

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF CHESTERFIELD

DONNA W. WATSON, as the
PERSONAL REPRESENTATIVE OF
TROY HOWLETT, DECEASED, and as
the ADMINISTRATOR of the ESTATE of
TROY HOWLETT,

Plaintiff,

v.

CITY OF HOPEWELL POLICE
DEPARTMENT,

SERVE:

Sandra R. Robinson
City Attorney
City of Hopewell
300 N. Main Street
Hopewell, VA 23860

And:

Legal Affairs
Hopewell Police Department
150 W. Randolph Rd
Hopewell, VA 23860

and

SGT. JACQUITA ALLEN,

SERVE:

83 Crater Woods Court
Petersburg, VA 23805

Hopewell Police Department
150 W. Randolph Rd
Hopewell, VA 23860

Case No.: CL20-2221

Judge Robbins

TESTE
DELEK DEPUTY CLERK

WENDY S. HUGHES
CLERK OF COURT

copy

2020 JUL 28 PM 4:18

RECEIVED & FILED
CHESTERFIELD CIRCUIT COURT

and

**RETIRED POLICE CHIEF JOHN
KEOHANE,**

**Serve:
616 Dauphin Drive
North Chesterfield, VA 23236**

and

**JOHN DOE, unnamed City of Hopewell
Detective,**

and

**RICHARD K. NEWMAN,
Commonwealth Attorney,**

**Serve:
100 East Broadway, Rm. 252
Hopewell, VA 23860**

Defendants.

COMPLAINT

JURISDICTION AND VENUE

1. This is a wrongful death cause of action arising under Virginia Code § 8.01 – 50 and § 64.2-454.
2. Defendant John Keohane resides in the County of Chesterfield and thus venue is appropriate in this court.

PARTIES

3. Plaintiff Ms. Donna W. Watson, is the Personal Representative of Troy

Howlett, deceased, and is the Administrator of the Estate of Troy Howlett ("Plaintiff"), duly qualified, on July 9th, 2020 in the Circuit Court of the County of Charles City. She is a resident of Charles City, Virginia.

4. At all times relevant to this action, Mr. Troy Howlett, the deceased, was a resident of Charles City, Virginia.

5. Mr. Howlett left behind the following statutory beneficiaries: Ms. Donna W. Watson (mother), Kevin W. Howlett (father), Adam C Howlett (brother) and Michael Todd Howlett (brother).

6. Defendant Hopewell Police Department, (hereinafter "HPD") is a municipal police agency vested with statutory authority by the Commonwealth of Virginia to properly enforce the laws of the Commonwealth of Virginia.

7. Defendant Jacquita. Allen (hereinafter "Defendant Allen"), at all times relevant hereto, was an employee of Defendant HPD acting both in and outside the scope of her employment. She resides in Petersburg, Virginia.

8. Defendant John Keohane (hereinafter "Defendant Keohane") at all times relevant hereto, was an employee of Defendant HPD acting both in and outside the scope of his employment. He resides in the County of Chesterfield.

9. Defendant HPD is vicariously liable for the intentional, grossly negligent, and negligent acts/omissions of Defendant Allen and/or Defendant Keohane and/or any of its other agents, servants and/or employees while acting in the scope of their employment and involved in using Decedent Troy Howlett as a police informant.

10. Defendant Commonwealth Attorney Richard Newman at all times relevant hereto was acting both in and outside the scope of his employment with the City of Hopewell and Commonwealth of Virginia.

FACTS

11. Prior to July 30, 2018, Mr. Howlett was on probation for convictions related to illegal drug use.

12. Prior to July 30, 2018, Defendants, both individually and jointly, recruited the Decedent to act as a police informant.

13. Prior to July 30, 2018, each Defendant knew that the Decedent was a drug addict and was addicted to opiates including heroin and other illegal drugs, and also knew he was on probation.

14. Prior to July 30, 2018, Defendants made the Decedent act as a police informant to purchase opiates including heroin and other illegal drugs.

15. On or about May 1, 2018, Defendant Commonwealth Attorney Newman conspired in having the Decedent work as a police informant made to purchase drugs from drug dealers with full knowledge of his past drug addiction.

16. Around June or July 2018, Defendant Allen indicated knowledge of the Decedent's drug addiction by referencing previous positive drug tests and expressing concern that the Decedent might fail upcoming drug tests and/or be arrested for positive drug tests and/or might have his bond revoked.

17. Prior to July 30, 2018, Chief of Police Keohane acted in concert with the HPD, the Commonwealth Attorney, Defendant Detective Allen and other detectives in the police department to use the Decedent as a police informant.

18. Prior to July 30, 2018, Defendants threatened and coerced the Decedent with the threat of being arrested and/or having his bond revoked and/or serving additional jail time so as to coerce and force him to buy opiates and heroin and other illegal drugs in his role as a police informant.

19. Defendants knew that the Decedent was a drug addict yet intentionally, recklessly, and with gross indifference to his life and well-being, negligently, and purposely forced and coerced him to buy illegal drugs and exposed him to illegal drugs including drugs they knew, or should have known, were highly dangerous and contained deadly ingredients such as fentanyl.

20. Prior to July 30, 2018, Defendants conspired to force the Decedent to purchase drugs from a drug dealer from whom the Decedent previously had purchased drugs despite knowing that the Decedent was afraid of the dealer and was afraid the dealer knew or suspected he was an informant.

21. Prior to July 30, 2018, Defendants knew or should have known, given that the Decedent had tested positive on prior drug tests, that the Decedent was using some of the drugs that Defendants were making him purchase.

22. Prior to July 30, 2018, directly due to being forced to serve as a police informant for the Defendants, the Decedent purchased illegal drugs, believed to be heroin, at the direction and coercion of the Defendants. Prior to or on or about July 30, 2020, The Decedent ingested some of the illegal drugs, which drugs contained significantly high amounts of fentanyl, which caused the Decedent's death.

23. On July 30, 2018, the Decedent, Troy Howlett, died due to combined fentanyl, acetylfentanyl and despropionylfentanyl toxicity.

24. The Decedent was just one of many drug addicted youth that Defendants coerced, threatened and forced, and continue to coerce, threaten and force to serve as police informants while knowing that they are directly exposing such youth to using and dying from the drugs Defendants were and are making those youth purchase.

COUNT I - GROSS NEGLIGENCE

25. Plaintiff repeats, re-alleges, and re-incorporates all of the allegations contained in the preceding paragraphs as though the same were fully and specifically set forth in detail herein.

26. Defendants knew that the Decedent was addicted to opiates including heroin and other illegal drugs.

27. Defendants knew or should have known that the drugs they were making the Decedent purchase contained high levels of deadly ingredients, namely fentanyl, an extremely powerful synthetic opioid that is a high risk for addiction and dependence, and that can cause respiratory distress or death.

28. Defendants knew that it was unsafe and unreasonably dangerous for the Decedent to be forced to purchase illegal drugs with deadly toxic ingredients in his role as a police informant.

29. Defendants, acting both in but then also outside the scope of their employment, acted with such reckless disregard and gross indifference to the Decedent's life and well-being, so as to deliberately place him in harm's way on a regular and recurring basis.

30. At all times relevant hereto, Defendants were grossly negligent.

31. As a direct result and proximate cause of Defendants' gross negligence, both joint and individual, the Decedent died.

32. As a direct and proximate result of the gross negligence and reckless disregard by the Defendants, joint and/or several, the next of kin of the Decedent, especially the Plaintiff, suffered and still suffer sorrow, mental anguish, solace and loss of society, companionship, comfort and guidance.

33. As a direct and proximate result of the gross negligence and reckless disregard of the Defendants, joint and/or several, the next of kin of the Decedent, especially the Plaintiff, incurred medical expenses and burial expenses. They also incurred and continue to incur loss of income, and loss of services, protection, care and assistance expected to be performed by the Decedent, and any and all other damages that may be recoverable pursuant to Virginia law.

COUNT II – INTENTIONAL HARM

34. Plaintiff repeats, re-alleges, and re-incorporates all of the allegations contained in the preceding paragraphs as though the same were fully and specifically set forth again in detail herein.

35. Defendants knew that the Decedent was addicted to opiates including heroin and other illegal drugs.

36. Defendants knew or should have known that the drugs they were making the Decedent purchase contained high levels of deadly ingredients, namely fentanyl, an extremely powerful synthetic opioid that is a high risk for addiction and dependence, and that can cause respiratory distress or death.

37. Defendants knew that it was unsafe and unreasonably dangerous for the Decedent to be forced to purchase illegal drugs with deadly toxic ingredients in his role as a police informant.

38. Defendants, acting both within but then also outside the scope of their employment, intentionally harmed the Decedent by deliberately placing him in harm's way on a regular and recurring basis.

39. At all times relevant hereto, Defendants intentionally harmed the Decedent.

40. As a direct result and proximate cause of Defendants' intentional acts, both joint and individual, the Decedent died.

41. As a direct and proximate result of the intentional acts of the Defendants, joint and/or several, the next of kin of the Decedent, especially the Plaintiff, suffered and continue to suffer sorrow, mental anguish, solace and loss of society, companionship, comfort and guidance.

42. As a direct and proximate result of the intentional acts of the Defendants, joint and/or several, the next of kin of the Decedent, especially the Plaintiff, incurred medical expenses and burial expenses. They also incurred and continue to incur loss of income, and loss of services, protection, care and assistance expected to be performed by the Decedent, and any and all other damages that may be recoverable pursuant to Virginia law.

COUNT III - CIVIL CONSPIRACY

43. Plaintiff repeats, re-alleges, and re-incorporates all of the allegations contained in the preceding paragraphs as though the same were fully and specifically set forth again in detail herein.

44. Defendants knew that the Decedent was addicted to opiates including heroin and other illegal drugs.

45. Defendants knew or should have known that the drugs they were making the Decedent purchase contained high levels of deadly ingredients, namely fentanyl, an extremely powerful synthetic opioid that is a high risk for addiction and dependence, and that can cause respiratory distress or death.

46. Defendants knew that it was unsafe and unreasonably dangerous for the Decedent to be forced to purchase illegal drugs with deadly toxic ingredients in his role as a police informant.

47. Defendants, acting both in but then also outside the scope of their employment, conspired and engaged in concerted action by using unlawful and criminal means to force the Decedent to engage in criminal and dangerous activity and by deliberately placing him in harm's way on a regular and recurring basis.

48. At all times relevant hereto, Defendants engaged in civil conspiracy under Virginia Code section 18.2-500 and under Virginia common law and injured him in his reputation, business and profession by forcing him to be a drug purchaser.

49. As a direct result and proximate cause of Defendants' civil conspiracy, the Decedent was damaged both before his death and in his death by having been widely known to have died from a drug overdose and the toxic effects of fentanyl, including while acting as a police informant.

50. As a direct and proximate result of the civil conspiracy of the Defendants, joint and/or several, the next of kin of the Decedent, especially the Plaintiff, have suffered

and continue to suffer sorrow, mental anguish, solace and loss of society, companionship, comfort and guidance.

51. As a direct and proximate result of the civil conspiracy of the Defendants, joint and/or several, the next of kin of the Decedent, especially the Plaintiff, incurred medical expenses and burial expenses. They also incurred and continue to incur loss of income, and loss of services, protection, care and assistance expected to be performed by the Decedent, and any and all other damages that may be recoverable pursuant to Virginia law.

COUNT IV - NEGLIGENCE

52. Plaintiff repeats, re-alleges, and re-incorporates all of the allegations contained in the preceding paragraphs as though the same were fully and specifically set forth in detail herein.

53. Defendants knew that the Decedent was addicted to opiates including heroin and other illegal drugs.

54. Defendants knew or should have known that the drugs they were making the Decedent purchase contained high levels of deadly ingredients, namely fentanyl, an extremely powerful synthetic opioid that is a high risk for addiction and dependence, and that can cause respiratory distress or death.

55. Defendants knew that it was unsafe and unreasonably dangerous for the Decedent to be forced to purchase illegal drugs with deadly toxic ingredients in his role as a police informant.

56. Defendants, acting both in but then also outside the scope of their employment, acted negligently by placing the Decedent in harm's way on a regular and recurring basis.

57. At all times relevant hereto, Defendants were negligent.

58. As a direct result and proximate cause of Defendants' negligence, joint and individual, the Decedent died.

59. As a direct and proximate result of the gross negligence and reckless disregard by the Defendants, joint and/or several, the next of kin of the Decedent, especially the Plaintiff, has suffered and continues to suffer sorrow, mental anguish, solace and loss of society, companionship, comfort and guidance.

60. As a direct and proximate result of the gross negligence and reckless disregard of the Defendants, joint and/or several, the next of kin of the Decedent, especially the Plaintiff, incurred medical expenses and burial expenses. They also incurred and continue to incur loss of income, and loss of services, protection, care and assistance expected to be performed by the Decedent, and any and all other damages that may be recoverable pursuant to Virginia law.

COUNT V – SURVIVAL OF ACTIONS

61. Plaintiff hereby incorporates all previous paragraphs and further alleges that as a direct and proximate result of the Defendants' gross negligence and intentional harm, the Decedent died. However, if the Plaintiff for any reason is unable to establish that any of the causes of action against the Defendants were not the proximate cause of the death itself, then the Plaintiff brings such causes of action as survival actions. In such event, Plaintiff seeks damages for the physical injury, pain and suffering, mental

and emotional anguish, and other injuries/damages suffered by Troy Howlett before his death.

WHEREFORE, Plaintiff Donna W. Watson, as the Personal Representative for Troy Howlett, Deceased, and as the Administrator of the Estate of Troy Howlett, demands judgment on behalf of Decedent's beneficiaries against the Defendants, joint and several, in the full and just amount of Ten Million Dollars (\$10,000,000.00) in general damages and Three Hundred Fifty-Thousand (\$350,000.00) in punitive damages, plus pre-judgment interest and post-judgment interest, attorney fees and costs assessed against the Defendants and for any and all other relief this Court deems appropriate.

TRIAL BY JURY IS DEMANDED.

Dated: July 28, 2020

Respectfully submitted,

DONNA W. WATSON

By Counsel

Mary A. McLain For Colleen M. Quinn
Colleen Marea Quinn, Esq. (VSB # 29282)
Locke & Quinn
1802 Bayberry Court, Suite 103
Richmond, VA 23226
Telephone: (804) 545-9406
Facsimile: (804) 545-9411
E-Mail: quinn@lockequinn.com
Attorney for Plaintiff