

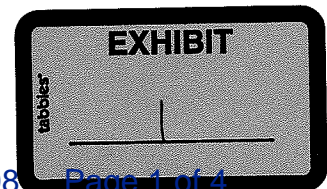
**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

ROY L. DENTON and DUSTIN B. DENTON)	
)	
Plaintiffs)	Case No. 1:07-cv-211
)	
v.)	JURY DEMAND
)	
STEVE RIEVLEY)	Collier/Carter
)	
Defendant)	

AFFIDAVIT OF STEVE RIEVLEY

COMES the Affiant, Steve Rievley, after being duly sworn, states the following to be true and correct to the best of his knowledge, information and belief.:

1. I am over eighteen (18) years of age and I am competent to make this Affidavit.
2. I have been employed by the Dayton City Police Department as an officer since 2005.
3. This affidavit is based on my personal knowledge unless stated otherwise.
4. I was working in my capacity as an officer for the Dayton City Police Department on September 9, 2006. On September 9, 2006, I worked third shift, 11:00 p.m. to 7:00 a.m.
5. At approximately 1:39 a.m., I received a call from dispatch about a domestic violence incident.
6. There were three City police officers on duty September 9, 2006. I was the ranking officer and the closest to the jail, so I took the call. Shortly after I received the call from the dispatcher, I arrived at the jail.
7. I was then directed to and spoke with Brandon Denton. Brandon Denton lives approximately one-fourth (1/4) of a mile from the jail. Brandon went to the jail from his home after being attacked by his father and brother.



8. Brandon Denton informed me that he worked at the local Taco Bell until midnight that evening. Sometime after midnight, his co-worker and friend, Jessica Carbajal, gave him a ride to his home.

9. From my observation, Brandon Denton had red marks on his neck consistent with strangulation and abrasions on his arms and forehead.

10. Sometime after he arrived home, Brandon Denton's father, Roy Denton, and brother, Dustin Denton, began hitting him. Brandon Denton stated that his father and brother were intoxicated at the time of the attack.

11. I photographed Brandon Denton's injuries.

12. Brandon informed me that both his father and brother remained at their home at 120 6th Avenue Dayton, Tennessee. Brandon also told me that he wanted to retrieve some of his belongings from the home but was afraid to do so by himself after the attack.

13. I called and spoke with Brandon Denton's co-worker, Jessica Carbajal. Ms. Carbajal verified the Brandon Denton did not have any injuries or abrasions when she dropped him off at home, sometime after midnight.

14. I then drove to the Denton home. Brandon Denton remained at the jail.

15. When I arrived at the Denton household, I walked to the door. I was accompanied by Jason Woody and Brian Malone, Dayton City Police Department officers.

16. I asked Roy L. Denton if he had a son named Brandon. Roy L. Denton replied that he did not. At this point, I smelled alcohol on Roy L. Denton. Upon going onto the porch, I noticed Brandon's eyeglasses, consistent with Brandon Denton's story, lying on the front porch, broken. At that point, I decided to arrest Roy L. Denton and Dustin Denton, for domestic assault.

17. I informed Roy L. Denton that he was under arrest. After a short discussion, Roy L. Denton turned away from me toward the door of his house.

18. As Roy L. Denton turned away, I grabbed his right arm. I handcuffed his right arm and then his left arm. After successfully arresting Roy L. Denton, I turned him over to Jason Woody for transportation to the local jail.

19. Gerald Brewer, a Rhea County police officer, and I went into the Denton house in search of Dustin Denton. Dustin Denton was located after a short search of the home. Dustin Denton was frantically searching through a duffle bag. Dustin Denton was ordered to stop rummaging through the bag and put his hands up. Dustin Denton complied and was taken into custody with no further incident. I took Dustin Denton with me as I collected Brandon Denton's personal belongings. Dustin Denton was then taken to jail.

20. Throughout my career as a police officer, I have received extensive training in the area of domestic abuse. I have been instructed as to the provisions of the *Tennessee Domestic Abuse* statutes, codified at *Tennessee Code Annotated* §§ 36-3-601, et seq. In my training, I was taught that an arrest of an individual whom the officer has probable cause to believe has committed the crime of domestic abuse is "the preferred response" of the officer as explicitly stated in section 36-3-619. Furthermore, I was taught that the Tennessee Attorney General has issued several opinions that construe this statute to allow for the warrantless arrest of an individual whom the officer has probable cause to believe committed domestic abuse. I had probable cause to believe that the Plaintiff committed the crime of domestic abuse when he arrested him.

21. Prior to this incident, I had no information that would have caused me to believe that Brandon Denton would make false complaints against his father and brother.

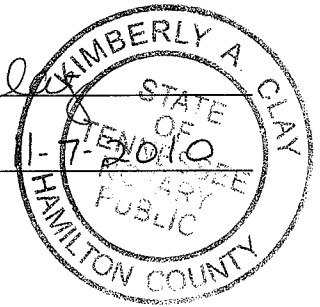
FURTHER AFFIANT SAITH NOT.

Steve Rievley
STEVE RIEVLEY

STATE OF TENNESSEE)
)
COUNTY OF Hamilton)

Sworn to and subscribed before me this 20th day of June, 2008.

Kimberly A. Clay
NOTARY PUBLIC
My commission expires: 1-7-2010



dlw/LEB/daytontenton.aff