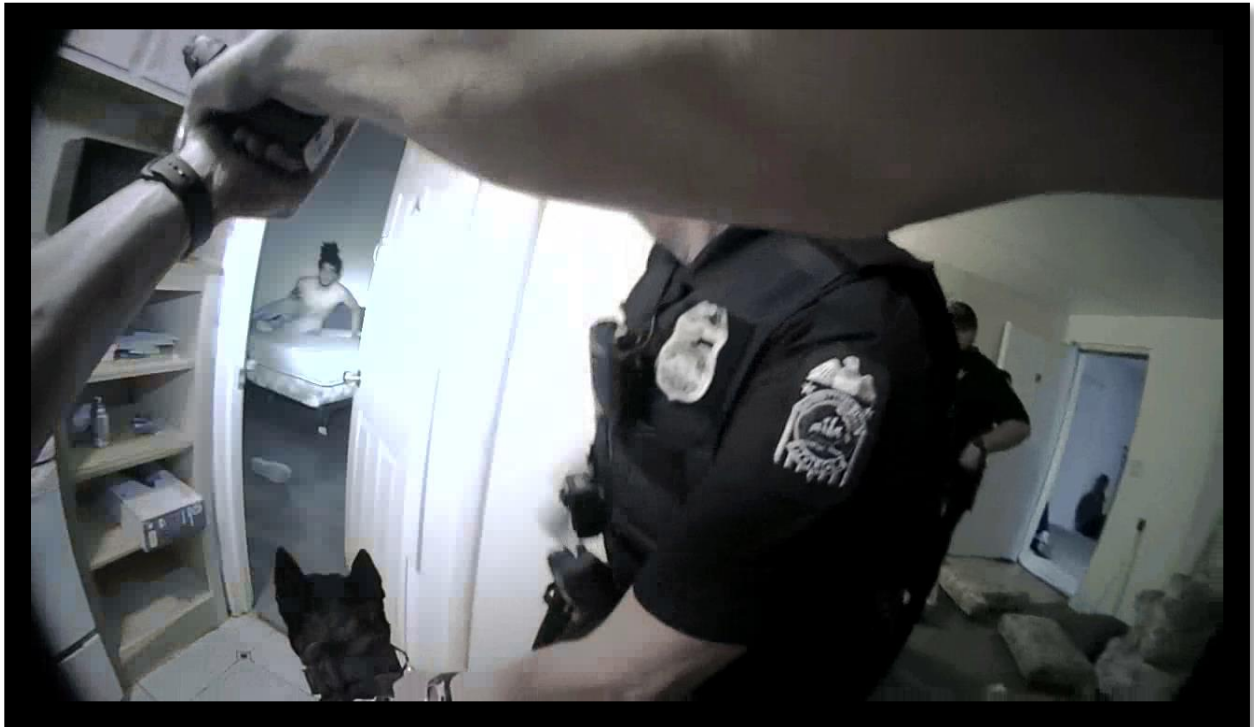
35. Anderson opens a small pantry door with his right hand, with his weapon holstered, while holding the K-9 with his left hand. No one is in there. He closes the pantry door.

36. Knox yells at the closed bedroom door, "We're gonna send that dog in!"

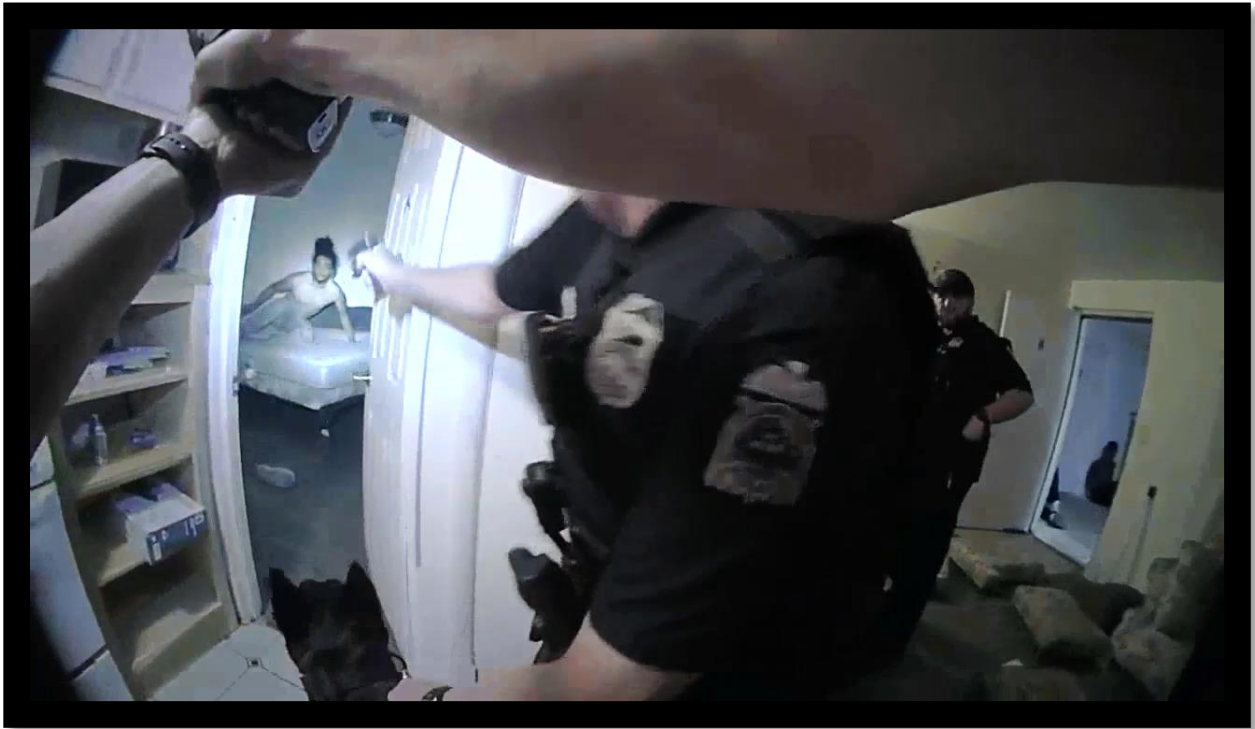
E. Anderson shoots and mortally wounds Donovan

37. Anderson then moves to the bedroom door. Anderson uses his right hand to turn the doorknob and push the door open.

38. Knox shouts “Hands” at Donovan. Anderson starts to draw his gun. Knox turns on the flashlight on his gun. The light illuminates Donovan, who is shirtless and starting to sit up in his bed:



39. Anderson immediately draws his weapon and fires a single shot with his right hand. He is still holding the K-9 with his left hand:



40. Anderson shoots Donovan in the lower abdomen. Knox exclaims “Oh!” in surprise at the shot. It is around 2:38 a.m.

41. Anderson began drawing his gun before the light illuminated Donovan.

42. The time between Anderson unholstering his weapon, acquiring a sight picture, and deciding to fire his weapon was less than one second.

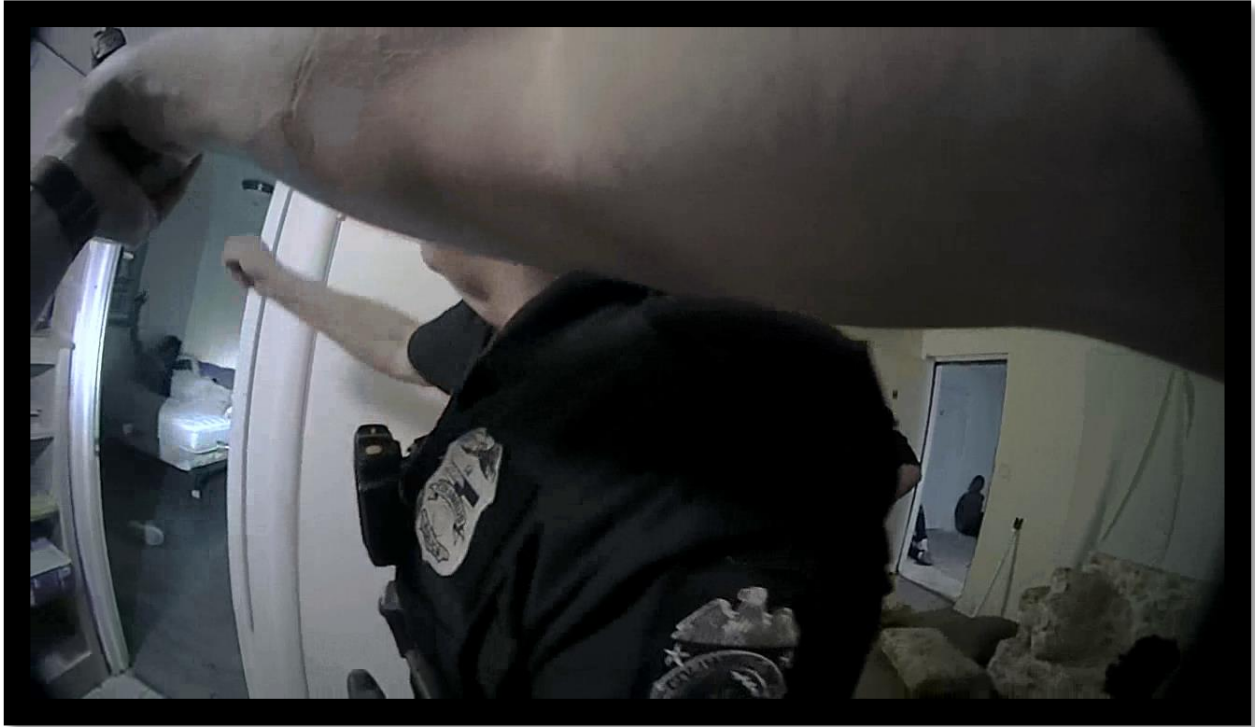
43. Anderson quickly holsters his gun with his right hand. He moves back slightly, still holding the barking K-9 with his left hand.

44. No officer says the word “gun” at any time.

45. Knox had a view nearly identical to Anderson’s view, but Knox did not fire his weapon.

F. Shortly after shooting Donovan, Anderson starts falsely claiming that Donovan posed a threat

46. About 15 seconds after shooting Donovan, Anderson raises his right arm with a closed fist as if to fire a weapon, falsely claiming that Donovan's arm was like that before Anderson fired. Anderson screams at Donovan: "Can't fucking come like this!"



47. A few seconds later, Anderson says to Randall, "fucking come up like this!" and raises his right arm as if in a shooting position. Anderson then says, "But I mean..." He gestures at the bedroom with an open hand. Randall does not respond.

48. Anderson turns and leaves the apartment. At the doorway, Dorsey says, “What the fuck was that noise?” Anderson says, “Me! He come out like this!” and raises his right arm again:



49. Multiple body cameras show that Donovan never extended or raised his arm as if holding a weapon. Knox, who had the same view of Donovan as Anderson did, never claims Donovan raised his arm in a threatening manner. Moreover, it took less than one second for Anderson to unholster his weapon, acquire a sight picture, and fire his weapon.

50. Donovan did not present any threat to any of the officers.

51. Anderson could not have perceived any potential threat before he decided to fire his weapon.

G. Anderson fails to render aid to Donovan

52. Immediately after shooting Donovan, Anderson stands in the doorway, allowing his dog to continue barking at Donovan. Anderson and the other officers scream at Donovan.

53. About 25 seconds after shooting Donovan, Anderson says “I’m gonna have to leave.” Anderson turns and leaves Donovan’s apartment.

54. Anderson never provides any aid or medical care to Donovan.

55. Instead, as Donovan is dying, Anderson walks back to his cruiser. He whispers, “Fuck.”

56. Anderson returns the K-9 to his cruiser in the parking lot. He turns back towards the small apartment building. He sees Dodrill running to his own cruiser. Dodrill is running to get something from his trunk.

57. Anderson says to Dodrill, “He freak—.” Dodrill does not respond.

58. Anderson paces the parking lot. More police arrive at the scene.

59. One arriving officer says to Anderson, “You all right?” Anderson does not respond orally. Anderson touches his body camera.

60. Anderson never returns to Donovan to try to provide aid or medical care.

Anderson remains by a cruiser.

H. Columbus Police officers handcuff Donovan as he lays dying

61. Meanwhile, Donovan lays wounded in his bed, starting to die.

62. Knox continues shouting “Hands, hands, hands!” Donovan tries his best to comply, raising his hands into the air a couple of times before rolling back onto the bed.

63. The dog continues barking loudly.

64. Knox shouts “Crawl out here! Crawl out!” Donovan cannot.

65. Knox and Dodrill enter Donovan’s bedroom. Knox shouts at Donovan, “Hands behind your back! Do it now!” Donovan does not move. Knox tells officers to call for a medic. Over the radio, Dorsey asks for a medic and states “officer involved.”

66. Donovan is slumped over on the bed. Knox grabs Donovan's right hand and twists it behind his back. Donovan's agonal breathing can be heard on the body cam audio.

67. An officer shouts "Stop resisting! He's pulling away." Donovan is not resisting or pulling away.

68. Knox and Dodrill handcuff Donovan. Donovan continues to bleed.

69. Around 2:40 a.m., Knox tells other officers to "glove up and start rendering aid." Dorsey begins removing Donovan's pants and underwear. Randall helps pull a pant leg down.

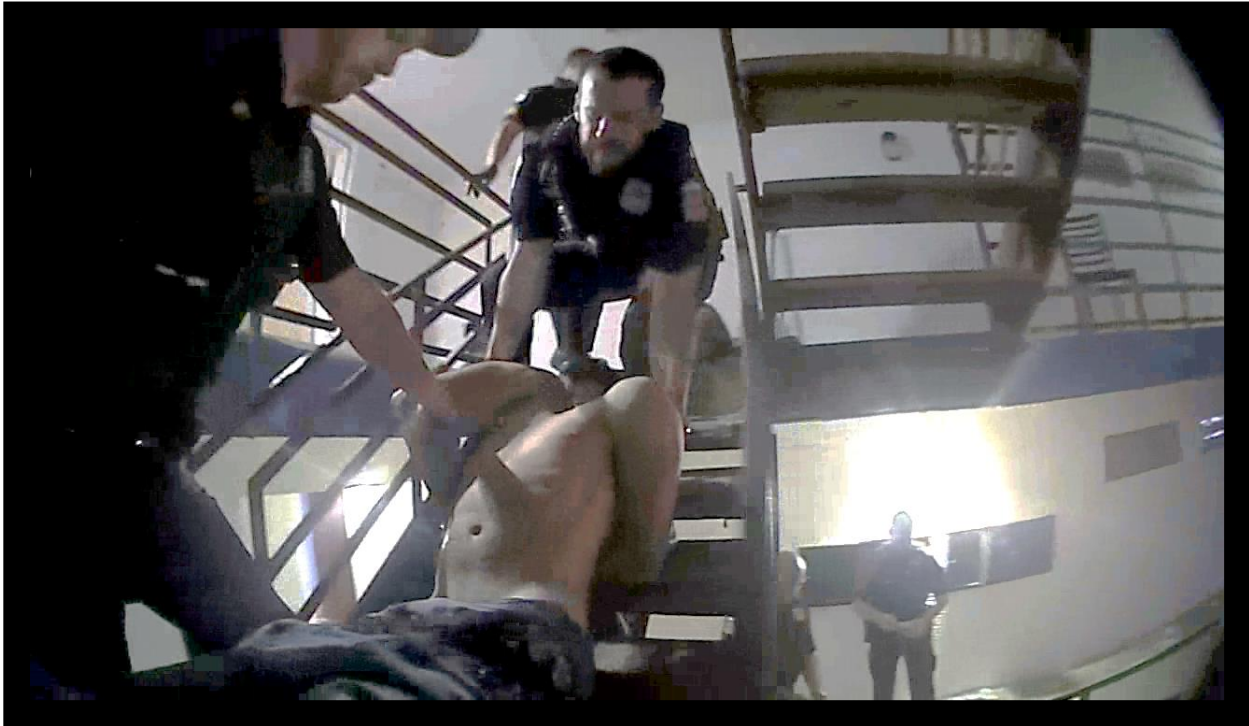
70. No officer appears to apply pressure to the bullet wound.

I. Columbus Police officers move Donovan and drop him on the stairs

71. Around 2:41 a.m., Knox says "Let's get him out to the medic." Knox, Dorsey, and Randall then pick up Donovan, who is still handcuffed behind his back, and carry him out of the apartment and to the top of the outside stairs.

72. Dorsey, Randall, and another officer then try to carry Donovan down the stairs.

73. Dorsey is holding Donovan's head and upper body. Dorsey stumbles, dropping Donovan's head onto the metal stairs:



J. Medics arrive and take Donovan to the hospital, where he dies

74. Around 2:43 a.m., Columbus police officers finally lay Donovan on the patch of grass outside. One officer finally starts applying pressure to Donovan's wound.

75. Officers strip Donovan fully down to his underwear.

76. Donovan still has a pulse, but it is weak. Donovan is still breathing, but it is agonal and labored.

77. Around 2:45 a.m., the first medic arrives. He asks officers to remove the handcuffs still on Donovan.

78. Donovan is rushed by ambulance to Grant Hospital.

79. At 3:19 a.m., Donovan is pronounced dead. Donovan died from Anderson's gunshot.

80. No weapon is ever found in Donovan's apartment. He was completely unarmed. On Donovan's bed, officers find a vape pen, the size and shape of a magic marker.

K. Officers start to discuss what happened, but then turn off their cameras

81. From a distance, Anderson watches as Donovan lays on the grass outside the apartment building. An officer approaches Anderson. Anderson starts tapping on his body camera. The officer says, "Go ahead and turn it off." Anderson turns off his body camera.

82. After Donovan is loaded into the ambulance, Knox, Dorsey, and Randall stand outside in a circle by Anderson's cruiser.

83. Randall asks, "How do you want to handle everybody that was in the..." Dorsey cuts him off and says, "We're just gonna stay here and say nothing until the fuckin' union gets here." Knox says, "We're getting officer support here."

84. Additional officers and supervisors walk over. Dodrill starts to share what happened. He states, "I was coming up right behind him." A supervising officer points at Dodrill's body camera, and Dodrill turns off the recording.

85. Another arriving officer asks, "Who are the witnesses?" Randall states, "We were the four in the house." Dorsey states, "Me, Jack [Randall], Chance [Knox]."

86. Knox says, "Kill your cameras. Kill the cameras." Everyone turns off their recordings.

L. Columbus Fraternal Order of Police representative arrives

87. At some point, a representative from Columbus's police union, the Fraternal Order of Police Capital City Lodge #9, arrives on scene.

88. Donovan's mom is waiting by the police tape, desperately trying to find out information about what has happened to her son.

89. As the FOP rep passes Donovan's mom, he ducks under the police tape and says, "Another day in the hood."

M. Anderson had several non-lethal options

90. Anderson had several non-lethal options available to apprehend Donovan, but he chose not to use them.

91. Anderson could have waited to apprehend Donovan during the light of day and outside his apartment, rather than try to arrest him in the middle of the night. He did not.

92. Anderson could have performed a "surround and call out," as there was no urgent need to open the closed bedroom door to make an immediate apprehension. He did not.

93. Anderson could have decided to hold in place and call for a special operations team, including negotiators. He did not.

94. Anderson could have pounded on the closed bedroom door while instructing Donovan to come out. He did not.

95. Anderson could have deployed his taser. He did not.

96. Anderson could have deployed the K-9 into the bedroom. He did not.

97. Instead, Anderson recklessly chose to fire a single shot into the bedroom, mortally wounding Donovan. Anderson acted recklessly and wantonly when he made that choice over the options he ignored.

98. Had Anderson employed any of the non-lethal options, Donovan would not have died. But Anderson chose not to use these options. Anderson shot Donovan in his bed, and Donovan died a painful and undignified death.

PARTIES

99. Plaintiff Rebecca Duran is the mother and duly-appointed Administrator of the Estate of Donovan Lewis. Ms. Duran brings her claim as Administrator of Donovan's estate.

100. Defendant Ricky Anderson was an employee of the Columbus Division of Police or City of Columbus at all times relevant to this case. Anderson was working as a police officer for the Columbus Division of Police on August 30, 2022. Anderson is sued in his individual capacity.

101. Defendant Chance Knox was an employee of the Columbus Division of Police or City of Columbus at all times relevant to this case. Knox was working as a police officer for the Columbus Division of Police on August 30, 2022. Knox is sued in his individual capacity.

102. Defendant Harry Dorsey was an employee of the Columbus Division of Police or City of Columbus at all times relevant to this case. Dorsey was working as a police officer for the Columbus Division of Police on August 30, 2022. Dorsey is sued in his individual capacity.

103. Defendant Jack Randall was an employee of the Columbus Division of Police or City of Columbus at all times relevant to this case. Randall was working as a police officer for the Columbus Division of Police on August 30, 2022. Randall is sued in his individual capacity.

104. Defendant Justin Dodrill was an employee of the Columbus Division of Police or City of Columbus at all times relevant to this case. Dodrill was working as a police officer for the Columbus Division of Police on August 30, 2022. Dodrill is sued in his individual capacity.

JURISDICTION AND VENUE

105. Jurisdiction is appropriate as these claims arose from events occurring in Ohio, Plaintiff is a resident of Ohio, and, at all times mentioned herein, Defendants either resided in or conducted business in Ohio.

106. Venue is appropriate as the following claims for relief arose in Franklin County.

COUNT ONE: WRONGFUL DEATH

107. By his misconduct detailed throughout this Complaint, Anderson directly and proximately caused the wrongful death of Donovan Lewis, entitling his next of kin to damages under Ohio Rev. Code § 2125.01 *et seq.*

COUNT TWO: BATTERY

108. Anderson, without authority or consent to do so, intentionally made a harmful and offensive contact with Donovan Lewis.

109. The harmful contact directly and proximately caused injury and death to Donovan Lewis.

COUNT THREE: BREACH OF DUTY

110. Anderson owed a duty of care to Donovan Lewis.

111. By his misconduct detailed throughout this Complaint, Anderson breached his duty of care owed to Donovan Lewis.

112. Anderson committed his acts and omissions with malicious purpose, in bad faith, or in a wanton or reckless manner.

113. Anderson's breaches of duty directly and proximately caused injury and death to Donovan Lewis.

COUNT FOUR: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

114. By his actions described in this Complaint, Anderson intentionally or recklessly acted in an extreme and outrageous manner.

115. As a direct and proximate result of Anderson's actions, Donovan Lewis suffered severe emotional distress and physical injury.

COUNT FIVE: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

116. By his actions described in this Complaint, Anderson negligently caused emotional distress to Donovan Lewis through his extreme and outrageous misconduct.

117. As a direct and proximate result, Donovan Lewis suffered serious emotional distress.

118. It was foreseeable that Anderson's actions would cause Donovan's serious emotional distress.

COUNT SIX: FAILURE TO RENDER AID (ANDRE'S LAW)

119. Andre's Law was enacted following the death of Andre Hill, another unarmed Black man shot by a Columbus police officer. In the many minutes that followed Andre being shot, multiple Columbus police officers failed to render aid or call for emergency medical services. Andre later died from the gunshots.

120. In response, in February 2021 the City of Columbus established new requirements for its police officers to render medical aid. The City enacted these requirements into law—not just relying on Columbus Division of Police policy—because of their importance to assure the safety of all Columbus residents.

121. Columbus City Code § 1915.01 requires Columbus police officers after serious harm from a use of force to immediately summon (or cause the summoning) of emergency medical services, unless an imminent threat of serious bodily harm or death to the officers or other individuals exists.

122. The same Code section also requires Columbus police officers to immediately render medical aid consistent with available equipment and training as soon as the immediate area has been secured of imminent or probable threats.

123. Anderson, Knox, Dorsey, Randall, and Dodrill each violated this Code section.

124. Donovan Lewis did not pose any imminent or probable threat to anyone at any time, let alone after Anderson shot him.

125. At the time Anderson shot Donovan Lewis, and afterwards, there were no imminent or probable threats in the area. The area was secure.

126. After Anderson shot Donovan Lewis, Anderson did not immediately summon EMS, immediately cause EMS to be summoned, or immediately render medical aid. In fact, Anderson never summoned EMS and never rendered medical aid to Donovan.

127. After Anderson shot Donovan Lewis, neither Knox, nor Dorsey, nor Randall, nor Dodrill immediately rendered medical aid to Donovan.

128. After Anderson shot Donovan Lewis, neither Dorsey nor Dodrill immediately summoned EMS or immediately caused EMS to be summoned.

129. Defendants' violations of this City Ordinance caused injury to Donovan Lewis.

130. Donovan Lewis was in the class of persons whom this City Ordinance was meant to protect, and his injuries were the type the Ordinance was meant to avoid.

131. Each Defendant acted with recklessness, and willfully or wantonly in his failure to immediately render medical aid, immediately summon EMS, and immediately cause EMS to be summoned. As such, each Defendant is liable *per se* for his violation of this Ordinance.

**COUNT SEVEN: DEPRIVATION OF STATE CONSTITUTIONAL
RIGHTS AND STATE STATUTORY RIGHTS**

132. By his actions described in this Complaint, Anderson knowingly deprived Donovan Lewis of his rights under the Ohio Constitution, including without limitation the rights protected by Article One, Section Fourteen.

133. By his actions described in this Complaint, Anderson knowingly deprived Donovan Lewis of Ohio statutory rights.

134. Anderson was a public servant acting under color of his employment when he violated Donovan Lewis's rights under the Ohio Constitution and Donovan Lewis's Ohio statutory rights.

135. Accordingly, Anderson committed the criminal act of interfering with civil rights in violation of R.C. 2921.45, in turn giving rise to a right to recover damages under R.C. 2307.60.

PRAYER FOR RELIEF

Plaintiff demands that judgment be entered in her favor on all counts and requests the following relief:

- A. Compensatory damages in an amount exceeding \$25,000 as will be shown at trial;
- B. Punitive damages in an amount to be shown at trial;
- C. Attorneys' fees;
- D. Prejudgment interest and post-judgment interest;
- E. Any other relief to which Plaintiff may be entitled, or to which the Court deems appropriate, including the costs of this action.

Respectfully submitted,

/s/ Rex H. Elliott

Rex H. Elliott (0054054)

Charles H. Cooper, Jr. (0037295)

Barton R. Keyes (0083979)

C. Benjamin Cooper (0093103)

COOPER ELLIOTT

305 West Nationwide Boulevard

Columbus, Ohio 43215

(614) 481-6000

(614) 481-6001 (fax)

rexe@cooperelliott.com

chipc@cooperelliott.com

bartk@cooperelliott.com

benc@cooperelliott.com

/s/ Michael L. Wright

Michael L. Wright (0067698)

Robert L. Gresham (0082151)

WRIGHT & SCHULTE

130 West 2nd Street, Suite 1600

Dayton, Ohio 45402

(937) 222-7477

(937) 222-7911 (fax)

mwright@yourohiollegalhelp.com

rgresham@yourohiollegalhelp.com

/s/ Richard W. Schulte

Richard W. Schulte (0066031)

WRIGHT & SCHULTE

865 South Dixie Drive

Vandalia, Ohio 45377

(937) 435-7500

(937) 435-7511 (fax)

rschulte@yourlegalhelp.com

Attorneys for Plaintiff

JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable.

/s/ Rex H. Elliott