

**LEGISTAR NO.**

**150385**

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA**

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

WILLIAM THOMAS,

Plaintiff,

vs.

CITY OF GAINESVILLE, a Municipal  
Corporation for the State of Florida, EDWARD  
CHARLES KERSEY, JOANN CATHCART, and  
JOHNNY BROWN,

Defendants.

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**COMPLAINT**

COMES NOW, by and through undersigned counsel, William Thomas, Plaintiff herein, hereby files this Complaint for Malicious Prosecution against the City of Gainesville, EDWARD CHARLES KERSEY, JOANN CATHCART, and JOHNNY BROWN Defendants herein, and alleges:

**PARTIES**

1. Plaintiff, William Thomas, an individual, resides in Alachua County, Florida.
2. Defendant, City of Gainesville, a Municipal Corporation for the State of Florida, has a principal place of business at 200 East University Avenue, Gainesville in Alachua County, Florida.
3. Defendant, Edward Charles Kersey, is a resident of Alachua County, and resides at
4. Defendant, Joann Cathcart, is a resident of Alachua County, and resides at 7413 NW 128<sup>th</sup> Place, Gainesville, Florida 32615.
5. Defendant, Johnny Brown, is a resident of Alachua County.

**JURISDICTIONAL STATEMENT**

6. This is an action for Malicious Prosecution. This action is a matter within the jurisdiction of the court in accordance with Section 26.012(2)(a) of the Florida Statutes.

## VENUE

7. Venue in Alachua County, Florida is proper in this action under Section 47.011 of the Florida Statutes because the malicious prosecution perpetrated against the Plaintiff giving rise to this action occurred in this county.

## FACTS IN SUPPORT OF CLAIMS

8. On or about January 18, 2012, Defendants, provided a report to the City of Gainesville Police Department that led to the unlawful arrest of Plaintiff in Gainesville, Alachua County, Florida.

9. Plaintiff's unlawful arrest was a result of Plaintiff being reported as taking posts that were the property of the City of Gainesville without proper permission.

10. However, prior to said police report being filed, Plaintiff did, in fact, ask for and receive permission from Defendant Kersey, Supervisor to Plaintiff, to take the posts which were being thrown into the garbage.

11. Additionally, Defendant Brown, had also been collecting posts from the City of Gainesville in the manner that Plaintiff was for some time before Plaintiff began collecting said posts.

12. Defendant Brown, knowing that Plaintiff also had permission to collect posts being thrown in the garbage, reported Plaintiff's collecting of said posts to Defendant Cathcart.

13. Defendant Brown also provided pictures of posts collected with permission by Plaintiff to Defendant Cathcart.

14. Defendant Cathcart, also with knowledge that Plaintiff was doing such collecting with permission, reported Plaintiff for taking said posts to Human Resources.

15. Thereafter, said report went up the chain of command and ultimately was reported to the Gainesville Police Department

16. Additionally, said report against Plaintiff was made while Plaintiff was away on vacation.

17. As a result of Defendants' false allegations, Plaintiff was arrested on the basis of the following counts:

- a. Larceny, Grand Theft (\$300 to \$4,999) (Felony)
- b. Scheme to defraud and obtain property (Felony)
- c. Deal in stolen property - organized (Felony)

18. On January 20, 2012, Plaintiff appeared for his First Appearance in the Eighth Judicial Circuit Court, Alachua County Florida, criminal case number 01-2012-CF-000263-A.

19. On or about January 25, 2012, Plaintiff entered a plea of not guilty in the criminal matter identified above.

### **COUNT 1**

#### **MALICIOUS PROSECUTION**

20. On or about January 18, 2012, a criminal case was commenced and continued against Plaintiff by the State Attorney's office.

21. The criminal cause of action initiated by the state Attorney's office was a result of a report by employees of the City of Gainesville, including, but not limited to David Jarvis, Philip Ray Mann, Edward Charles Kersey, and Joann Cathcart.

22. On August 9, 2012, after being prosecuted by the State Attorney's office for over eight months, the Court dismissed the criminal charge against the Plaintiff after a finding of no probable cause.

23. The prosecution by Defendant against Plaintiff was without probable cause, and was commenced and continued by said Defendant from malice toward Plaintiff and to wrong and injure the Plaintiff. Defendant knew, or should have known, that the prosecution of Plaintiff was false and groundless, and without probable cause.

24. As a direct and proximate result of the action by Defendant, Plaintiff has suffered grievously, has been brought into public scandal, and great humiliation, mental suffering, and damage to reputation. In addition, Plaintiff was compelled to employ counsel, Barbara Blount-Powell, for his defense and incurred other expenses.

25. Additionally, as a result of the malicious prosecution, Plaintiff's employment situation has been of great detriment.

26. Prior to said false police report being filed, Plaintiff employment paid him \$14 per hour and offered overtime compensation.

27. In contrast, since being maliciously prosecuted and losing his employment, Plaintiff took approximately 4 months to find new employment, wherein Plaintiff was only paid \$10 per hour, with no overtime compensation.

#### **DEMAND FOR JURY TRIAL**

28. Plaintiff demands a trial of this action by jury.

**DEMAND FOR JUDGMENT**

WHEREFORE, Plaintiff demands a jury trial of this action, and further demands judgment against Defendant for general damages, and for such other and further relief, in law or in equity, to which Plaintiff may be justly entitled.

Respectfully Submitted,

LAW OFFICE OF ROBERT W. BAUER, P.A.



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