

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

JASON CARTER, Plaintiff, STATE OF IOWA and MARK D. LUDWICK, SPECIAL AGENT OF THE IOWA DEPARTMENT OF PUBLIC SAFETY, and MARK D. LUDWICK in his Individual Capacity. Defendants.	Law No. _____ PETITION AT LAW AND JURY DEMAND
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Jason Carter states:

PARTIES & JURISDICTION

1. At all material times, Plaintiff Jason Carter (“Carter¹”) resided in Marion County, Iowa.
2. At all material times, Defendant Mark Ludwick (“Ludwick”) resided in Polk County and was an Agent for the Iowa Department of Public Safety (“Iowa DPS”).
3. Ludwick was lead case agent for the case at issue (“the homicide”).
4. At all material times, Defendant State of Iowa was a sovereign state as defined in the Iowa Code with its principal place of business in Polk County, Iowa.
5. The unlawful practices alleged below were committed in Polk County, Iowa and in Marion County, Iowa.
6. Venue is proper in this judicial district pursuant to Iowa Code §§616.17 and 616.18, in that both Defendants reside in Polk County, Iowa.
7. The injuries sustained by Carter as described in this petition exceed the jurisdictional amount for Small Claims Court in Iowa.
8. Pursuant to Iowa Code section 669.3, Carter filed claims with the Iowa Department of Management on December 11, 2019.
9. Carter withdrew those claims by written notice on June 11, 2020, pursuant to Iowa Code section 669.5(1), without final disposition by the Iowa Attorney General. (See Attachment 1 – Withdrawal Letter.)

¹ For clarity, Jason Carter is referred to as “Carter”. Bill G. Carter is referred to as “Bill”. Shirley Carter is referred to as “Shirley”.

10. Pursuant to Iowa Code § 669.13, these claims are filed within the statutory time period.

FACTUAL BACKGROUND

11. On June 19, 2015, Shirley Carter was killed at her home in Marion County, Iowa. (“the homicide²”)
12. The Iowa Division of Criminal Investigation (“DCI”), a division of the Iowa DPS, including Special Agent Mark Ludwick, investigated the homicide.
13. Ludwick was assigned from the beginning of the investigation as lead case investigator for DCI and was primarily responsible for investigation of the homicide.
14. Ludwick focused investigation on Carter even before arriving at the scene on the date of the homicide.
15. From the beginning of the investigation of the homicide, Ludwick disregarded plainly exculpatory evidence relating to Carter.
16. Ludwick directed other law enforcement officers, including the Marion County Sheriff’s Office, to disregard plainly exculpatory evidence.
17. Detective Kious of the Marion County Sheriff’s Office acted under Ludwick’s supervision investigating the homicide.
18. Ludwick created numerous reports based on interviews in the investigation of the homicide. In many reports, Ludwick misrepresented information obtained from the recorded interviews, taken by Ludwick, and misrepresentations in the reports omitted exculpatory evidence.

² For clarity in reading, the term “the homicide” is used even when addressing allegations in the related civil action.

FACTS LEADING TO ARREST OF CARTER

19. Between June 19, 2015 and December 17, 2017, and at other times, Ludwick made numerous statements falsely implicating Carter in the homicide to Bill Carter, to Carter's siblings, and to others within the Knoxville and Marion County Community.
20. These statements included representations by Ludwick that he knew not to be true at the time he made them, should reasonably have known not to be true at the time he made them, were made recklessly and without due care as to the veracity of the statements, or which were later shown to be false and were intentionally uncorrected by Ludwick.
21. Because of Ludwick's position as a law enforcement official, Bill Carter, Carter's siblings, and individuals within the Knoxville and Marion County community believed his reckless and intentionally false statements.
22. Ludwick intended his false statements to separate Carter from his family and from the community in order to place pressure and emotional distress on Carter and in order to garner support from Carter's father, family, and community for prosecution of Carter.
23. Carter, his wife Shelly Carter, Bill Carter, and Carter's siblings each enjoyed a close and supportive family relationship prior to the false statements by Ludwick.
24. Carter enjoyed a close and supportive relationship within the Knoxville and Marion County communities prior to the false statements by Ludwick.
25. The false statements by Ludwick were the cause of a rift and separation which developed between Carter and Carter's family.
26. False statements by Ludwick caused of a rift and separation between Carter and his community, and between Carter's immediate family and their community.
27. The family separation and separation from friends and the community caused continuing severe emotional distress to Carter.
28. The false statements by Ludwick caused Bill Carter to bring a civil lawsuit against Carter and caused Bill Carter to unlawfully work in conjunction with the State against Carter.
29. On January 5, 2016, Bill Carter filed a civil wrongful death lawsuit naming Carter as defendant in the Marion County Iowa District Court.

30. Bill Carter filed a civil lawsuit against Carter to propel a criminal case against Carter.
31. This civil lawsuit was filed based on reckless and intentional false statements by Ludwick falsely accusing Carter of the homicide to Bill Carter, to Carter's siblings, and to others.
32. On July 5, 2016, Plaintiffs in the civil lawsuit - Bill G. Carter, Billy D. Carter, and the Estate of Shirley Carter ("Civil Plaintiffs") served a subpoena on DCI demanding evidence and documentation developed throughout the homicide investigation.
33. DCI moved to quash, arguing the materials requested were part of an active homicide investigation and stating "[r]equiring the release of a law enforcement investigative file relating to civil litigants, including persons who may well be the subject of the investigation, not only defies common sense but finds no support in the law."
34. On August 24, 2016, the Civil Plaintiffs filed a Notice of Resolution, stating the Civil Plaintiffs and DCI reached agreement regarding production of the subpoenaed items. The hearing on DCI's Motion to Quash was cancelled.
35. Carter's legal team never received documents from the Civil Plaintiffs that were the result of the above "agreement". The Civil Plaintiffs failed to disclose the documents received from DCI, in violation of Iowa discovery rules and civil process.
36. On March 29, 2017, six days before trial was originally scheduled to begin, the Civil Plaintiffs obtained new counsel – the Weinhardt Law Firm.
37. On April 19, 2017, the Civil Plaintiffs served DCI with a subpoena seeking the same documents as the subpoena DCI received from the Civil Plaintiffs in July 2016.
38. On May 1, 2017, Carter filed a Motion to Quash the April 2017 subpoena to DCI.
39. The Civil Plaintiffs served five DCI staff members and one member of the Department of Public Safety with additional subpoenas on June 12, 2017, commanding them to appear at trial and to bring substantial material and investigative documents developed in the ongoing homicide investigation. Carter also moved to quash these subpoenas.
40. The district court heard the motions to quash on June 16, 2017, ten days before [the continued] trial was scheduled to begin on June 26, 2017.

41. At hearing, Civil Plaintiffs' counsel informed the Court they reached agreement with DCI regarding which documents DCI would produce. DCI's counsel, Jeff Peterzalek, affirmed that agreement.
42. Carter's counsel was not invited to meetings or discussions with DCI regarding documents to be produced. The documents Plaintiffs and DCI agreed to produce were the result of conversations that deliberately excluded Carter and his counsel.
43. It was later revealed documents DCI agreed to produce to Plaintiffs excluded myriad exculpatory evidence known to DCI and known to Ludwick.
44. The only substantial evidence DCI provided to the Civil Plaintiffs per agreement was one item that, without context, potentially inculpated Carter – his fingerprints on the gun safe.
45. No exculpatory evidence was provided by DCI to the Civil Plaintiffs (or to Carter).
46. Carter was unaware of significant exculpatory evidence that existed in DCI's file by June 2017. No exculpatory evidence was provided until after the civil trial in December 2017.
47. Defendants' provision of inculpatory evidence and withholding of exculpatory evidence shows improper motive in meeting with Plaintiffs' counsel and in forming an "agreement".
48. DCI's and Ludwick's motive in providing misleading evidence to the Civil Plaintiffs for use in the civil trial was to assist the Civil Plaintiffs in achieving a liability verdict against Carter, and to then leverage that finding of liability into criminal charges.
49. The civil trial took place in December 2017 and resulted in a verdict finding Carter civilly liable for the homicide.
50. Ludwick referred to the civil lawsuit in an email to another DCI employee as a "gift."
51. Despite being a sequestered witness per court order, Ludwick admitted in criminal depositions he was aware of who was testifying and when they were testifying, and to watching some (or all) testimony from the media room.
52. Other law enforcement officers named Ludwick as the individual providing updates on testimony. In one email to another DCI employee, Ludwick stated Carter was "on the stand now."

53. Ludwick contacted media outlets to obtain videos of the civil trial testimony, again, while still under an order of sequestration.
54. The civil verdict was rendered December 15, 2017.
55. Based on the totality of information known, or the information that should have been known to investigators on December 15, 2017, there was no probable cause to charge Carter with the homicide.
56. Marion County Attorney Edward Bull authorized Carter's arrest within hours of the civil verdict.
57. On December 16, 2017, Ludwick signed the criminal complaint which was used to request the arrest warrant for Carter.
58. Carter was arrested and charged with first degree murder two days after the civil verdict, on December 17, 2017.
59. The arrest warrant was signed by the same judge who oversaw the civil trial and allowed the private meeting and sharing of information between the Civil Plaintiffs and DCI.
60. Ludwick intentionally provided false and misleading material information in the criminal complaint requesting the warrant.
61. Ludwick omitted material and necessary information from the criminal complaint which directly weighed on the determination of probable cause.
62. Defendants were aware (or should have been aware) Carter had an alibi and were aware (or should have been aware) the timeline excluded Carter as a suspect in the homicide because, when considered with the evidence showing Shirley Carter died well before Carter discovered her body, a reasonable police officer would have known Carter could NOT have committed the homicide.
63. Defendants were aware Carter had no cognizable motive to kill Shirley Carter. Despite claims Carter killed Shirley Carter because of financial distress, Defendants knew Carter gained nothing financially from Shirley Carter's death. Defendants knew there was no basis to assert and no evidence to show Carter planned to kill Bill Carter.

64. Defendants created a theory that Carter killed Shirley Carter because Shirley discovered Carter was having an extramarital affair.
65. Defendants had no evidence showing Shirley discovered Carter was having an extramarital affair.
66. The State had evidence, even if Shirley was aware of the extramarital affair, she would have supported and protected her son.
67. Defendants were aware there was no forensic evidence implicating Carter in the homicide.
68. Defendants were aware there was no cell tower evidence implicating Carter in the homicide, but knowingly made false representations the cell tower data implicated Carter in the homicide.
69. Defendants based their theory of guilt on Carter's allegedly "inconsistent statements," but there were no such inconsistent statements sufficient to establish probable cause, nor did Defendants gain any new information in the civil trial, via testimony or otherwise, which contributed to a legitimate finding of probable cause.
70. Even while possessing myriad statements and evidence implicating others in the homicide, the State doggedly pursued Carter without evidence that implicated him in the homicide and refused to investigate leads pointing to other suspects.
71. In fact, Ludwick and other investigators knew as early as 2015 that Joe Sedlock, Callie Shinn, John Followill, and Joel Followill were implicated as suspects in the homicide by numerous individuals. Because of their tunnel vision on Carter, Ludwick and the DCI never pursued known and easily obtainable information that would have shown any potential alibis provided by these suspects could not be corroborated.
72. Ludwick and the DCI performed virtually no investigation or following up on leads provided between early 2016, which is the time period in which the civil wrongful death suit was filed against Carter, and July 2018, when Ludwick and Detective Reed Kious of the Marion County Sheriff's Office were deposed by Carter's criminal defense team and each were confronted with the myriad exculpatory leads and information that was known to law enforcement previously but never followed up on or otherwise investigated.

73. During investigation, Kious repeatedly informed Ludwick the Marion County Sheriff's Office was neither prepared nor able to handle an investigation of this size. In an email from Kious to Ludwick on March 21, 2018, Kious stated: "I am being 100% honest with you, in a case like this our Office [sic] isn't prepared to handle it, investigate it, or do a lot of the follow up."
74. Despite this knowledge, Ludwick recklessly or intentionally failed to provide adequate oversight, assistance, or follow-up to Kious and to the Marion County Sheriff's Office.
75. Ludwick's, DCI's, and Kious' repeated failures to investigate leads, accurately report investigation, record information and leads, and otherwise reasonably perform the duties of a law enforcement officer were not fully discovered by Carter until preparing for and taking Ludwick's and Kious' depositions in July 2018, and afterward, as this information was only discovered as it was turned over to Carter through the criminal discovery process in the Marion County criminal case. Some of the most egregious facts supporting these claims were not discovered until just before the criminal trial in March 2019.
76. Carter filed a Petition to Vacate the civil judgment after he was criminally charged with the murder and after he began receiving exculpatory information in criminal discovery.
77. The exculpatory information in the DCI file was known by Defendants, or should have been known by Defendants, at the time of the civil proceedings and could have been used by Carter's counsel during the civil trial.
78. The Petition to Vacate was based on newly discovered evidence that was material and would have changed the outcome of the civil trial.
79. On May 30, 2018, Civil Plaintiffs' counsel Mark Weinhardt spoke with the press in response to Carter's Petition to Vacate and stated his legal team had "long been aware of the other suspects from early in the investigation" but said "they were discounted as possibilities based on a 'complex analysis of lots of factors.'" He added "[t]here is nothing of substance new to our side in this motion."
80. Weinhardt's statements show Defendants knew the information about other more viable suspects, and shared this information with Weinhardt and Bill Carter before the civil trial. Ludwick, DCI, Weinhardt, and Bill Carter did not share this information with Carter before

or during trial, in violation of civil discovery rules and in an obvious and purposeful attempt to prevent Carter from presenting the information to the civil jury.

81. Weinhardt's statements show Defendants worked with Weinhardt and Bill Carter in the civil prosecution of Carter, sharing information with Weinhardt and Bill Carter about the criminal investigation with the goal of obtaining a civil judgment against Carter, which the Defendants then leveraged into criminal charges.
82. Kious, who was overseen and supervised by Ludwick and followed Ludwick's directions in the course of investigation, admitted in deposition that DCI and/or MCSO may have provided Plaintiffs' counsel – at that time, Ron Danks of Pleasantville, Iowa – with questions to ask Carter in his civil deposition.
83. Bill Carter and Civil Plaintiffs were working in concert with the Defendants through the civil discovery and litigation to place Carter under oath and elicit testimony, gain information for a future criminal investigation, and exert pressure on Carter.
84. Defendants used the civil lawsuit to (1) improperly gather information on Carter using Bill Carter and the other civil Plaintiffs as agents and co-conspirators, and (2) provide incomplete and only inculpatory evidence via a private agreement with civil plaintiffs to gain a finding of civil liability, which would be leveraged into criminal charges against Carter.

**THE INVESTIGATION INTO THE HOMICIDE WAS EGREGIOUSLY INCOMPLETE AND
WAS EGREGIOUSLY BIASED AGAINST CARTER**

LACK OF KNOWLEDGE – UNKNOWN FINGERPRINT

85. Ludwick denied basic knowledge of exculpatory evidence tending to show Carter's innocence.
86. The gun alleged to be the homicide weapon was a .270 Remington rifle that was purportedly stored in the unlocked gun safe in Shirley Carter's basement.
87. The .270 was missing after the homicide and recovered bullets were consistent with a .270.

- 88. Because it was believed the .270 was stored in the gun safe on the day of the homicide, physical evidence from the gun safe, including fingerprints, was crucial.
- 89. There is one still unidentified fingerprint on the gun safe.
- 90. In Carter's civil trial, Ludwick testified he was not aware of an unidentified fingerprint on the gun safe.
- 91. Ludwick's denial of or ignorance of an unidentified fingerprint on the gun safe where the alleged homicide weapon was alleged to be located shows either Ludwick's incompetence as an investigator or his failure to investigate exculpatory evidence. This testimony was not the action of a reasonable police officer or investigator.
- 92. At the criminal trial, Ludwick testified he had known about the unidentified fingerprint at the time he testified in the civil trial but stated it slipped his mind.
- 93. At Ludwick's July 2018 criminal deposition, he admitted he did not enter the fingerprint into the appropriate law enforcement database to look for matches.
- 94. It is unknown if the questioned fingerprint was ever entered into the appropriate database.

LOST AND DISORGANIZED EVIDENCE

- 95. Ludwick kept an extremely disorganized file for the homicide investigation. The level of disorganization reached the level of negligence, recklessness, and willful disregard.
- 96. Multiple recordings, reports, and evidence are lost, mislabeled, or inscrutable.

LUDWICK'S "BOX" OF EVIDENCE

- 97. Ludwick referred to a "box" of evidence containing evidence from the homicide investigation.
- 98. During deposition, Carter's counsel requested Ludwick bring the "box" of evidence to deposition. Ludwick failed to provide the "box" or any related evidence.
- 99. On March 1, 2019, the Friday before trial, Carter's counsel came to MCSO with the purpose of reviewing physical evidence prior to transport of the evidence for trial.

100. In addition to finding physical evidence never previously identified or seen, Carter's counsel found a box with an evidence log indicating the box contained approximately 93 discs and drives.
101. The box actually contained approximately 80 discs and drives.
102. To this date, no one knows what happened to the 13 missing discs and drives.
103. The evidence log indicated the box was delivered in February 2019 to MCSO by Ludwick.
104. Many of discs were mislabeled in the evidence log, which required Carter's counsel to open each disc to determine what the disc actually contained.
105. Certain discs were listed in the evidence log, but were not in the box (and therefore never received).
106. Some discs were damaged and unreadable.
107. Disc 76 was received by defense counsel, but was not listed on the evidence log.
108. Other numbers are skipped on the evidence log from the box.
109. Numerous items from a previously-filed Motion to Compel (filed by the defense) either were on the evidence list or were within the discs in the box; however, numerous items from the Motion to Compel remained unprovided.
110. Carter's counsel was at the Marion County Sheriff's Office for 10.5 hours just three days before trial, reviewing evidence that had never been provided to the defense.

MISSING AUDIO FILES

111. The defense repeatedly requested missing audio files throughout discovery. Some audio files were eventually obtained, and others were not.
112. On Jan. 16, 2018, Ludwick sent an email to a coworker regarding missing audio files. He stated: "The missing audio files are causing me problems...I'm working on them, but we might need to say 'maintained by MCSO' if I can't get them to copy over."

MISSING DOCUMENTS

113. The defense repeatedly requested documents/audio/video listed as existing in the DCI case report but was not provided to the defense through court-ordered discovery.
114. This list was provided to Bull and forwarded by him to Kious and Ludwick with comments. It shows the following missing documents/audio/video:
 - a. Voicemail recording from Christine Rider;
 - b. Report of interview with Mike McCollum;
 - c. Report of interview with Pyburn;
 - d. Report/audio of interview with Scott Pace;
 - e. Report of interview with Tara Morris.
115. This list showing lost interviews/audio was not provided to Carter in discovery, but rather, was found by defense counsel while reviewing hundreds of Ludwick's emails in trial.

INACCURATE AND MISLEADING REPORTS

116. Ludwick intentionally wrote and submitted reports which were false, inaccurate, and incomplete.
117. Ludwick authored and submitted reports which did not convey the substance of law enforcement's statements to witnesses and vice versa.
118. Ludwick's report of an interview with Rex DeMoss indicates DeMoss described Carter as a "hothead." Rex DeMoss testified: he never described Carter as a hothead, and he did not believe Carter to be a hothead.
119. Ludwick's report of an interview with Barry Griffith indicates Griffith recalled a dispute between Michael McDonald and Carter, and Griffith stated Carter was more upset than McDonald. Griffith testified: he told Ludwick the opposite—Carter handled the dispute reasonably and McDonald was more upset than Carter.

120. Ludwick's report of an interview with Brian Titus indicates Titus confirmed, if the operator of a certain tractor started the tractor and was not seated in the operator's seat and activated the PTO, a safety code would be recorded within the tractor's computer system. The Minutes of Testimony filed in Carter's criminal matter, filed in January 2018, stated the same. Brian Titus testified: he realized his mistake and no safety code would be recorded, and he informed Ludwick of the mistake prior to the civil trial and prior to filing of the Minutes of Testimony. Ludwick intentionally failed to correct this known mistake.

Ludwick did not inform the Marion County Attorney's Office (or anyone else) of the change in evidence.

121. Ludwick's report of an interview with Sean Gordon indicates Gordon told Ludwick Carter asked Gordon to call Shirley Carter to ask Bill Carter if Carter and Bill Carter could "just farm together." Gordon testified: he had made no such statement to Ludwick. Whether Gordon actually made that statement is significant because the State alleged there was discord between Carter and Shirley Carter regarding whether Carter would farm with Shirley and Bill.

Ludwick testified in deposition he only did a second interview with Sean Gordon because he heard Carter's attorneys were going to try to "pin the crime" on Sean Gordon. Ludwick was unable to articulate from whom he heard that information and did not make a record of any such "tip."

Carter's counsel had no knowledge that would lead them to believe Sean Gordon was responsible for the homicide and had no intent to "pin the crime" on Sean Gordon.

122. In May 2017, Melissa Farrell contacted law enforcement and stated she had information about the homicide.

Reed Kious, who was under Ludwick's supervision and control, interviewed Ms. Farrell and wrote a report on his interview. No audio recording of the interview has been provided.

In a statement, Ms. Farrell indicated the report was inaccurate and omitted specific exculpatory evidence she provided to Kious. Farrell stated she informed Kious that Rodney Johnson, a Marion County resident, had a white Kia SUV on his property (a Kia

SUV was alleged to be the car used to transport suspects to the scene of the homicide on June 19, 2015); Farrell witnessed Johnson rushing around with vehicle seats and tires he was placing into the back of his truck; Johnson told Farrell a woman told him the Kia SUV was involved in the homicide; and John and Joel Followill used the car on the day of the homicide.

MARCI RUFF'S NOTES

- 123. Ludwick interviewed Marci Ruff in April 2018.
- 124. In her interview, Ruff shows and hands Ludwick a piece of paper on which she wrote notes regarding her knowledge of other suspects.
- 125. Video demonstrates Ludwick collected notes from Ruff, but Ludwick testified in deposition he was not sure if he received notes from Ruff.
- 126. Those notes were never provided to Carter.

CURT SEDDON'S REPORT

- 127. On September 28, 2015, Brian Bigaouette of the Marion County Sheriff's Office sent Ludwick a copy of Curt Seddon's notes from the date of the homicide. Seddon was one of the first responding officers on scene and interviewed both Bill Carter and Jason Carter.
- 128. It was an issue during trial whether Bill Carter or Jason Carter made a statement indicating there were "two holes" at the crime scene (purportedly showing premature knowledge of how many times Shirley Carter was shot).
- 129. It was Carter's counsels' belief Seddon originally stated both Carter and Bill Carter made those statements, not just Carter. Seddon testified in the civil trial and the criminal trial that Jason Carter made that statement, not Bill Carter.
- 130. The notes that were sent to Ludwick in September 2015 show Seddon heard both Carter and Bill Carter make the "two holes" statement.
- 131. These notes were never officially provided to Carter in discovery but were found in the middle of the criminal trial during a review of Ludwick's emails, which were only provided after a court order requiring their release.

RORY PEARSON'S INTERVIEW REPORTS/AUDIO OF INTERVIEWS

- 132. Defense counsel learned law enforcement interviewed Rory Pearson.
- 133. Multiple individuals implicated Rory Pearson in the homicide.
- 134. According to law enforcement, Rory Pearson was interviewed multiple times; however, most interviews were not recorded.
- 135. There is only one audio recording of an interview with Rory Pearson, but Detective Kious admitted he interviewed Pearson multiple times. There are no provided reports to the additional interviews.
- 136. On June 8, 2018, Ludwick sent an email looking for Rory Pearson's interview.
- 137. Ludwick and Kious admitted not knowing who kept which reports, despite Ludwick also testifying he is in charge of the investigation and responsible for keeping track of reports.
- 138. Rory Pearson's name came up repeatedly as someone who was either directly involved in the homicide or as someone who had direct knowledge of the homicide.
- 139. The substance of the interviews, which Carter believes may have contained significant exculpatory information, is lost.

WITNESS MANIPULATION – CARTER'S FAMILY

- 140. Through investigation and litigation, Ludwick intentionally sowed discord and distrust within Carter's family.
- 141. All Carter's family members initially stated it was not possible Carter was responsible for his mother's death.
- 142. But by the end of the investigation, because of Ludwick's intentionally false and misleading statements, many of Carter's family members were convinced Carter killed his mother.

JANA LAIN

143. Jana Lain is Carter's sister and is Shirley Carter's daughter.
144. Ludwick spoke to Lain on June 22, 2015, while Carter was in an eleven-hour interview.
145. Ludwick begins his conversation with Lain by telling Lain that Carter was not honest with the DCI in his June 19, 2015 interview. This statement was intentionally and knowingly false.
146. Ludwick and Lain discuss a live .270 round which was left in the lip of the gun cabinet door where the alleged homicide weapon is alleged to have been located.
147. DCI failed to collect that live round when investigating the crime scene, and indeed, failed to collect the gun safe.
148. Ludwick tells Lain that DCI took hundreds of pictures of the crime scene. Ludwick then asks Lain if it would "surprise [her]" if in DCI's pictures the live .270 round was not in the lip of the gun cabinet, intentionally and falsely implying it was planted by Carter.
149. Despite knowing the live .270 round was in DCI's photographs (and therefore not planted after the photographs were taken), Ludwick implies it was planted by Carter by repeatedly asking if Carter was alone in the basement after the DCI investigated the scene.
150. Lain questions Ludwick and asks him if the .270 round was in the pictures. Ludwick does not answer but states "would it surprise you if it wasn't?" Lain replies "someone put it there, you're kidding...".
151. Ludwick knowingly allowed Lain to walk out of the room with the impression Carter planted evidence at the homicide scene. Lain testified it was her impression Ludwick indicated the evidence was planted.
152. Lain left that meeting and told her father, Bill Carter, she learned from Ludwick that Carter planted evidence at the crime scene.
153. After Lain learned the round was in the photos, Lain testified she believed Ludwick's intention was to alienate Carter from the rest of his family.

BILL CARTER

- 154. On the date of the homicide, and for several following days, Bill Carter was adamant Carter could not and would not have killed his mother.
- 155. On the evening of June 22, 2019, as previously stated, Jana Lain informed Bill Carter (based on what Ludwick said) that Carter planted evidence at the crime scene.
- 156. Shortly thereafter, Bill Carter became convinced Carter was guilty of killing his mother.
- 157. Ludwick testified at trial he spoke with Bill Carter “many, many” times over this investigation.
- 158. After a meeting with Bill Carter, Ludwick gets into his police vehicle with another law enforcement officer, believed to be Jon Thorup.
- 159. Ludwick states to Thorup that Bill is now “on board” and says, “now we got Bill[y].” He then states his “biggest concern is that Bill[y] could flip.” Thorup asks if Ludwick’s body mic is still on, and the exchange abruptly ends as Ludwick turns off his mic.

BILLY DEAN CARTER

- 160. Billy Dean Carter is Carter’s brother. He is a plaintiff in the wrongful death action against Carter.
- 161. Billy Dean initially was adamant Carter was not responsible for the homicide. Later, he became convinced that Carter was responsible.
- 162. Billy Dean testified the reason he believed Carter killed Shirley Carter was because Ludwick told Billy Dean that Carter stated Billy Dean was responsible for the murder – a knowingly false statement.
- 163. Billy Dean was to be deposed in the criminal matter and a subpoena was issued for his deposition.
- 164. On November 30, 2018, Krissy Link from the Marion County Attorney’s Office emailed Ludwick to ask how serving Billy Dean had gone, asking, “[h]ow was the beer and therapy?”

165. On December 3, 2018, Ludwick replied “[o]h it was wonderful! I’m his best friend in the world.”
166. Billy Dean is a man with disabilities and has stated on multiple occasions he is lonely and just wants someone to talk to.
167. Ludwick’s manipulation is illustrated by subsequently mocking Billy Dean, showing the intent was not therapeutic.

SHELLY CARTER

168. Shelly Carter is Carter’s wife.
169. In June 2015, Shelly Carter was at the Marion County Sheriff’s Office because her son, Chase Carter, was being interviewed by law enforcement regarding the homicide.
170. Ludwick threatened Shelly Carter by telling her Carter was going to be charged with the homicide, and she better “get on the bus” or she would “be under it.”
171. When Shelly Carter provided her fingerprints, Ludwick repeatedly taunted her even as counsel requested he stop addressing Shelly Carter.

WITNESS INTIMIDATION – OTHER

WENDY BONNETT

172. Ludwick conducted an interview with Wendy Bonnett in January 2018. In her interview, Wendy Bonnett stated Joel Followill, John Followill, and Joseph Sedlock shot and killed Shirley Carter.
173. Bonnett stated she was in a car with Jordan Durham weeks after the homicide and heard Joel Followill confess to Jordan Durham that he shot Shirley Carter.
174. The interview was audio recorded. The corresponding report omits significant information including Ludwick’s attempt to intimidate Bonnett by falsely telling her Carter’s defense team was aware of “the whole Joel and John Sedlock story,” and his statement that Carter’s defense team wanted to paint the picture to the jury that Carter was innocent,

and that Joel, John, **and Bonnett** were actually responsible for the homicide. Again, this was at a time when attorneys for Carter were unaware of the Followills **or Bonnett**.

175. Ludwick stated to Bonnett it would be hard for a jury to believe Carter was responsible for the homicide, but it would be easier for Carter's defense team to 'pin the crime' on Joel, John, **and Bonnett**.
176. Ludwick further told Bonnett she needed to prove where she was the day of the homicide not because *he* thought she was involved, but because Carter's defense team would paint a picture implicating her.
177. After Ludwick made these statements to Bonnett, the entire tone of the interview changed, and Bonnett was defensive. She stopped sharing information about the Followills or Sedlock and backtracked (Ludwick did not inquire about her knowledge.).
178. Ludwick informed Bonnett he knew for certain Carter killed Shirley, and that Bonnett's information was wrong (again, without inquiry as to what Bonnett's knowledge was).
179. Further, Carter's defense team never heard of Bonnett and had no knowledge she had information regarding the homicide.
180. Any information Carter's defense team could have obtained from Bonnett was lost after Ludwick made false assertions to her that Carter's defense team intended to allege Bonnett was involved in the homicide.
181. In his July 2018 deposition and contrary to reasonable police procedures, Ludwick stated he did not remember what information Bonnett provided to him and he could not think of action he took to confirm or refute information Bonnett provided.

JASON FORD

182. In an audio-recorded interview with Jason Ford, an experienced EMT at the crime scene, Jason Ford stated it was clear to him that Shirley Carter died at least an hour or two before Ford arrived on scene.
183. When Ford offers his reasoned opinion, Ludwick can be heard immediately attacking Jason Ford's qualifications for determining time of death (knowing if Shirley Carter died

an hour or two before Jason Ford arrived, Carter would be excluded as the killer because he was on video elsewhere).

184. Ludwick's tone was aggressive, confrontational, unreasonable, and not designed to gain evidence but instead designed to undermine evidence that did not fit Ludwick's theory of the crime.

TAYLOR JONES

185. Reed Kious, under Ludwick's supervision and control, interviewed Taylor Jones after Carter's civil defense team filed a motion requesting the Court vacate the civil judgment and listed Taylor Jones as someone who was not interviewed, but should have been interviewed. This interview is audio recorded.
186. In the interview, Jones is confused about why Kious called him and states he had nothing to do with the homicide. Kious asks him where he was in June 2015 and Jones again states he had nothing to do with the homicide.
187. Kious says he "knows" Jones had nothing to do with it, but that doesn't mean the defense isn't going to try to prove Taylor murdered Shirley Carter.
188. Once again, law enforcement intentionally and falsely told a material witness that Carter's defense team intended to prove that witness was involved in the homicide. As with Wendy Bonnett, any potential exculpatory evidence was lost.

SHANE KARAS

189. On June 22, 2018, law enforcement was provided a tip involving Shane Karas.
190. Karas informed Kious, who was working under Ludwick's supervision and control, that Joe Sedlock admitted directly to Karas that Sedlock killed a person Karas believed to be Shirley Carter.
191. Joe Sedlock told Karas he did it with a gun, and he was working with DCI on where to find the gun.

192. Although Karas never states or implies Sedlock was making up the confession, Detective Kious asked Karas in his interview “if you think he was making it up, why would that be?”
193. Kious then tries to get Karas to state the homicide weapon was anything but a gun, suggesting a knife, a rope, and poison.
194. Karas corrected Kious and stated definitively, “no, it was a gun.”
195. Kious’s statements appear to attempt to manipulate Karas into stating Sedlock was “making up” his confession. Kious also tried to manipulate Karas into stating the weapon was anything but a gun, in an attempt to discredit Karas’ statements.

FAILURE TO INTERVIEW WITNESSES

196. During Ludwick’s three depositions and trial testimony, Ludwick falsely denied knowledge of many individuals tying John Followill, Joel Followill, Joe Sedlock, Matt Kamerick, and Callie Shinn to the homicide, despite more than thirty reports pointing to those suspects.

CHRISTA NORRIS

197. Christa Norris testified she provided information regarding the homicide to Detective Kious. Neither Carter nor his legal team received a report regarding this interview.
198. In deposition, Ms. Norris testified she told Detective Kious that Nichole Sedlock told Norris about Joe Sedlock’s involvement in the homicide, including testimony indicating that Ms. Sedlock admitted to:
 - a. helping Joe Sedlock cover up the homicide (corroborated by other statements);
 - b. knowing Joe Sedlock was certainly guilty of the homicide;
 - c. hearing Joel Followill had nightmares about the homicide (corroborated by statements from other witnesses);
 - d. knowing Matt Kamerick and Michelle Daniels helped Rory Pearson get out of town right after the homicide (corroborated by other statements);
 - e. hearing where the homicide weapon was stored;

- f. hearing Joel and John Followill and Joe Sedlock were going to get drugs or patches from Shirley Carter's home (corroborated by other statements), but wasn't sure if they obtained everything; and
 - g. hearing Joel and John Followill and Joe Sedlock knew Bill Carter and Shirley would go out for coffee every morning (true).
199. All information was exculpatory and relevant, yet, Carter's team never received a report or audio recording of this interview.
200. After Norris's deposition, the State provided an email from Norris, but there was no official report of the interview, and Carter would never have learned of the interview had counsel not deposed Christa Norris less than one month before trial.

MICHELLE DANIELS

201. Just prior to the criminal trial, Carter's counsel received a thumb drive with copies of emails Ludwick sent throughout investigation. The thumb drive was provided after Carter filed a Motion to Compel and the district court ordered disclosure of the emails.
202. The provided emails include an email sent July 16, 2018, regarding Ludwick's July 13, 2018 interview of Michelle Daniels.
203. This email was only discovered in reviewing hundreds of emails, and a report was never sent to Carter's counsel in discovery. The email was sent from Ludwick to himself.
204. This email was replete with typos and as a result sometimes difficult to comprehend, but included the following relevant, exculpatory information from Daniels:
- a. Daniels was confident her car was driven to the crime scene of the homicide after the car was stolen by Daniel's sister.
 - b. Matt Kamerick had several stolen rifles he was trying to sell for money, including a black rifle (relevant because the gun believed to have been used in the homicide was a .270 black rifle).

- c. Callie Shinn (whose name comes up repeatedly as someone who was present or has direct knowledge of the homicide) told her Joel Followill shot Shirley Carter because she would not stop screaming (consistent with other reports).
 - d. Daniels was confident a grey Grand Prix and her Kia SUV were driven to the crime scene on the day of the homicide.
 - e. Joel and John Followill “mailbox hop” and they knew Shirley Carter was getting drugs in the mail because her nephew, Jeremiah Laird had that information. (Plaintiff notes Jeremiah Laird is not Shirley Carter’s nephew, but is the nephew of Sherry Carter, who was, upon information and belief, receiving treatment drugs in the mail).
 - f. John Followill called Jeremiah Laird from jail in Marion County and told him to get rid of all the guns that John sold him. John knew the cops were onto them and they were going to go to Jeremiah Laird’s house.
 - g. Jordan Durham told Daniels that John Followill admitted he shot Shirley Carter.
205. Neither this report nor the information contained in the report were ever shared with Carter’s counsel until his counsel discovered the report by reviewing Ludwick’s emails.
206. Carter’s counsel was generally aware, however, Michelle Daniels participated in several unreported interviews because Michelle Daniels testified about the interviews.
207. Daniels testified about a hard drive which contained a video of Callie Shinn, Jason Beaman, Jeremiah Laird, and John Followill talking about the homicide and planning what they would say to law enforcement.
208. Daniels testified it sounded like they were involved in the homicide, and that Joel stated he had to shoot Shirley Carter because she saw his face, and Joe Sedlock cleaned up the crime scene after the homicide.
209. Daniels testified she told Detective Kious about the video.
210. She further testified she told all of this to Ludwick. Defendants were never provided any information about this video, and its existence was only discovered in the course of deposing Daniels in February of 2019, two weeks prior to the start of the criminal trial.

- 211. Daniels stated Wendy Jane had “a lot of information” about the homicide, and she told Kious and Ludwick about Wendy Jane.
- 212. Wendy Jane was never interviewed by law enforcement, or if she was, a report was never provided to Carter’s counsel.
- 213. No reports were ever provided to Carter’s counsel regarding statements from Michelle Daniels to Ludwick or to Kious. Such information was only inadvertently discovered by reviewing Ludwick’s emails at the time of trial.

ANGELA JOHNSON

- 214. On April 15, 2016, a DCI receptionist emailed Mike Motsinger regarding a tip received from Angela Johnson.
- 215. Ms. Johnson called DCI to report she learned information about the homicide, including names and where the weapon used was disposed.
- 216. Motsinger forwarded the email to Ludwick the same day, instructing Ludwick to follow up.
- 217. Ludwick unreasonably failed to follow up this information.
- 218. Ms. Johnson was not interviewed by DCI until the middle of Carter’s criminal trial, *after* the State rested its case.
- 219. Ludwick testified during trial he was aware she was interviewed on March 17, 2019, and he had lunch with Detective Kious on Monday, March 18, 2019, but they did not discuss that testimony/information.

JEREMIAH LAIRD

- 220. On November 8, 2015, Officer Nicholas Gilchrist emailed Detective Kious and advised him Shawn Gerdome indicated Mike Poffenbarger told Gerdome that Jeremiah Laird had the gun that was used in the homicide.
- 221. Kious forwarded the email to Ludwick and stated he’d run the lead out the next day. Ludwick asked Kious the next day how the investigation went.

- 222. Kious replied he interviewed Poffenbarger and the conversation was non-descript, and asked if Ludwick wanted him to follow up with Jeremiah or Shawn Gerdum.
- 223. Ludwick declined.
- 224. Jeremiah Laird's arose repeatedly as a person who disposed of the homicide weapon.
- 225. As of November 8, 2015, Ludwick believed Mr. Laird was interviewed.
- 226. Detective Kious testified Laird was not ever interviewed.
- 227. Jeremiah Laird is now deceased.

UNKNOWN TIPSTER FROM OCTOBER 23, 2015

- 228. On October 23, 2015, an unknown individual called the Marion County Sheriff's Office and advised "the rumor among the kids in Knoxville is that Joel Followill killed Mrs. Carter."
- 229. Ludwick addressed the tip by writing "I think we have looked hard enough at Followell [sic] for now unless new information comes forward."
- 230. The defense did not receive a copy of this tip in discovery other than within hundreds of emails received during trial.
- 231. Unreasonably, this tipster was never interviewed.

AMBER SHINN

- 232. Ludwick's emails, turned over during trial by court order, contained an email Ludwick sent to himself on December 6, 2018, containing a report of his interview with Amber Shinn.
- 233. Amber Shinn's name came up regularly in investigation as someone who may have knowledge of the homicide and of involvement by the Followill brothers and by Joe Sedlock.
- 234. This report was never provided to the defense in discovery but was discovered by reviewing Ludwick's emails.

- 235. This report contained important information, including Ms. Shinn's statement that Callie Shinn (another person of interest to the defense) "tried really hard to convince [Amber] that she did drive to the crime scene on the day of the homicide."
- 236. One person of interest trying to convince another person they drove to the crime scene on the day of the homicide is important, exculpatory information because it begs the question – why would any innocent person try to convince another person of interest that the other person was present at the crime scene?
- 237. The report indicates the video of the interview contains a more complete version of the facts; however, this video was never provided to the defense.
- 238. Amber Shinn is now deceased.

LACK OF FOLLOW-THROUGH ON INTERVIEWS

- 239. Throughout the years between the homicide and the criminal trial, Ludwick unreasonably and intentionally failed to interview many important witnesses with exculpatory information. Many leads brought to his attention in 2015 were not followed by either MCSO or Ludwick until 2018 or 2019. The following are examples of lack of follow through.

JASON BEAMAN

- 240. On October 15, 2015, Joe Sedlock gave statements to law enforcement officers indicating he knew what type of gun was used in the homicide and stating Jason Beaman was his source of information about the rifle used in the homicide.
- 241. In the fall 2015 (exact date unknown because law enforcement did not know the exact date the interview was conducted and did not write a report of the interview until months or years after the interview), Tameka Jenkins told law enforcement Jason Beaman stated "they weren't going to find the gun" while discussing the homicide.
- 242. Kaleb Marshall told law enforcement he has repeatedly heard Jason Beaman was involved in the homicide.

- 243. Christine Rider told law enforcement Jason Beaman is a past accomplice of Joel Followill (although not in this case, according to Rider).
- 244. Charity Roush told law enforcement Jason Beaman and Joe Sedlock were trying to get rid of Callie Shinn's Bonneville, which she believed was used in connection with the homicide.
- 245. Jason Beaman's phone number appears in the cell tower dump showing him in the vicinity of the crime scene on the date of the homicide.
- 246. Ludwick testified he previously had "run" Beaman's number through the cell tower dump and it was not there. This was knowingly false.
- 247. Although Ludwick became aware of Beaman's possible connection to the crime in October 2015, Beaman was not interviewed until May 16, 2018.
- 248. In July 2018, when questioned in deposition, Ludwick did not know Beaman's connection to the case.

CHRIS BREES

- 249. In April 2016, law enforcement received a tip that the homicide weapon may be hidden in Chris Brees' home.
- 250. Chris Brees was not interviewed until June 1, 2018.
- 251. On December 5, 2018, Detective Kious from MCSO, acting under Ludwick's supervision and control, went to Brees' house. This exchange is audio-recorded. He immediately tells Brees he is there following up on a "BS tip."
- 252. Brees immediately knows Kious is asking about the gun hidden in his home. Kious does not ask how Brees knows Kious has a tip that the gun is hidden in his home.

JUSTIN FLESHER/JEREMY MORRIS/MORRIS ROOFING

- 253. Justin Flesher is a Marion County resident who was employed by Morris Roofing on the date of the homicide.

- 254. Morris Roofing re-roofed Shirley Carter's home prior to the homicide.
- 255. At some time, John Followill was employed by Morris Roofing.
- 256. Law enforcement neither confirmed nor asked Jeremy Morris (the owner of Morris Roofing) whether John Followill was present when re-roofing the Carter home.
- 257. Whether John Followill re-roofed the Carter home was relevant because it provided John Followill an opportunity to observe the home and the Carters' habits.
- 258. Such presence would explain how John Followill knew Bill and Shirley Carter would leave their home to get coffee each morning. (as stated by Michelle Daniels).
- 259. As of July 2018, Ludwick incorrectly believed Jeremy Morris was a neighbor to the Carters and was unaware of the significance of Jeremy Morris as a witness.
- 260. As of July 2018, Ludwick believed Jeremy Morris was a suspect because, Ludwick claimed inaccurately, "Jason Carter says he [murdered Shirley Carter]."
- 261. During the criminal trial, Ludwick testified he did not believe John Followill worked for Morris Roofing while Morris Roofing re-roofed the Carter home *because John Followill told him he had never been to the crime scene.*
- 262. Unreasonably, Ludwick never confirmed John Followill's dates of employment at Morris Roofing.
- 263. Ludwick falsely and intentionally testified in trial that he asked Jeremy Morris for John Followill's employment records the date that Ludwick interviewed Morris. The audio from that interview shows Ludwick did not request those records.
- 264. When pressed at trial, Ludwick admitted, at the time of Jeremy Morris's interview, Ludwick may not have been aware John Followill was an employee of Morris Roofing.

KORY FORD

- 265. On June 1, 2018, law enforcement received a tip that Kory Ford was involved in the disposal of the homicide weapon.

- 266. Law enforcement did not interview Kory Ford until November 13, 2018, five months after the tip was received, and after Carter's defense team asked law enforcement in depositions why Kory Ford had not been interviewed.
- 267. Law enforcement interviewed Kory Ford a second time on February 14, 2019 (three weeks before trial was scheduled to begin).
- 268. During his February 2019 interview, Kory Ford told law enforcement Charity Roush bought a car from Joe Sedlock and Callie Shinn around the time of the homicide.
- 269. Kory Ford stated he heard Joe Sedlock admitted to the homicide.
- 270. Kory Ford stated Charity Roush told him Joe Sedlock confessed to the homicide.

EMILY GULLION

- 271. In October 2015, law enforcement interviewed John Followill.
- 272. John Followill claimed he was with Emily Gullion on the date of the homicide.
- 273. Unreasonably for a known and named suspect in a homicide investigation, Defendants did not interview Emily Gullion until almost three years later.
- 274. In this interview, Detective Kious, who was acting under Ludwick's supervision and control, immediately tells Ms. Gullion she is John Followill's alibi for June 19, 2015.
- 275. Gullion denied knowledge of where John Followill was on the date of the homicide (but seems to remember the date of the homicide).
- 276. Gullion described a conversation she had with John Followill while he was incarcerated where she asked him if he was involved in the homicide.
- 277. Kious does not ask Gullion why should would believe John Followill was involved in the homicide.
- 278. Gullion told Kious that John Followill did not answer her, but then said he might have said "absolutely not" when she asked him, but she was not sure.
- 279. Gullion remembered John Followill blaming Joe Sedlock and Christa Norris for the homicide, and said John Followill told her the homicide was over "pain patches."

280. In July 2018, when questioned by Carter's defense counsel, Ludwick testified Gullion was someone who may have been interviewed by Kious, did not know when she was interviewed, did not know if the interview was recorded, and did not recall anything about her.
281. When Detective Kious was asked similar questions, he testified that, based on his interview with Gullion, he did not believe John Followill was involved with the homicide, and when he spoke with Gullion, she corroborated most of John's "story."
282. At the time Detective Kious knowingly and falsely testified Gullion corroborated John Followill's alibi, defense counsel did not have the audio of her interview, in which she clearly does not corroborate John Followill's alibi, but rather says she does not know where he was on June 19, 2015.
283. Detective Kious admitted in his July 2018 deposition that Gullion was on his list of people he needed to follow up with after speaking with John Followill in July 2015, that he did not interview Gullion until April 2018, that he did not have a good excuse for why he had not interviewed Gullion, that he should have interviewed her earlier, and that the reason he should have interviewed her is she was the only person who would be able to corroborate John Followill's alibi.

CHARITY ROUSH

284. In 2015, early in the investigation, Charity Roush was identified in multiple witness reports as someone with knowledge of the homicide.
285. One witness alleged the Followills and/or Joe Sedlock paid Roush \$100 to clean "the evidence" of the homicide out of their car.
286. As of July 2018, Ludwick admitted he did not know if Roush had been interviewed, but thought Detective Kious may have interviewed her. At that time, Carter's defense team had no evidence Roush had been interviewed and no corresponding report of an interview.
287. While under oath in December 2018, Detective Kious admitted he did not interview Roush until after his July 2018 deposition.

288. At the December 2018 hearing, Carter's defense team learned Kious interviewed Roush on November 13, 2018, despite being aware of her since 2015.
289. When Roush was interviewed in November 2018, she stated:
- a. Roush bought a Bonneville from Callie Shinn with Joe Sedlock facilitating the sale.
 - b. At the time of sale, Roush's ex-husband was living with Jason Beaman and Joe Sedlock at Beaman's home. Roush's ex-husband told Roush they were trying to get rid of the car.
 - c. The report, by Detective Kious, indicates Roush stated most of what she heard was "gibberish." The audio recording of the interview shows this is not what Roush said.
 - d. Roush directly overheard Joe Sedlock say he killed Shirley Carter.
 - e. Sedlock told Roush the Followill brothers were involved in the homicide.
 - f. Callie Shinn drove the car to the homicide and waited down the road.
 - g. Joe Sedlock told Roush they were supposed to be getting prescription medication that was coming in the mail and something went wrong.
 - h. Joe Sedlock told Roush they were startled by Shirley Carter, a gun went off accidentally in Joel Followill's hand, and Sedlock went back and shot Shirley again.
 - i. The report of this interview falsely states Roush unequivocally stated Sedlock and the Followills escaped through a window of the Carter home. The audio recording of the interview demonstrates that report is false.

NICHOLE SEDLOCK

290. On September 4, 2015, Joe Sedlock told law enforcement his wife, Nichole Sedlock, had knowledge of the Followills' involvement in the homicide.

291. Christa Norris testified in deposition that she told Detective Kious, who acted under Ludwick's control and supervision during the investigation, that Nichole Sedlock told her about Joe Sedlock's involvement in the homicide, including Ms. Sedlock admitting to helping Joe Sedlock cover up the homicide, an assertion corroborated by statements from other witnesses.
292. Norris further testified Ms. Sedlock told her Joe Sedlock was certainly guilty of the homicide, she heard Joel Followill had nightmares about the homicide (corroborated by statements from other witnesses), Matt Kamerick and Michelle Daniels helped Rory Pearson get out of town right after the homicide (corroborated by other statements), she heard of a place where the homicide weapon was stored, and she heard the Followills and Joe Sedlock were going to get drugs or patches from Shirley Carter's home (corroborated by other statements), but wasn't sure if they obtained everything, and further she heard the Followills and Joe Sedlock knew Bill and Shirley Carter would go out for coffee every morning (true).
293. Defendants did not interview Nichole Sedlock until December 2018, more than three years after becoming aware she might have knowledge about the homicide.

KEVIN WELDON

294. At an unknown point in time, Defendants became aware Kevin Weldon may have information about the homicide.
295. All dates and initial statements are not recorded in reports.
296. When Weldon was interviewed, he stated around the time of the homicide, he, Kaleb Marshall, and his mother Lisa Weldon were at Weldon's home when Rory Pearson was hysterical.
297. Pearson told Weldon he'd done something "really wrong" and kept asking how he was going to get the stains off of his hands.
298. Pearson told Weldon he "killed her."

299. Pearson further stated he was with the Followills “that night” and that is who dropped him off at Weldon’s home.
300. Weldon stated Pearson said “I didn’t mean to,” “she wouldn’t shut up,” “she wouldn’t stop screaming,” “how am I ever going to get these stains off of my hands,” and “how am I ever going to get these stains off my brain.”
301. Weldon further stated he believed Joe Sedlock gave the homicide weapon to a man named Dennis Bachman to destroy and he overheard Sedlock tell Bachman “it better have been taken care of.”
302. Unreasonably, Defendants did not follow up on this information until shortly before Carter’s criminal trial.

RORY PEARSON

303. Defendants claimed to interview Rory Pearson several times over the phone because he moved to Wyoming.
304. Despite Defendants’ claims they interviewed Pearson on multiple occasions, there are no audio recordings and no reports of these interviews, other than one interview from December 2018.
305. Pearson was never called into MCSO for questioning, was never fingerprinted, and his mother’s home never investigated to see if it held the homicide weapon.
306. At deposition in July 2018, Ludwick was not sure if Pearson left the state shortly before or shortly after the homicide.
307. Detective Kious admitted in his July 2018 deposition that nothing eliminated Pearson as a suspect “other than talking to him.”

MELANIE AND JACOB CHIVES

308. On November 2, 2017, Melanie Shives called MCSO.

- 309. Melanie Shives stated Joe Sedlock and Callie Shinn were responsible for the homicide. She further stated the gun used was stolen from Amber Shinn's father (Roger Shinn) by Joe Sedlock.
- 310. On June 1, 2018, Melanie Shives called law enforcement again and stated the source of her information was her son, Jacob Shives.
- 311. Unreasonably, Defendants never interviewed Jacob Shives.

DAVID JOHNSON

- 312. At the time of the homicide, David Johnson worked at the Meat Locker in Milo, Iowa, and drove the road that runs past Bill and Shirley Carter's residence to and from work.
- 313. On the morning of the homicide, Johnson drove past the Carter residence at approximately 10:30 am.
- 314. At that time, Johnson saw a light blue car sitting along the road in the vicinity of the Carter residence.
- 315. Johnson got a good look at the driver of the vehicle, so much so that he considered stopping to ask whether the driver needed assistance.
- 316. Johnson felt the driver's appearance indicated the driver did not want assistance.
- 317. Johnson then met a red pickup truck also in the vicinity, traveling at a high rate of speed.
- 318. Johnson noticed both vehicles were lacking front plates. Other than seeing the blue car at a stop sign along that road several weeks prior to the homicide, he had never, and had not seen again as of his deposition in February 2019, seen either vehicle on that road.
- 319. When Johnson saw the news about the homicide the following day, he called law enforcement to report what he saw.
- 320. Johnson was thereafter interviewed by Warren County law enforcement, and again by Defendants.
- 321. Johnson told Defendants he felt he could identify the driver of the blue car from photographs.

- 322. Defendants never followed up with Johnson to show him photographs, line-ups, or to ask for further information.
- 323. After Carter's criminal trial, his defense counsel learned the blue car Johnson observed was potentially owned by Joe Sedlock.

FAILURE TO INVESTIGATE STATEMENTS BY BILL CARTER

- 324. Bill Carter made false statements to Defendants that he loaned Jason and Shelly Carter a significant amount of money prior to the homicide.
- 325. The State alleged Carter had a financial motive to kill Shirley Carter.
- 326. As of April 2016, Ludwick had not confirmed whether what Bill stated was true, despite Shelly Carter testifying otherwise in her Rule 5 interview.
- 327. On April 4, 2016, DCI Agent Mike Motsinger emailed Ludwick and specifically addressed this issue. He asked Ludwick to prepare "what have we done to rule Bill out" and asked him what DCI did "to back up Bill's statements he had been giving Jason \$100,000 to \$150,000 a year because [Jason] was in financial trouble." He further asked if DCI had anything to support Bill's statements.
- 328. The emails provided to Carter's counsel show Ludwick never replied to Agent Motsinger or provided any information on steps taken to "rule Bill out."
- 329. The facts and evidence contradict Bill Carter's statements. Defendants possessed or had access to all of Bill's and Carter's financial records which showed no such transactions, and yet, the fact that Bill lied to Defendants about how much money he was lending to were not investigated as of April 4, 2016.
- 330. A reasonable law enforcement officer would have questioned what Bill Carter's motivation was in lying about loaning Carter significant sums of money, especially given Bill Carter had both motive and opportunity to kill Shirley Carter.

**LACK OF KNOWLEDGE OF JOHN AND JOEL FOLLOWILL'S CRIMINAL HISTORIES AND
INACCURATE TESTIMONY REGARDING THOSE HISTORIES**

- 331. Ludwick intentionally and falsely testified Joel and John Followill were involved in a number of burglaries, but they were not violent individuals.
- 332. He then testified while they had been violent with each other, they had "never" been violent toward anyone else.
- 333. Later in testimony, Carter's defense team asked Ludwick if he was aware Joel Followill had convictions for harassment, four assaults, two domestic assaults, and burglary second degree.
- 334. Ludwick responded he was aware of those convictions.
- 335. Carter's defense team further questioned if Ludwick was aware John Followill had at least two convictions for assault, and Ludwick admitted he knew John Followill had assaults on his record.
- 336. Ludwick's statements directly contradicted his earlier testimony that neither Followill had a history of violence against anyone except each other.
- 337. Either Ludwick falsely testified about the Followill's known criminal histories or falsely testified that he reviewed their histories.
- 338. Had Carter's defense team not specifically researched the criminal history of the Followills and asked Ludwick about it during testimony, the jury would have been left with the false impression that the Followills have no history of violent crime.

CELL PHONE TOWER DATA MISREPRESENTATIONS

- 339. In July 2018, Ludwick intentionally and falsely testified he tested the cell phone numbers for Joe Sedlock against the local cell phone tower data and Sedlock's numbers did not appear.
- 340. In December 2018, Ludwick admitted, despite receiving multiple reports implicating Joe Sedlock in the homicide kill, as of his July 2018 deposition he had not compared Sedlock's cell phone to the cell tower in the area of the homicide.

341. In Carter's criminal trial, Ludwick falsely testified he compared all of Sedlock's numbers available through government agencies with the cell tower records for the area of the homicide, and none appeared on the records.
342. Carter's defense counsel then showed Ludwick a financial affidavit Sedlock filed with an Iowa court in June of 2014. The document had two phone numbers listed for Sedlock. Sedlock publicly filed three separate documents listing the same phone number. Nichole Sedlock, Joe Sedlock's wife, also listed this number on publicly-filed financial affidavits.
343. That phone number appears on the cell tower data, showing Sedlock's phone received a call from someone in the area of the Carter home at 9:36:02 AM.
344. In July 2018, Ludwick falsely testified he compared the phone numbers of Joel and John Followill and Matt Kamerick with the tower data and their numbers did not appear in the tower records for the area of the homicide.
345. In December 2018, Ludwick testified he did not know if Matt Kamerick's phone number was compared to the tower data.
346. In his December 2018 testimony, Ludwick stated he did not know if Callie Shinn's phone number was compared to the tower data. He testified he did not compare Michelle Daniel's number to the tower data.
347. The cell tower data shows Jason Beaman received a call from the same number Sedlock's phone received a call from in the area of the Carter home at 9:34:53 am.
348. The number that called Sedlock and Beaman from the area of the Carter home was registered to Sue Dabb.
349. Sue Dabb's name arose in the criminal investigation in an interview of Tara Morris, who drove a taxicab in the Knoxville area during the time of the homicide.
350. Ms. Morris contacted law enforcement at an unknown time (unknown because law enforcement did not write a report of her interview) and told them while she was working as a cab driver shortly after the homicide, she gave a ride to Sue Dabb and Jim Dabb, and both of them were discussing the homicide and appeared to have inside knowledge of what happened.

- 351. Jim Dabb was never interviewed.
- 352. Despite this clear information that a reasonable law enforcement official would have investigated, Defendants never put it together that Sue Dabb's phone called Sedlock and Beaman around the time when Shirley Carter was likely to have been killed and in the area of the homicide.

MISLEADING/FALSE STATEMENTS AND WITHHOLDING OF EXCULPATORY EVIDENCE

- 353. Ludwick alleged during Carter's criminal trial that the cell tower records from the tower in the area of the Carter home showed Carter left the crime scene after discovering his mother's body, purportedly to hide the homicide weapon.
- 354. The basis for this argument was cell tower evidence showing Carter's cell phone pinged (communicated with) a number of different cell phone towers in the area on the day of the crime, including the time shortly after he found his mother dead in her home.
- 355. Defendants knowingly and falsely argued the only way his cell phone would have pinged other towers is if Carter left the scene so as to be in the vicinity of another tower.
- 356. Despite asserting the cell tower records showed Carter left the crime scene before law enforcement arrived, in March 2016 Ludwick had knowledge multiple cell towers service Bill and Shirley Carter's residence.
- 357. On March 4, 2016, Ludwick sent an email requesting assistance with Cellebrite and cell tower examination, and in that email Ludwick stated, "at the crime scene while standing in the same spot, we hit five separate cell towers."
- 358. This email, and the results of Ludwick's test on his phone, were not provided to Carter during discovery, but only after the defense filed a Motion to Compel and received those emails during Carter's criminal trial.
- 359. Ludwick specifically discussed how the Cellebrite location data was not helpful to the State's case because Ludwick's phone hit five different towers while at the Carter home in an audio-recorded meeting with Bill Carter.

360. Defendants clearly knew there was no basis to allege Carter left the crime scene merely because his cell phone pinged several different towers—Ludwick’s phone did the exact same thing while standing in one spot in the Carter home.

LAW ENFORCEMENT BASED ITS CASE ON UNSUBSTANTIATED, UNINVESTIGATED THEORIES

361. Ludwick knowingly and falsely theorized Carter killed Shirley Carter because Shirley became aware Carter was having an extramarital affair.
362. No one reported Shirley Carter was aware Carter was having an extramarital affair. In fact, anyone who was asked specifically stated that they never had a discussion with Shirley Carter about Carter’s extramarital affair and had no reason to believe she knew about it.
363. Bill Carter told Ludwick shortly after the homicide that if had Shirley been aware of the extramarital affair, she would have supported and protected Carter.
364. Ludwick’s stated his basis for believing Shirley Carter was aware of Carter’s extramarital affair was Shirley Carter accompanied Shelly Carter, Carter’s wife, to a doctor’s appointment before the homicide.
365. Ludwick guessed Shirley Carter became aware of the extramarital affair because Shelly might have been tested for sexually transmitted diseases at that appointment, and the results may have been positive.
366. Although Defendants clung to this theory for years, they did absolutely nothing to investigate it.
367. There would have been only one thing law enforcement needed to do to confirm its theory – obtain Shelly Carter’s medical records from that doctor’s visit.
368. During his July 2018 deposition, Detective Kious stated Ludwick told him “Jason Carter had a sexually transmitted disease” and “if [Jason] had sexual intercourse with his wife that he would pass on that sexually transmitted disease and that if she was going in for a

checkup it was possible that that checkup revealed there was . . . a disease present and that it was also possible that Shirley Carter could be present while this was disclosed.”

- 369. Detective Kious stated the hypothesis that Shirley Carter would have learned of that during the medical visit “cannot be disproven at this time.”
- 370. Whether Shirley Carter became aware of a positive result for a sexually transmitted disease test could easily have been disproven if law enforcement made the very basic request for Shelly Carter’s medical records.
- 371. Upon hearing this theory, Carter’s defense counsel requested and received the records showing Shirley was present with Shelly for a medical visit to address Shelly’s vertigo (a condition Shirley and Shelly shared – and not a sexually transmitted disease).
- 372. Ludwick never requested these records, but continued to base his theory of guilt on this conjecture, instead of on actual evidence.

THE LOCATION OF THE HOMICIDE WEAPON

- 373. In April 2016, Todd Farver contacted law enforcement stating the homicide weapon may be located in Chris Brees’ home.
- 374. Unreasonably, Defendants did not interview Farver until November 2018.
- 375. Law enforcement did not look in Chris Brees’ home for the gun until December 2018.
- 376. In the fall of 2015 (exact date is unknown because law enforcement wrote the reports months to years after the interview and did not remember when it was conducted) Tameka Jenkins told law enforcement Jason Beaman said “they’re not going to find the gun.” Joe Sedlock told law enforcement Beaman was his source of information on the gun.
- 377. Defendants did not interview Beaman until May 2018.
- 378. Matt Kamerick told Defendants he sold two guns to Roger Shinn (Callie Shinn’s father), one of which was a bolt action rifle.
- 379. Defendants went to Roger Shinn’s home on October 19, 2015.

- 380. The corresponding report from this visit shows Defendants collected two firearms from Shinn, one of which was a bolt action rifle with a scope on it.
- 381. Despite the report stating Defendants collected both guns from Shinn, there is only a receipt for one gun.
- 382. The audio of this interview reflects Defendants did not look at all of Shinn's guns.
- 383. Shinn told Defendants the rounds in the bolt action rifle came with the rifle, and that he had not shot the rifle.
- 384. The gun had capacity to hold six rounds—but only had four rounds in it.
- 385. Significantly, Shirley Carter was shot twice.

BIAS AGAINST CARTER

- 386. Ludwick told Carter's defense counsel in his July 2018 deposition that Carter was on his radar as a suspect even before Ludwick arrived on scene on June 19, 2015.
- 387. Ludwick's subsequent course of action shows Carter was the only person Ludwick considered a suspect in an almost four-year investigation, despite numerous uninvestigated leads pointing to other individuals.
- 388. Ludwick failed to investigate leads that pointed to other individuals, including people who claimed to have directly heard confessions to the homicide.
- 389. Even more significantly, Ludwick removed Marion County Sheriff Jason Sandholdt from the criminal investigation because Jason Sandholdt did not believe Carter was responsible for the homicide.
- 390. Asking a law enforcement officer (and in this case, the lead law enforcement officer in the jurisdiction in which the crime occurred) to step down from a case because he questioned the lead investigator's theory of the crime sent the message to every other law enforcement officer investigating the crime that they should support the lead investigator's unsubstantiated theories without question or be removed from the investigation.

391. During Carter's civil trial, Ludwick sent an email to Katharine Ashburn, another DPS employee, stating he "want[s] to put the first set of handcuffs on [Carter]."
392. On December 12, 2017, also during the civil trial, Ludwick sent another email stating he was "hoping for handcuffs before Christmas" (to which the Ms. Ashburn replied, "[e]veryone loves jewelry for Christmas") and informing her Carter was "now on the witness stand!!!!!!!!!"
393. Ludwick was under court-ordered sequestration at the time he sent these emails.
394. After Carter's arrest, Ms. Ashburn sent Ludwick a picture Trooper Jon Thorup took of Ludwick arresting Carter. In response, Ludwick stated he "might get it framed."
395. At the criminal trial, Ludwick asked the county deputies at the trial venue to allow his team to put multiple sets of handcuffs on Carter after the verdict.
396. As previously shown in this Complaint, the evidence shows Ludwick intentionally manipulated witness interviews and put inaccurate information into his reports.
397. No mistakes were ever made in Carter's favor. No inculpatory evidence, to the extent any actually existed, was omitted.

**DEFENDANTS MANIPULATED CIVIL PLAINTIFFS AND USED THE CIVIL ACTION AS A
PROXY TO PROSECUTE CARTER AND LEVERAGE THE LIABILITY FINDING INTO
CRIMINAL CHARGES**

398. Defendants, through Ludwick and other law enforcement officers, engaged in manipulative tactics with the Civil Plaintiffs.
399. These actions occurred in the period following the homicide, during the civil trial, and until Carter's criminal trial.
400. Defendants made purposeful misrepresentations and omissions to Bill Carter and the Civil Plaintiffs relating to Carter's culpability in the homicide.

USE OF THE CIVIL TRIAL TO OBTAIN INFORMATION

LUDWICK'S VIOLATION OF THE SEQUESTRATION ORDER

401. Ludwick repeatedly violated the sequestration order during the civil trial.
402. He admitted under oath that he was around the courthouse every day except for one day during the civil trial.
403. When questioned as to his purpose in the courthouse if he was not watching the trial, Ludwick stated he was there as courthouse security and "knowledge of the case." When asked if he was assigned to courthouse security, he stated he "[didn't] recall being assigned to it, no."
404. Ludwick testified he used his time at the courthouse during the civil trial to "try[] to gain as much information regarding this homicide investigation that [he] could."
405. On the next day of his deposition (apparently having had a conversation with someone outside of the deposition) Ludwick backtracked, stating "yesterday you asked—or indicated, insinuated that I was at the courthouse every day for the civil trial. And I just don't recall being there."
406. The transcript speaks for itself—no one "indicated" or "insinuated" Ludwick was there every day—he used those words himself.
407. After waffling and backtracking on almost everything he said the prior day about his presence during the civil trial, Ludwick made this telling statement: "But this has been my biggest case from the first two years of this case, and I was not going to miss an opportunity to see or overhear any of our witnesses. I would camp out in Jason Carter's bedroom if I had the opportunity because I wanted to hear everything being said, and that was a good opportunity to be there."
408. Jon Thorup testified Ludwick was the person keeping him up to date on what was going on in the civil trial and let him know if it was going well or poorly.
409. Ludwick admitted during the civil trial he would gain information from reporters and from the County Attorney's Office "when it was appropriate." He specifically recalled being told

who was testifying and would “poke [his] head into the media room to see who was on the stand.”

410. Marion County Attorney Edward Bull sat through the entire civil trial and took notes. At the conclusion of the civil trial, and on the same day of the jury’s verdict, he authorized charges to be filed against Carter for homicide.

ABUSE OF THE CIVIL DISCOVERY PROCESS

411. Defendants focused on and involved themselves in the civil suit as a means to obtain evidence against Carter that Defendants would otherwise have been constitutionally prohibited from obtaining.
412. Defendants collaborated with Bill Carter and the other Civil Plaintiffs in their civil subpoenas as described above and provided only evidence that made Carter look guilty without context, and withheld all exculpatory evidence that Carter could have used to defend himself in the civil trial.
413. Defendants did not develop any evidence on its own inculcating Carter beyond what was provided to the Civil Plaintiffs for use in the civil trial between the homicide and the civil trial.
414. Ludwick, DCI, and Kious conducted virtually no investigation after the civil trial began until Carter’s defense team deposed law enforcement in July 2018 and pointed out the lack of investigation. It was only after Carter’s defense team deposed law enforcement in July 2018 and identified myriad leads they had not followed and evidence they had not pursued that law enforcement began to superficially follow up on some of the leads.
415. Defendants used the civil discovery process to gain further information on Carter and used the Civil Plaintiffs as an agent in so doing. Once the charges were authorized mere hours after the liability verdict, what little investigation that was done virtually stopped until after July 2018.
416. Ludwick stated in an email on December 8, 2017 that the civil case, and the fact that Carter blamed Bill for the homicide, “[would] make the criminal case against JASON easier in criminal court . . . Both sides in the civil side told the jury ‘The Killer [sic] of Shirley Carter is sitting in this very courtroom.’ [That’s] a perfect gift for us!!!”

417. Ludwick stated in deposition in July 2018 “once the civil depositions started, it was obvious we weren’t going to have [the arrest warrant] signed before then.”
418. Defendants’ intention was to gain inculpatory evidence in civil depositions and civil discovery, and defendants acted on that intention.
419. Ludwick admitted it was “possible” but “unlikely” he helped provide questions for the Civil Plaintiffs to ask in Carter’s civil deposition.
420. Conversely, when Detective Kious, who acted under Ludwick’s control and supervision, was asked if he ever directed the Civil Plaintiffs’ counsel to ask Carter particular questions in his deposition, he stated he “[didn’t] remember anything specific, but [he] very well could have.”
421. Kious admitted that in order to prepare for his criminal deposition, he reviewed a civil transcript from Lynnette Castillo (Bill Carter’s live-in friend), and she had “been providing [him] some information.”
422. Ludwick participated in at least one meeting at the Civil Plaintiffs’ lead counsel’s office before the civil trial, and before criminal charges were brought against Carter, and several meetings with the Civil Plaintiffs’ local counsel, also before criminal charges were brought against Carter.
423. Kious admitted to participating in at least four meetings with Civil Plaintiffs’ local counsel before criminal charges were ever brought against Carter.
424. Ludwick discussed when Defendants planned to arrest Carter for homicide, stating he “specifically recall[ed] having a discussion with the sheriff and my boss about, once a verdict comes back, before it’s read, before it’s announced, that’s a perfect time to arrest him.”
425. Ludwick wrote in an email on December 8, 2017 he was “hoping [they] got the green light to make an arrest as soon as either JASON CARTER testifies (which he will have to do in the civil courtroom) or as soon as the civil trial is concluded.”
426. Kious admitted when discussing when to charge Carter with homicide, they “were holding off until the civil trial was finished.”

427. Kious conceded he thought waiting was foolish at the time, but they “gain[ed] some additional information, statements on the record by all parties involved . . . [s]o it actually proved to be beneficial. . . .”
428. Defendants agreed to provide the Civil Plaintiffs with certain criminal investigation files subject to a series of private conversations between the Civil Plaintiffs and the State.
429. After discussing what evidence would or would not be provided, on June 13, 2017, Assistant Attorney General Laura Roan and Marion County Attorney Ed Bull sent the Civil Plaintiffs’ counsel an email stating they would only agree to provide certain things and not others “for no other reason than that we are still trying to hold together some semblance of a confidential criminal investigation with a public trial looming in civil court.”
430. This exchange makes clear Defendants limited the scope of the documents it would provide not because Defendants were actually concerned about the confidentiality of the criminal investigation, but only to maintain the appearance of confidentiality concerns.
431. This was not the only joint action taken by Defendants and the Civil Plaintiffs. Within the same email chain, the Civil Plaintiffs’ counsel discusses arranging a meeting between the Civil Plaintiffs’ expert witnesses and DCI investigators and other law enforcement personnel.
432. It is clear that regular coordination occurred between the Civil Plaintiffs and law enforcement, including in both April 2017 and June 2017, as well as sometime afterward. This coordination was admitted by Kious.
433. This coordination culminated in the private agreement between the Civil Plaintiffs and Defendants regarding the sharing of seemingly inculpatory evidence related to Carter, without any of the credible, relevant, material, and admissible exculpatory evidence that existed.
434. Ludwick, Kious, Marion County officials, and counsel for DCI, coordinated with the Civil Plaintiffs in the civil case with the joint goal of obtaining evidence against Carter through civil discovery that would not otherwise be obtainable by the State through criminal proceedings and without having filed criminal charges, and to tip the scales of justice in favor of the Civil Plaintiffs and against Carter.

435. Defendant's choice to only share with the Civil Plaintiffs the evidence that tended to inculcate Carter, while being fully aware of the mountains of exculpatory evidence in its file that showed Carter could not have committed the homicide, directly resulted in a \$10 million judgment against Carter.
436. Defendants' actions, through the Civil Plaintiffs, benefited both Defendants and the Civil Plaintiffs and placed immense pressure on Carter, depleted his property, placed his liberty at risk without due process, and further violated numerous other rights protected by the United States and Iowa Constitutions.
437. The actions by Defendants, in concert with the Civil Plaintiffs, prevented a fair submission of the civil case, prevented Carter from making a defense, violated established practices and rules in civil and criminal law, and consisted of improper actions and omissions on the part of both Defendants (as an unnamed party in the civil case) and the Civil Plaintiffs.
438. Throughout the criminal investigation into the homicide, Defendants either recklessly or purposefully, intentionally and falsely misrepresented, hid, chose not to explore, and otherwise failed to obtain evidence that showed they lacked probable cause to arrest Carter.
439. Defendants worked in tandem with Bill Carter and the other Civil Plaintiffs, meeting often, sharing evidence, planning deposition questions and strategizing trial tactics, each with the unified goal of obtaining a civil judgment against Carter and obtaining evidence to support a criminal conviction, and leveraging the civil judgment into criminal charges.

COUNT I

VIOLATION OF ARTICLE I, SECTION 8 OF THE IOWA CONSTITUTION

Right to be Free from Unreasonable Seizure

(Against the State of Iowa and Mark Ludwick, and Mark Ludwick in his Individual Capacity)

440. Plaintiff repleads and incorporates paragraphs 1-439 as if fully set forth herein.
441. Article I, section 8 of the Iowa Constitution guarantees Carter's right to be free from unreasonable seizure.

442. Mark Ludwick and The State of Iowa, through its officers in the Department of Public Safety and the Iowa Division of Criminal Investigation, acting within the scope of their employment, violated Carter's Article I, section 8 rights when they took him into custody without having probable cause to believe that he was responsible for the homicide.
443. The State of Iowa, through its officers in the Department of Public Safety and the Iowa Division of Criminal Investigation, acting within the scope of their employment, knew, or should have reasonably known, that no probable cause existed for the arrest, and no probable cause or other grounds existed for the unconstitutional collection of evidence through the civil case against Carter brought by Bill Carter.
444. Based on the information known to Ludwick, Kious, and DCI, no reasonable officer could believe probable cause existed to file a criminal complaint against Carter, to arrest Carter, or to otherwise use the civil trial to unconstitutionally collect evidence.
445. Based on the information known to Ludwick, Kious, and DCI, it was unreasonable to restrict the travel and personal freedom of Carter during the pendency of the criminal case. Not only was there no probable cause for Carter's arrest, Carter had willingly stayed in the State of Iowa during the civil trial and had never demonstrated any intention to flee.
446. Defendants acted with malice.
447. Defendants demonstrated a deliberate indifference to and/or reckless disregard of Carter's state civil and constitutional rights by their unlawful and malicious prosecution of Carter.
448. Defendants' actions were willful, wanton, unlawful, and in gross disregard of Carter's civil rights, justifying an award of punitive damages.
449. As a direct and proximate result of Defendants' aforesaid acts, Carter has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, unease, and pain and suffering, consequential damages and actual and compensatory damages including, but not limited to, past, present, and future pain and suffering.

Plaintiff, Carter, requests judgment against Defendants State of Iowa and Mark Ludwick, including punitive damages against Mark Ludwick in his individual capacity, in a fair and reasonable monetary amount to be determined by a trier of fact, along with interest, costs of this action, and attorney fees as provided by Iowa law, as well as such other relief as may be deemed just and equitable.

COUNT II

VIOLATION OF ARTICLE I, SECTION 1 OF THE IOWA CONSTITUTION

Right to Freedom, Liberty, and Happiness

(Against the State of Iowa and Mark Ludwick, and Mark Ludwick in his Individual Capacity)

- 450. Plaintiff repleads and incorporates paragraphs 1-449 as if fully set forth herein.
- 451. Article I, section 1 of the Iowa Constitution guarantees Carter's right to freedom, liberty, and happiness.
- 452. Mark Ludwick and the State of Iowa, through its officers in the Department of Public Safety and the Iowa Division of Criminal Investigation, acting within the scope of their employment, violated Carter's Article I, section 1 rights when they took him into custody without having probable cause to believe he was responsible for the homicide, when they caused and assisted in the placement of a \$10 million judgment against Carter, and when they took Carter into custody without probable cause to believe Carter had committed a criminal offense.
- 453. Mark Ludwick and the State of Iowa, through its officers in the Department of Public Safety and the Iowa Division of Criminal Investigation, acting within the scope of their employment, knew, or reasonably should have known, that no probable cause existed for the arrest or to believe that Carter committed the offense.
- 454. Defendants, through their officers and agents, acting within the scope of their employment, knew, or should have reasonably known, that collaborating with the Civil Plaintiffs in the Civil Trial was unlawful and unconstitutional, that the imposition of a \$10 million judgment against Carter would have interfered with his constitutional rights to

freedom, liberty and happiness, that there was no cause to place the judgement on Carter, and that probable cause did not exist to believe that Carter committed a criminal offense.

455. Ludwick acted maliciously, with wanton and willful disregard of Carter's rights, justifying an award of punitive damages.
456. As a direct and proximate result of Defendants' aforesaid acts, Carter has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, unease, and pain and suffering, consequential damages and actual and compensatory damages including, but not limited to, past, present, and future pain and suffering.

Plaintiff, Carter, requests judgment against Defendants State of Iowa and Mark Ludwick, including punitive damages against Mark Ludwick individually, in a fair and reasonable monetary amount to be determined by a trier of fact, along with interest, costs of this action, and attorney fees as provided by Iowa law, as well as such other relief as may be deemed just and equitable.

COUNT III

VIOLATION OF ARTICLE I, SECTION 9 OF THE IOWA CONSTITUTION

(Against the State of Iowa and Mark Ludwick, and Mark Ludwick as an Individual)

457. Plaintiff repleads paragraphs 1-456 as if fully set forth herein.
458. Article I, section 9 of the Iowa Constitution provides that "no person shall be deprived of life, liberty, or property, without due process of law."
459. Substantive due process prevents the government from engaging in conduct that shocks the conscience or interferes with rights implicit in the concept of ordered liberty.
460. Defendants violated Carter's Article I, section 9 rights when Defendants worked in concert with the Civil Plaintiffs and abused the civil discovery process in order to unlawfully gain information from Carter and in order to achieve a liability verdict in the civil matter.
461. Defendants' actions were a proximate cause of Carter's damages.

462. Ludwick's actions were willful, wanton, and in reckless disregard of Carter's rights, justifying an award of punitive damages.

463. As a direct and proximate result of Defendants' aforesaid acts, Carter has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, unease, and pain and suffering, consequential damages and actual and compensatory damages including, but not limited to, past, present, and future pain and suffering.

Plaintiff, Carter, prays for judgment against Defendants State of Iowa and Mark Ludwick, including an award of punitive damages against Ludwick in his individual capacity, in a fair and reasonable monetary amount to be determined by a trier of fact, along with interest, costs of this action, and attorney fees as provided by Iowa law, as well as such other relief as may be deemed just and equitable.

COUNT IV

VIOLATION OF ARTICLE I, SECTION 9 OF THE IOWA CONSTITUTION

Procedural and Substantive Due Process Claim

464. Plaintiff repleads paragraphs 1-463 as if fully set forth herein.

465. At all times material to this action, individual Defendants were acting under color of state law.

466. Article I, section 9 of the Iowa Constitution provides that "no person shall be deprived of life, liberty, or property without due process of law."

467. Substantive due process prevents the government from engaging in conduct that shocks the conscience or interferes with rights implicit in the concept of ordered liberty.

468. The violation of constitutionally protected rights subjects the Defendants' actions to strict scrutiny.

469. In the course of the civil case against Carter, the State, through the Defendants, violated Carter's due process rights when it acted in coordination with the Civil Plaintiffs by

suppressing and hiding exculpatory evidence from Carter, and by providing only seemingly inculpatory evidence to bring about the jointly desired result of a civil judgment against Carter.

470. The State, through the Defendants' actions and omissions or inactions, (a) directly assisted and acted through the Civil Plaintiffs to obtain a civil judgment against Carter, (b) encouraged and created an atmosphere in which the Civil Plaintiffs deprived Carter of his constitutional rights, and (c) allowed, assisted, and guided the Civil Plaintiffs to perform functions traditionally performed by the State, including the investigation of a criminal action and the collection and retention of inculpatory and exculpatory evidence related to that crime.
471. A close nexus existed between the Defendants' and the Civil Plaintiffs' conduct in the prior civil action as both were interdependent upon one another for information and evidence, and therefore were joint participants in the violation of Carter's constitutional rights.
472. This interdependence between the Defendants and the Civil Plaintiffs created a variety of mutual benefits to both the State and the Civil Plaintiffs, which included but was not limited to the sharing of evidence to support the Civil Plaintiff's claims against Carter and collection of evidence from Carter through the civil law process which the State would not have otherwise been lawfully able to collect.
473. The Defendants and the Civil Plaintiffs enjoyed a symbiotic relationship and the shared goal of obtaining a civil judgment against Carter. Through this relationship, the State coerced action against Carter by the Civil Plaintiffs, significantly encouraged actions by the Civil Plaintiffs against Carter, and directly aided the Civil Plaintiffs in the course of the civil case
474. This symbiotic relationship between the Defendants and the Civil Plaintiffs turned the Civil Plaintiffs into state actors.
475. The actions taken by the Defendants and through state actor Civil Plaintiffs in the prior civil action violated Carter's civil and constitutional rights, including: provision of only seemingly inculpatory evidence to the Civil Plaintiffs to assist in obtaining a civil judgment

against Carter, suppression and failure to disclose known exculpatory evidence to Carter in the course of the criminal matter, failure to discover exculpatory evidence through avenues provided to or known to law enforcement but not explored, provision of discovery requests to the Civil Plaintiffs and the collection of sworn statements and other evidence from Carter, and in aiding in the entry of a \$10 million judgment against Carter.

476. The actions taken by the Defendants and through state actor Civil Plaintiffs was not part of the judicial phase of the criminal process.
477. Defendants, through their officers and agents, acting within the scope of their employment, further violated Carter's Article I, section 9 rights when they took him into custody without probable cause to believe that Carter committed a criminal offense.
478. Defendants further violated Carter's Article I, section 9 rights when Defendants deliberately, maliciously, and with reckless disregard to Carter's rights made a choice not to investigate myriad leads that did not inculcate Carter.
479. Defendants intentionally and recklessly failed to investigate the homicide because of an unreasonable, unsubstantiated, and uninvestigated belief that Carter committed the homicide even when significant evidence in their possession told them otherwise.
480. When witnesses told Defendants that other individuals were responsible for the homicide, Defendants threatened and/or coerced those witnesses and pressured them to change and/or "soften" their "story" exonerating Carter.
481. In other examples, Defendants purposely failed to interview witnesses and/or follow up with and collect evidence they knew would exonerate Carter.
482. Such conduct violated Carter's fundamental right to obtain a fair criminal proceeding. Defendants' conduct was purposeful, intentional, deliberately reckless, and shocks the conscience.
483. The above violations of Carter's constitutional rights were willful, wanton, unlawful, and in gross disregard for the protected rights of Carter, justifying an award of punitive damages.
484. Defendants' actions were a proximate cause of damage to Carter.

485. As a direct and proximate result of Defendants' aforesaid acts, Carter has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, unease, and pain and suffering, consequential damages and actual and compensatory damages including, but not limited to, past, present, and future pain and suffering.

Plaintiff, Carter, prays for judgment against Defendants State of Iowa and Mark Ludwick, including an award punitive damages against Mark Ludwick in his individual capacity, in a fair and reasonable monetary amount to be determined by a trier of fact, along with interest, costs of this action, and attorney fees as provided by Iowa law, as well as such other relief as may be deemed just and equitable.

COUNT V

VIOLATION OF ARTICLE 1, § 6 OF THE IOWA CONSTITUTION

Right to Equal Protection

(Against the State of Iowa and Mark Ludwick, and Mark Ludwick in his Individual Capacity)

486. Plaintiffs replead paragraphs 1-485 as if fully set forth herein.

487. At all times material to this action, individual Defendants were acting under color of state law.

488. Article 1, section 6 of the Iowa Constitution guarantees equal protection of the laws to all citizens, as well as the uniform operation of all laws, and protects citizens against actions by the government which treat that citizen differently than other citizens.

489. The violation of constitutionally protected rights subjects the Defendants' actions to strict scrutiny.

490. In the course of the civil case against Carter, the State, through the Defendants, violated Carter's equal protection rights when acting in coordination with the private Civil Plaintiffs in order to bring about the jointly desired result of a civil judgment against Carter.

491. The State, through the Defendants: (a) directly assisted and acted through Bill Carter and the Civil Plaintiffs to obtain a civil judgment against Carter, (b) encouraged and created an atmosphere in which the Civil Plaintiffs deprived Carter of his constitutional rights, and (c) allowed, assisted, and guided the Civil Plaintiffs to perform functions traditionally performed by the State, including the investigation of a criminal action and the collection and retention of inculpatory and exculpatory evidence related to that crime.
492. The State's actions in directly assisting and acting through the Civil Plaintiffs to obtain a civil judgment against Carter were not part of the judicial phase of the criminal process.
493. A close nexus existed between the Defendants' and the Civil Plaintiffs' conduct in the prior civil action as both were interdependent upon one another for information and evidence, and therefore were joint participants in the violation of Carter's constitutional rights.
494. This interdependence between the Defendants and the Civil Plaintiffs created a variety of mutual benefits to both the State and the Civil Plaintiffs, which included but was not limited to the sharing of evidence to support the Civil Plaintiff's claims against Carter and collection of evidence from Carter through the civil law process which the State would not have otherwise been entitled to collect.
495. The Defendants and the Civil Plaintiffs enjoyed a symbiotic relationship in their goal of obtaining a civil judgment against Carter. Through this relationship, the State coerced action against Carter by the Civil Plaintiffs, and also significantly encouraged actions by the Civil Plaintiffs against Carter.
496. This symbiotic relationship between the Defendants and the Civil Plaintiffs turned the Civil Plaintiffs into State actors.
497. The actions taken by the Defendants and through State actor Civil Plaintiffs in the prior civil action violated Carter's civil and constitutional rights, including: provision of only seemingly inculpatory evidence to the Civil Plaintiffs to assist in obtaining a civil judgment against Carter, suppression and failure to disclose known exculpatory evidence to Carter, failure to discover exculpatory evidence through avenues provided to or known to law enforcement but not explored, provision of discovery requests to the Civil Plaintiffs and

the collection of sworn statements and other evidence from Carter, and aiding in the entry of a \$10 million judgment against Carter. Defendants, through their officers and agents, acting within the scope of their employment, further violated Carter's Article I, section 6 rights when they took him into custody without having a reasonable basis to believe Carter had committed a criminal offense.

498. Defendants, through their officers and agents, acting within the scope of their employment, violated Carter's Article I, section 6 rights when they failed to adequately investigate the homicide kill and discounted substantial evidence implicating other suspects.
499. Defendants, through their officers and agents, acting within the scope of their employment, violated Carter's Article I, section 6 rights when they collaborated with the Civil Plaintiffs in the civil trial, used the Civil Plaintiffs as an agent to obtain information on Carter during the civil discovery process and trial, and aided the Civil Plaintiffs generally in their civil prosecution of Carter. Defendants further violated these same rights by leveraging the civil liability finding into criminal charges.
500. The detention and restraint of Carter was done by Defendants.
501. The failure to adequately investigate was done by Defendants.
502. The charges and resulting prosecution were without sufficient probable cause to accuse Carter of a crime, and were brought willfully and wantonly with malice on the part of the Defendants and in reckless disregard of the rights of Carter.
503. The failure to investigate other suspects was done willfully and wantonly with malice on the part of the Defendants and in reckless disregard of the rights of Carter.
504. The detention and arrest were a proximate cause of Carter's damages. The failure to adequately investigate other suspects and evidence was a proximate cause of Carter's damages.
505. Defendants treated Carter differently than similarly situated persons by participating in civil prosecution prior to criminal prosecution, especially because Carter had not yet been charged with a crime, by agreeing to provide evidence from an ongoing criminal investigation for use in a civil trial, by privately meeting and collaborating with the Civil

Plaintiffs to bring about the jointly desired result of a finding of civil liability, and by leveraging that finding of civil liability into criminal charges.

506. The above violations of Carter's constitutional rights were willful, wanton, unlawful, and in gross disregard for the protected rights of Carter, justifying an award of punitive damages.
507. As a direct and proximate result of Defendants' aforesaid acts, Carter has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, humiliation, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, unease, and pain and suffering, consequential damages and actual and compensatory damages including, but not limited to, past, present, and future pain and suffering.

Plaintiff, Carter, requests judgment against Defendants State of Iowa and Mark Ludwick, including punitive damages from Mark Ludwick in his individual capacity, in a fair and reasonable monetary amount to be determined by a trier of fact, along with interest, costs of this action, and attorney fees as provided by Iowa law, as well as such other relief as may be deemed just and equitable.

COUNT VI

NEGLIGENCE AND WRONGFUL INVESTIGATION BY STATE AGENTS PURSUANT TO IOWA CODE CHAPTER 669

(Iowa Tort Claim Against Defendants State of Iowa and Mark Ludwick)

508. Plaintiffs replead paragraphs 1-507 as if fully set forth herein.
509. Iowa Code Chapter 669 provides a limited waiver of Iowa's sovereign immunity and allows the State to be sued for damages caused by the negligent or wrongful acts or omissions of state employees while acting within the scope of employment to the same extent that a private person may be sued.
510. At all material times in this matter, Defendant Ludwick was an agent of the State of Iowa.
511. At all material times in this matter, DCI was a governmental agency of the State of Iowa.

512. Defendants State of Iowa, DCI, and Ludwick had a duty to investigate the homicide kill as a reasonable law enforcement officer, and to collect all pertinent evidence, including inculpatory and exculpatory evidence relating to Carter and any other suspects.
513. The State of Iowa, DCI, and Ludwick breached this duty through the myriad failures identified above, including the failure to: identify suspects other than Carter, collect inculpatory evidence relating to those suspects, collect exculpatory evidence relating to Carter, and maintain an investigation file sufficiently organized to allow access identification and access to exculpatory evidence and information, as well as any other information required to be disclosed to a criminal defendant.
514. As a direct and proximate result of The State's, DCI's, and Ludwick's negligent and wrongful acts and/or omissions, Carter has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, humiliation, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, unease, and pain and suffering, consequential damages and actual and compensatory damages including, but not limited to, past, present, and future pain and suffering.
515. The above actions and omissions against Carter were willful and wanton, and done with malice or in reckless disregard of Carter's rights, entitling him to punitive damages.

Plaintiff, Carter, prays for judgment against Defendants State of Iowa and Mark Ludwick, including punitive damages against Mark Ludwick in his individual capacity, in a fair and reasonable monetary amount to be determined by a trier of fact, along with interest, costs of this action, and attorney fees as provided by Iowa law, as well as such other relief as may be deemed just and equitable.

COUNT VII

TORTIOUS INFLICTION OF SEVERE EMOTIONAL DISTRESS BY STATE AGENTS PURSUANT TO IOWA CODE CHAPTER 669

(Iowa Tort Claim Against Defendants State of Iowa and Mark Ludwick)

516. Plaintiffs replead paragraphs 1-515 as if fully set forth herein.

517. Iowa Code chapter 669 provides a limited waiver of Iowa's sovereign immunity and allows the State to be sued for damages caused the negligent or wrongful acts or omissions of state employees while acting within the scope of employment to the same extent that a private person may by sued.
518. At all material times in this matter, Defendant Ludwick was an agent of the State of Iowa, acting with the scope of his official duties.
519. At all material times in this matter, DCI was a governmental agency of the State of Iowa.
520. The DCI and Ludwick, in their official capacities as law enforcement for the State of Iowa, acted outrageously and intentionally in only investigating leads and collecting evidence that was inculpatory towards Carter, in intimidating and threatening witnesses who came forward with exculpatory and potentially exculpatory information regarding Carter, in failing to reasonably follow up on information and leads provided to law enforcement, failing to uncover and collect potentially inculpatory evidence pertaining to other individuals, and failing to uncover and collect exculpatory information relating to Carter, and failing to fulfill all other duties and obligations placed on law enforcement officers in the investigation of the homicide kill.
521. The DCI and Ludwick acted with reckless disregard of the probability that the above actions and omissions would cause severe or extreme emotional distress to Carter.
522. The above actions were the direct and proximate cause of severe or extreme emotional distress to Carter.
523. As a direct and proximate result of Defendants' aforesaid outrageous conduct, Carter has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, humiliation, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, unease, and pain and suffering, consequential damages and actual and compensatory damages including, but not limited to, past, present, and future pain and suffering.

the Plaintiff, Carter, prays for judgment against Defendants State of Iowa and Mark Ludwick, including the imposition of punitive damages against Mark Ludwick as an individual, in a fair and reasonable monetary amount to be determined by a trier of fact, along with interest, costs of this

action, and attorney fees as provided by Iowa law, as well as such other relief as may be deemed just and equitable.

COUNT VIII

TORTIOUS INFLICTION OF SEVERE EMOTIONAL DISTRESS BY DEFENDANT LUDWICK

(Alternative Tort Claim Against Individual Defendant Mark Ludwick)

- 524. Plaintiffs replead paragraphs 1-523 as if fully set forth herein.
- 525. At all material times, and in the alternative to the claims under Iowa Code chapter 669, Ludwick was an individual acting in his individual capacity.
- 526. During the prior civil action against Carter, and during the prior criminal action against Carter, Ludwick acted outrageously and intentionally in only investigating leads and collecting evidence that was inculpatory towards Carter, in intimidating and threatening witnesses who came forward with exculpatory and potentially exculpatory information regarding Carter, in failing to reasonably follow up on information and leads provided to law enforcement, failing to uncover and collect potentially inculpatory evidence pertaining to other individuals, and failing to uncover and collect exculpatory information relating to Carter, and failing to fulfill all other duties and obligations placed on law enforcement officers in the investigation of the homicide kill.
- 527. Ludwick's actions were not associated with the judicial phase of the criminal process.
- 528. Ludwick acted with reckless disregard of the probability that the above actions and omissions would cause severe or extreme emotional distress to Carter.
- 529. The above actions were the direct and proximate cause of severe or extreme emotional distress to Carter.
- 530. As a direct and proximate result of Defendant's aforesaid outrageous conduct, Carter has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, humiliation, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, unease, and pain and suffering, consequential damages and actual and compensatory damages including, but not limited to, past, present, and future pain and suffering.

531. The above actions and omissions against Carter were willful and wanton, and done with malice or in reckless disregard of Carter's rights, entitling him to punitive damages.

Plaintiff, Carter, prays for judgment against Defendant Mark Ludwick as an individual, including punitive damages, in a fair and reasonable monetary amount to be determined by a trier of fact, along with interest, costs of this action, and attorney fees as provided by Iowa law, as well as such other relief as may be deemed just and equitable.

COUNT IX

FALSE ARREST

(Against Defendant Ludwick in his individual capacity)

532. Plaintiff repleads paragraphs 1 through 531 as if fully set forth herein.

533. Carter was detained against his will.

534. The detention and restraint was done by Ludwick.

535. The charges and resulting prosecution were without sufficient probable cause to accuse Carter of a crime, and were brought willfully and wantonly with malice on the part of Ludwick and in reckless disregard of Carter's rights.

536. The detention and restraint were a proximate cause of Carter's damages.

537. As a direct and proximate result of Ludwick's aforesaid acts, Carter has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, unease, and pain and suffering, consequential damages and actual and compensatory damages including, but not limited to, past, present, and future pain and suffering.

Plaintiff, Carter, prays for judgment against Mark Ludwick in his individual capacity, including the imposition of punitive damages, in a fair and reasonable monetary amount to be determined by a trier of fact, along with interest, costs of this action, and attorney fees as provided by Iowa law, as well as such other relief as may be deemed just and equitable.

COUNT X

ABUSE OF PROCESS

(Against Defendant Ludwick in his individual capacity)

538. Plaintiff repleads paragraphs 1-537 as if fully set forth herein.
539. Ludwick used the prior civil action instituted against Carter by the Civil Plaintiffs for the wrongful purpose of violating Carter's constitutional rights in order to gain information to use in his prosecution, and to level a \$10 million judgment against him in order to place undue pressure on him and leverage the judgment into criminal charges.
540. In the course of the civil case against Carter, Ludwick abused the civil process when acting in coordination with the private Civil Plaintiffs in order to bring about the jointly desired result of a civil judgment against Carter, and to unconstitutionally gain sworn statements and other evidence from Carter.
541. Ludwick (a) directly assisted and acted through the Civil Plaintiffs to obtain a civil judgment against Carter, (b) encouraged and created an atmosphere in which the private citizen Civil Plaintiffs deprived Carter of his constitutional rights, and (c) allowed, assisted, and guided the private citizen Civil Plaintiffs to perform functions traditionally performed by the State, including the investigation of a criminal action and the collection and retention of inculpatory and exculpatory evidence related to that crime.
542. A close nexus existed between Ludwick's and the Civil Plaintiffs' conduct in the prior civil action, as both were interdependent upon one another for information and evidence, and therefore were joint participants in the violation of Carter's constitutional rights.
543. This interdependence between the Ludwick and the Civil Plaintiffs created a variety of mutual benefits to both Ludwick and the Civil Plaintiffs, which included but was not limited to the sharing of evidence to support the Civil Plaintiff's claims against Carter and collection of evidence from Carter through the civil law process which Ludwick would not have otherwise been entitled to collect.

- 544. Ludwick and the Civil Plaintiffs enjoyed a symbiotic relationship in their shared goal of obtaining a civil judgment against Carter. Through this relationship, Ludwick coerced action against Carter by the Civil Plaintiffs, and also significantly encouraged actions by the Civil Plaintiffs against Carter.
- 545. This symbiotic relationship between Ludwick and the Civil Plaintiffs turned the Civil Plaintiffs into State actors.
- 546. The actions taken by Ludwick and through State actor Civil Plaintiffs violated Carter's civil and constitutional rights, including: provision of only seemingly inculpatory evidence to the Civil Plaintiffs to assist in obtaining a civil judgment against Carter, suppression and failure to disclose known exculpatory evidence to Carter, failing to discover exculpatory evidence through avenues provided to or known to law enforcement but not explored, provision of discovery requests to the Civil Plaintiffs and the collection of sworn statements and other evidence from Carter, entry of a \$10 million judgment against Carter, and leveraging the judgment into criminal charges.
- 547. Ludwick abused the civil process against Carter when he collaborated with the Civil Plaintiffs in the civil trial, used the Civil Plaintiffs as an agent to obtain information on Carter during the civil discovery process and trial, and aided the Civil Plaintiffs generally in their civil prosecution of Carter. Ludwick further violated these same rights by leveraging the civil liability finding into criminal charges.
- 548. Ludwick's actions were willful, wanton, and reckless, justifying an award of punitive damages.

Plaintiff, Carter, prays for judgment against Defendant Mark Ludwick in his individual capacity, including the imposition of punitive damages, in a fair and reasonable monetary amount to be determined by a trier of fact, along with interest, costs of this action, and attorney fees as provided by Iowa law, as well as such other relief as may be deemed just and equitable.

COUNT XI

MALICIOUS PROSECUTION

(Against Defendant Ludwick in his individual capacity)

- 549. Plaintiff repleads paragraphs 1-548 as if fully set forth herein.
- 550. Carter was prosecuted in a criminal proceeding in *State v. Carter*, Marion County case No. FECR029316, beginning on or about December 17, 2017.
- 551. Ludwick caused this prosecution by helping to prepare and file a criminal complaint against Carter that he knew or reasonably should have known was not supported by probable cause.
- 552. The criminal prosecution ended favorably for Carter, with an acquittal following a jury trial.
- 553. Ludwick acted without probable cause.
- 554. Based upon the facts known to Ludwick, no reasonable law enforcement officer or prosecutor could believe probable cause existed to charge Carter with the offense charged.
- 555. Ludwick acted with malice towards Carter by knowingly, falsely and intentionally making false statements, giving false testimony, and by conspiring with the civil plaintiffs, including Defendant Bill Carter, to obtain a civil judgment and an attempted criminal conviction against Carter when he knew probable cause did not exist.
- 556. Ludwick's actions were a proximate cause of Carter's damages.
- 557. Ludwick acted maliciously, wantonly, willfully, and recklessly, justifying the imposition of punitive damages.
- 558. As a direct and proximate result of Ludwick's aforesaid acts, Carter has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, unease, and pain and suffering, consequential damages and actual and compensatory damages including, but not limited to, past, present, and future pain and suffering.

Plaintiff, Carter, requests judgment against Mark Ludwick in his individual capacity, including the imposition of punitive damages, in a fair and reasonable monetary amount to be determined by a trier of fact, along with interest, costs of this action, and attorney fees as provided by Iowa law, as well as such other relief as may be deemed just and equitable.

COUNT XII

EQUITABLE CLAIM FOR COMMON LAW ATTORNEY FEES

(Against all Defendants)

559. Plaintiffs replead paragraphs 1-558 as if fully set forth herein.
560. The Defendants' actions and conduct towards Carter in this case was oppressive, difficult to bear, harsh, tyrannical, and cruel, and further showed a voluntary blindness or intentional failure to discover or prevent a wrong towards Carter.
561. The Defendants' actions and conduct in this case rises to the level of oppression, or connivance to harass or injure Carter.
562. The Defendants' actions and conduct in this case exceed the level of willful and wanton disregard for Carter's rights.

Carter requests equitable judgment of common law attorney fees, both in this matter, in the criminal matter, and in the prior civil action, against the Defendants as well as such other relief as may be deemed just and equitable.

PRAYER FOR RELIEF

Based on the foregoing, Carter requests:

- A. compensatory damages against all Defendants, joint and severally, in an amount to be determined at trial;
- B. punitive damages against Mark Ludwick;
- C. costs, expenses, and attorney fees pursuant to Iowa law; and
- D. other relief as the Court deems just and equitable.

JURY DEMAND

Carter demands jury trial for all applicable counts.

/s/ Christine E. Branstad

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