

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

GEORGIACARRY.ORG, INC., and )  
ZACHARY NELSON MEAD, )

Plaintiffs, )

v. )

RONALD STRENGTH, in his )  
Official Capacity as Sheriff of )  
Richmond County, Georgia, and )  
KADUM TOWNSEND, )  
Defendants. )

CIVIL ACTION FILE NO.

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**CERTIFICATE OF INTERESTED PARTIES  
S.D. GA. LR 3.2**

The undersigned counsel of record for all Plaintiffs certifies that the following is a full and complete list of the parties to this action:

GeorgiaCarry.Org, Inc.	Plaintiff
Zachary Nelson Mead	Plaintiff
Ronald Strength	Defendant (in his official capacity as sheriff of Richmond County, Georgia)
Kadum Townsend	Defendant

The undersigned further certifies that the following is a full and complete list of other persons, firms, partnerships, corporations, or organizations that have a financial

interest in, or another interest which could be substantially affected by, the outcome of this case (including a relationship as a parent or holding company or similar relationship):

Edward Stone	Attorney for Plaintiffs and president of Plaintiff GeorgiaCarry.Org, Inc.
John Monroe	Attorney for Plaintiffs and vice president of Plaintiff GeorgiaCarry.Org, Inc.
Matt Knighten	Secretary of Plaintiff GeorgiaCarry.Org, Inc.
Michael Menkus	Treasurer of Plaintiff GeorgiaCarry.Org, Inc.
Kelly Kennett	Director of Plaintiff GeorgiaCarry.Org, Inc.
Dean Mallis	Director of Plaintiff GeorgiaCarry.Org, Inc.
Charles Turney	Director of Plaintiff GeorgiaCarry.Org, Inc.
James Camp	Director of Plaintiff GeorgiaCarry.Org, Inc.

## **COMPLAINT**

### **I. INTRODUCTION**

- 1 . This action, under 42 U.S.C. § 1983, seeks a declaratory judgment that the detention of a person for carrying a firearm, when no suspicion of illegal conduct is reasonably articulable, is an unconstitutional seizure of the person, together with an appropriate injunction against future violations.
- 2 . Plaintiff Zachary Nelson Mead also seeks a declaratory judgment that his detention and the seizure of his property for openly carrying a pistol violated his Fourth Amendment right to be free from unreasonable seizures. He also seeks damages.

### **II. JURISDICTION & VENUE**

- 3 . This Court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. 1343. This Court has jurisdiction under the related state law claims pursuant to 28 U.S.C. § 1367.
- 4 . Venue is proper because Defendants all both located in this District and in this Division and the events giving rise to this complaint occurred in this District and in this Division.

### **III. PARTIES**

- 5 . Plaintiff GeorgiaCarry.Org, Inc. (“GCO”) is a non-profit corporation organized under the laws of the state of Georgia, whose mission is to foster the right of its members to keep and to bear arms, and GCO has members residing in Richmond County.
- 6 . Plaintiff Zachary Mead is a resident of the State of Georgia and a citizen of the United States.
- 7 . Plaintiff Zachary Mead is a member of GCO.
- 8 . Zachary Mead is enlisted in the military service of the United States.
- 9 . For all times relevant to this Complaint, Plaintiff Mead possessed a valid Georgia firearms license (“GFL”) issued pursuant to O.C.G.A. § 16-11-129.
- 10 . Defendant Kadum Townsend is a deputy of the Richmond County, Georgia Sheriff’s Department.
- 11 . Defendant Ronald Strength is the Sheriff of Richmond County, Georgia and is sued in his official capacity.

#### **IV. FACTUAL BACKGROUND**

12. On August 1, 2008, at approximately 10:00 p.m., Zachary Mead was shopping for groceries at the Kroger located at 2801 Washington Road in Augusta, Richmond County, Georgia.
13. Zachary Mead purchased his groceries and exited the store.
14. Zachary Mead had in his possession a valid GFL issued by the Richmond County Probate Judge pursuant to O.C.G.A. § 16-11-129.
15. Zachary Mead is not required to have a GFL in his possession to carry a pistol or revolver by virtue of O.C.G.A. § 16-11-130(a)(3).
16. At the time of the incident described in this Complaint, Zachary Mead was openly carrying a handgun in a holster on his belt with no garment covering the pistol, which is his habit and routine when off the military base.
17. While Zachary Mead was shopping for his groceries, Defendant Kadum Townsend, who was in uniform and sitting in a marked patrol car, received an anonymous complaint from a person in the parking lot that a “suspicious” man with a holstered pistol was buying groceries.

18. When Zachary Mead exited the store and approached his car carrying multiple bags of purchased groceries, Defendant Kadum Townsend drove up behind Zachary Mead and detained him.
19. Defendant Townsend violently and physically seized Zachary Mead's handgun, a Beretta model 92 Steel-I, from its holster and walked away to his patrol car.
20. When Zachary Mead protested, Defendant Townsend threatened him with arrest if he did not "shut it" and told Zachary Mead that it was illegal to openly carry a handgun in Georgia and pursuant to local ordinances.
21. Defendant Townsend, at the time he made the stop, completely lacked any reasonable suspicion or probable cause to believe that Zachary Mead was committing or was about to commit a crime.
22. Defendant Townsend obtained from Zachary Mead his firearms license, drivers license, and military identification. Defendant Townsend also demanded proof of ownership of the handgun.
23. When Zachary Mead failed to provide proof of ownership, Defendant Townsend declared that he would keep the handgun.

24. Defendant Townsend ran the serial number of the handgun through the Georgia Crime Information Center Criminal Justice Information System to determine whether it was stolen and received a report back that it was not stolen.
25. After some discussion, Defendant Townsend released Zachary Mead but kept his handgun, magazine, and 10 rounds of ammunition.
26. On September 9, 2008 Zachary Mead went to the Richmond County Sheriff's Department, where an investigator informed him that the Sheriff's Department no longer has possession of his handgun, which the Sheriff's Department "sent to the Georgia Bureau of Investigation for analysis," as is their policy or custom whenever a handgun is seized.
27. Defendant Strength is responsible for the operation of the Richmond County Sheriff's Department, including its operations, training, and property retention procedures.
28. Richmond County has an official policy or custom of detaining citizens who are observed carrying a handgun.

29. Defendant Townsend was acting under color of state law when he detained Zachary Mead, seized his handgun, ran the serial number, and confiscated the handgun.

**Count 1 — Violations of the Fourth, Fifth, and Fourteenth Amendments**

30. By detaining Plaintiff Mead in the absence of a reasonable and articulable suspicion that Plaintiff Mead was committing or was about to commit a crime, Defendants proximately caused a violation of Plaintiff Mead's right to be free from unreasonable searches and seizures.

31. By seizing Plaintiff Mead's handgun without a justification to detain Plaintiff Mead and without a reasonable, articulable suspicion that Plaintiff Mead was dangerous to Defendant Townsend or others, Defendants proximately caused a violation of Plaintiff Mead's right to be free from unreasonable searches and seizures.

32. By seizing Plaintiff Mead's Beretta 92 Steel-I without probable cause to believe it was contraband or evidence of a crime, Defendants proximately caused a violation of Plaintiff Mead's right to be free from unreasonable searches and seizures.



33. By running the serial number on Plaintiff Mead's handgun without reasonable suspicion or probable cause to believe that it was stolen, Defendants proximately caused a violation of Plaintiff Mead's right to be free from unreasonable searches and seizures.
34. By retaining Plaintiff Mead's handgun beyond the duration of the stop when it was not contraband or evidence of a crime, Defendants acted in reckless disregard of Plaintiff Mead's right to be free from unreasonable searches and seizures and deprived Plaintiff Mead of his property without due process of law.

**Prayer for Relief**

Plaintiffs demand the following relief:

35. A declaration that Defendants' policies of detaining Richmond County citizens observed merely carrying a firearm violates such citizens' Fourth Amendment rights and that carrying a firearm does not constitute, by itself, a reasonable, articulable suspicion that a crime has occurred or is about to occur.
36. An injunction prohibiting Defendants from detaining anyone seen carrying a firearm, absent a reasonable, articulable suspicion that a crime has occurred or is about to occur.

37. A declaration that Defendants violated Plaintiff Mead's Fourth Amendment rights by seizing his handgun and running the serial number absent a reasonable, articulable suspicion that a crime has occurred or is about to occur and that he was a danger to Defendant Townsend or others.
38. A declaration that Defendants violated Plaintiff Mead's Fourth and Fifth Amendment rights by seizing his handgun, magazine, and ammunition beyond the duration of the stop without probable cause to believe that it was contraband or evidence of a crime.
39. Damages in an amount to be determined at trial
40. Costs of bringing and maintaining this action, including reasonable attorney's fees.
41. A jury to try this case.
42. Any other relief the Court deems proper.

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