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**IN THE UNITED STATES DISTRICT COURT FOR THE
THE DISTRICT OF OREGON
EUGENE DIVISION**

JESSE LEE JOHNSON,

No.:

Plaintiff,

v.

DETECTIVE MIKE QUAKENBUSH,
DETECTIVE DONALD CRAIG
STOELK, UNKNOWN SALEM POLICE
DEPARTMENT OFFICERS, and the
CITY OF SALEM,

JURY TRIAL DEMANDED

Defendants.

COMES NOW Plaintiff JESSE LEE JOHNSON, by and through his
attorneys LOEVY & LOEVY, hereby complaint against Defendants, DETECTIVE
MIKE QUAKENBUSH, DETECTIVE DONALD CRAIG STOELK, UNKNOWN
SALEM POLICE DEPARTMENT OFFICERS and the CITY OF SALEM, and allege
and claim as follows:

INTRODUCTION

1. Plaintiff Jesse Lee Johnson spent over 25 years incarcerated,
including 17 of those years on death row, for a crime that he did not commit—the
1998 murder of Harriet Thompson.

2. Johnson was convicted of a crime he did not commit because, among
other things, the Defendants fabricated and suppressed evidence in violation of

1 Johnson's rights under the United States Constitution and Oregon State law.

2 3. After maintaining his innocence for 25 years, Johnson was exonerated
3 when his conviction was vacated, and the Marion County District Attorney's Office
4 unilaterally dismissed all charges against him.

5 4. Though nothing can bring back that time, Johnson now brings this
6 action to redress the devastating injuries that Defendants caused him.

7 **PARTIES**

8 5. Plaintiff Jesse Lee Johnson is a resident of Little Rock, Arkansas
9 but lived in Salem before he was wrongfully convicted and spent decades
10 imprisoned in the State of Oregon.

11 6. Detective Mike Quakenbush, Detective Donald Craig Stoelk, and
12 other Unknown Salem Police Department officers were involved in the
13 investigation, arrest, or prosecution of Jesse Johnson for the murder of Harriet
14 Lavern Thompson. (the "Defendant Officers"). The Unknown Salem Police
15 Department Officers include but are not limited to those who (1) spoke with Patricia
16 Hubbard, as described below; (2) participated in interviewing or interrogating
17 witnesses along side of Defendants Quakenbush and/or Stoelk; and (3) those who
18 participated in any lineup procedures with Defendants Quakenbush and/or Stoelk,
19 including any but not limited to any officer present when Defendant Quakenbush
20 spoke with witness Gustafson, described below.

21 7. At all times relevant, the Defendant Officers acted under the color of
22 law and within the scope of their employment pursuant to the statutes, ordinances,
23 regulations, policies, customs, and usage of Marion County and the State of Oregon.
24 Upon information and belief, the Defendant Officers are entitled to indemnification
25 under statute and by contract.

1 8. Defendant City of Salem is a municipal entity in the State of Oregon
2 that operates and runs the Salem Police Department (SPD), which employed the
3 Defendant Officers. The City of Salem is responsible for the policies, practices, and
4 customs of the SPD, and the actions of the Defendant Officers were the result of
5 Salem's policies, practices, customs, or attendant lack thereof. The City of Salem is
6 liable for all state law torts committed by the Defendant Officers while they were
7 employed by the SPD pursuant to the doctrine of *respondeat superior*.

8 **JURISDICTION AND VENUE**

9 9. This Court has jurisdiction over Plaintiff's federal claims pursuant
10 to 28 U.S.C. § 1331, and supplemental jurisdiction over his state-law claims
11 pursuant to 28 U.S.C. § 1367.

12 10. Venue in this court is proper under 28 U.S.C. § 1391(b) and District
13 of Oregon Local Rule 3.2B because the events giving rise to Plaintiff's claims
14 occurred within Marion County, Oregon, which is situated within the jurisdictional
15 boundaries of the Eugene Division of the District of Oregon and because one or more
16 of the parties reside within this district and division.

17 **FACTUAL ALLEGATIONS**

18 **A. The Murder of Harriet Thompson**

19 11. The entire night of March 19th into March 20th, 1998, Plaintiff
20 Johnson was with his then-girlfriend at her home. They spent the entire evening
21 together and, among other things, watched the Kevin Costner movie *Waterworld*
22 that night.

23 12. Meanwhile, Ms. Thompson was in the throes of drug addition, which
24 also caused her to be in substantial debt to drug dealers and others. Something was
25 seriously wrong.

1 13. On March 19, 1998, Thompson repeatedly called people related to
2 her situation, including expressing that she did not want to be alone and was very
3 nervous. Thompson also had several visitors to her home, including drug dealers —
4 the very people she may have been afraid of and whom she understood possessed
5 the means and willingness to cause her serious harm.

6 14. Completely unbeknownst to Johnson, around 4:00-4:30 am of March
7 20, 1998, Harriet Thompson was stabbed to death in her apartment in Salem,
8 Oregon.

9 15. Johnson was not involved in Ms. Thompson's murder in any way
10 whatsoever.

11 16. The crime was loud and violent. Neighbors heard screams, loud
12 bangs, and some even heard cries for help.

13 17. At around 10:45 a.m. the morning of March 20th, Ms. Thompson
14 was found dead in her apartment by her landlord.

15 18. Thompson had been stabbed in the hand, arm, head, and back. The
16 killer also struck her chest with a knife and slashed her throat, causing her to bleed
17 out through her jugular vein.

18 19. The Salem Police Department investigated the crime. Officers were
19 dispatched to the scene and learned it was extremely messy.

20 20. SPD officers—including the Defendant Officers—were responsible
21 for collecting evidence.

22 21. The dining room was completely soaked with blood. The first
23 responders saw bloody footprints leading away from the body, which they
24 understood likely belonged to the perpetrator (or perpetrators).

25 22. Investigators also saw evidence the killer (or killers) had tried—

1 albeit very poorly—to clean up. There was blood in the sink. A chef's knife appeared
2 to have been stepped on and snapped, and two knives were in the toilet. There was
3 a wet plunger in the dining area with blood on it.

4 23. Defendant Officers collected blood samples from the towels in the
5 bathroom and dried blood in the sink, took a large clump of hair from the bedroom
6 and clumps of hair from underneath Thompson's bra, swabbed Thompson's vagina
7 which contained sperm, and collected other evidence.

8 24. None of the bloody evidence or evidence collected from the knives or
9 Ms. Thompson's body matched or linked to Johnson in anyway.

10 25. Autopsy confirmed the knives located at the residence—which the
11 perpetrator (or perpetrators tried to either discard or clean—were the murder
12 weapons.

13 **B. The Police Investigation Is Singularly Focused on Johnson, Despite**
14 **Evidence of His Innocence and Despite Evidence Pointing to Drug**
15 **Dealers Who Thompson Owed Money As Potential Suspects**

16 26. Defendant Detectives Quakenbush and Stoelk were the lead
17 investigators from SPD. Upon information and belief, as lead investigators,
18 Defendants Quakenbush and Stoelk were either directly involved in or apprised of
19 the investigative steps taken by all SPD officers, information received from other
20 agencies (like the Oregon State Police, which conducted forensic testing, or the
21 medical examiner, which conducted the autopsy).

22 27. Defendant Officers spoke with individuals involved in the drug
23 scene, including Ms. Thompson's dealer, and other people who frequently interacted
24 with Ms. Thompson (*i.e.*, people to whom Thompson likely owed substantial debts).

25 28. The Defendant Officers, and Defendants Quakenbush and Stoelk
specifically, determined that the suspect for the case would be a black man. They

1 refused to consider or countenance that a white person had committed the crime or
2 were simply indifferent to that fact.

3 29. As a result, Defendants Quakenbush and Stoelk engaged in bizarre
4 and unfair investigative practices that were a departure from established policing
5 standards. For example, in speaking to one of Ms. Thompson's dealers, who claimed
6 to have seen people at Thompson's home at her house *long before and unrelated to*
7 the murder, the Defendant Officers began showing him pictures of black men, and
8 only black men. The officers showed him myriad pictures, including numerous
9 pictures of Plaintiff. The dealer pointed to five of these pictures. Including repeated
10 pictures of Plaintiff was unfair, suggestive, and contaminating.

11 30. Even though the drug dealer was not a witness to the crime (and
12 may have been a proper suspect himself), and even though the dealer did not claim
13 to actually be a eyewitness to the crime or events associated with the crime
14 whatsoever, when the dealer pointed to five pictures of Johnson as someone he
15 recognized, the Defendant Officers exclusively focused their sights on Johnson.

16 31. There were other investigative leads at the time of the conversation
17 with the dealer—indeed, including those pertaining to the dealer himself or others
18 whom Ms. Thompson may have owed serious drug debts—all of those leads were
19 abandoned in favor of targeting Johnson.

20 **C. Defendants Arrest Johnson, Ignore His Innocence, Fabricate**
21 **Evidence Against Johnson, and Suppress Favorable Information**

22 32. Defendants did not have probable cause or a warrant to suspect or
23 seizure Plaintiff for the homicide but decided to arrest and interrogate him anyway.

24 33. On March 27, 1998, Defendants Quakenbush and Stoelk arrested
25 Johnson for the purpose of conducting a custodial interrogation about the Thompson
homicide. They had no warrant to arrest him for that offense.

1 34. Defendants Quakenbush and Stoelk, still without a warrant, seized
2 Johnson's boots and other clothing.

3 35. In the interrogation that followed, Defendants Quakenbush and
4 Stoelk revealed to Johnson that they believed he committed the murder, accusing
5 him of being a killer rather than conducting a search for the truth. The questioning
6 was guilt-presumptive and threatening.

7 36. When Johnson truthfully denied not knowing about the murder—
8 *i.e.*, by professing his innocence— Defendants Quakenbush and Stoelk rejected his
9 denials. When Johnson invoked his right to silence by not answering questions,
10 Defendants Quakenbush and Stoelk later claimed his silence was evidence of guilt.

11 37. Having decided Johnson was the murderer, Stoelk and Quakenbush
12 set out to find or create evidence that would implicate Johnson while suppressing
13 evidence that could have been used in his favor.

14 38. For example, after Johnson was arrested, Defendant Officers
15 learned that Johnson had some interactions with a drug-involved person referred to
16 as "Shorty."

17 39. Plaintiff had interacted with Shorty in March 1998, after Thompson
18 was murdered. During that interaction, Plaintiff never made any sort of inculpatory
19 statement about Thompson's murder (that he did not commit).

20 40. Nonetheless, the Defendant Officers arrested Shorty, and they
21 fabricated false inculpatory evidence against Plaintiff through both promises and
22 pressure. As to promises, Defendant Quackenbush told Shorty that if Shorty
23 answered the questions he asked, in the way he wanted him to answer them (*i.e.* by
24 implicating Johnson), he would make sure no criminal charges were filed against
25 Shorty. On the flipside, the Defendant Officers pressured Shorty by threatening to

1 charge him with murder if he did not falsely implicate Johnson.

2 41. The result: a fabricated “confession” was created, whereby Shorty
3 falsely claimed that Johnson told him he “offed the bitch [Ms. Thompson] to rob
4 her.”

5 42. Even though the Defendant Officers learned from another witness
6 who was with Johnson when he encountered Shorty that he had not made any sort
7 of statements about being violent to Thompson, they pressed on with their
8 fabricated
9 “confession” story.

10 43. As a result, Defendant Officers doubled down and fabricated
11 *additional* evidence against Plaintiff and sought to sure-up their fake “offed-the-
12 bitch” claim. For example, after learning that Shorty had expressed the truth—*i.e.*,
13 that Johnson had not said anything violent about Thompson—Defendant
14 Quakenbush had Shorty taken to the Salem Police Department; an act of
15 intimidation and a reminder of the threats and promises previously made.

16 44. In addition, Defendants Quakenbush and Stoelk conducted another
17 interrogation of Plaintiff.

18 45. Johnson again told the officers—truthfully—he was innocent and
19 had not killed Thompson.

20 46. In fabricating evidence, Defendant Stoelk repeatedly insisted to
21 Johnson that Shorty provided a statement inculcating Johnson. In misconstruing
22 and misrepresenting what Johnson said, these Defendants falsely claimed that
23 Johnson had confirmed the “offed-the-bitch” confession to Shorty, even though that
24 claim was not true.

25 47. Another example of the Defendant Officers’ knowledge of Plaintiff’s

1 innocence, their suppression of favorable information, and fabrication of evidence,
2 the Defendant Officers is their interactions with a man named Fred Gustafson.

3 48. Gustafson, upon independently learning about Thompson's murder,
4 had reached out the Defendant Officers to arrange an interview and express his
5 concerns that a drug dealer had killed Thompson.

6 49. Gustafson was in a unique position to be able to provide information
7 about potential suspects, as he was familiar with the Salem drug scene, was one of
8 a few of the people in the community who had a car, and who had gone to
9 Thompson's home in the hours before she was tragically murdered. In one of those
10 insatances, Thompson introduced Gustafson to an allegedly new "roommate."

11 50. Rather than listen to that information and investigate this drug
12 dealer, the Defendant Officers pressured Gustafson to identify Johnson as a
13 "roommate" who Thompson had introduced Gustafson to that evening. The
14 Defendant Officers, including Defendant Quakenbush presented Gustafson with a
15 photo lineup that included Johnson and asked him if he could identify any of
16 Thompson's potential roommates. Gustafson said "no" twice.

17 51. Gustafson also said he had never seen Johnson in the apartment.

18 52. Moreover, Gusftafson indicated to the Defendant Officers, including
19 Defendant Quakenbush specifically, that he did not want to be mentioned in any
20 reports because he was afraid of drug dealers, including a drug dealer with a "hit
21 man" from Portland staying in Salem at the time and who had, at Thompson's
22 funeral, made an inculpatory statement about the crime scene.

23 53. The Defendant Officers would not relent in pointing to Johnson and
24 took efforts to arouse the fears of Gustafson as being labeled a "snitch"—something
25 that would likely make him unavailable as an exculpatory witness for Johnson. In a

1 third meeting, including Defendant Quakenbush and at least one other detective,
2 the Defendant Officers lied and told Gustafson that a drug dealer already identified
3 Johnson, and it would be financially advantageous to Gustafson if he did the same.

4 54. Gustafson refused to falsely identify Johnson.

5 55. As another example, the Defendant Officers fabricated evidence,
6 including in their reports, by writing that Plaintiff's girlfriend had made
7 inculpatory statements about Plaintiff's clothing when it was seized, suggesting
8 some sort of bizarre behavior or consciousness of guilt, which was simply false.

9 56. The Defendant Officers did not—and still have not—disclosed the
10 full extent of their knowledge of exculpatory information they had about Plaintiff,
11 about the scope of their tactics (which could have been used to impeach their
12 testimony), and their efforts to falsely generate purportedly inculpatory evidence
13 against Plaintiff.

14 57. In fact, Defendant Stoelk was permitted to have—and maintained—
15 a personal unwritten policy of not documenting contemporaneous statements.

16 58. Ultimately, the Defendants knew they were both grasping for straws
17 and building a false case, rather than conducting a search for the truth. This bled
18 over to their interactions with the Oregon State Crime Laboratory. That lab works
19 with law enforcement agencies to process evidence and is supposed to be entirely
20 neutral and provide scientific results regardless of who the suspect is or is not.

21 59. Upon information and belief, Detective Quakenbush was in charge
22 of the communications between the Oregon State Crime Lab and the Salem Police
23 Department for the Johnson case.

24 60. Upon information and belief, an internal document from Oregon
25 State Crime Laboratory reveals Defendants' bias and attempts to sway the lab,

1 indicating stated “suspect believed to be Johnson. “Need to tie him to scene . . .
2 hoping to find suspect blood on items belonging in apartment.”

3 61. While the Defendant Officers (and perhaps others) presumed
4 Johnson’s guilt, the actual DNA evidence results told a very different story.

5 62. The boot prints at the crime scene were in blood, but there were no
6 traces of blood on Johnson’s boots that the police seized. Additionally, the crime lab
7 reports did not conclude that the bloody boot prints and Johnson’s boot prints
8 matched.

9 63. There were sneaker prints at the crime scene, but Johnson was
10 excluded.

11 64. Johnson was excluded as the source of the blood spot on the
12 bathroom sink.

13 65. Johnson was also excluded as the source of clumps of that hair were
14 found under Thompson’s bra at the time of her death.

15 66. Johnson was also excluded as the source of the semen found inside
16 Thompson at the time of her death.

17 67. Johnson was also excluded as a contributor of DNA from the handle
18 of one of the murder weapons.

19 68. Johnson was also excluded as a contributor of DNA from the
20 plunger.

21 **D. The Defendant Officers Worked Together to Cause Johnson to Be**
22 **Unlawfully Prosecuted and Convicted for a Murder He Did Not**
23 **Commit.**

24 69. Though Defendant Detective Quakenbush was listed as the “lead”
25 investigator for the Thompson homicide, he worked hand-in-hand with Defendant
Detective Stoelk in every aspect of the investigation. Defendant Sttoelk, who had

1 been at the crime scene the day Thompson's body was discovered, worked with
2 Defendant Quakenbush in writing and reviewing reports, in crafting the narrative
3 that would (falsely) implicate Johnson in the crime, in fabricating evidence, and in
4 suppressing favorable evidence from Johnson that impacted his criminal
5 proceedings.

6 70. As a result, Defendants Quakenbush and Stoelk agreed—
7 repeatedly—to seek Plaintiff's prosecution even though there was no probable cause
8 and in violation of his constitutional rights.

9 71. Given these circumstances, both Defendants Quakenbush and
10 Stoelk were aware of the misconduct they committed jointly and individually and
11 both had the opportunity to intercede to stop the violation of Johnson's rights but
12 they refused to do so.

13 72. To this end, both Defendants Quakenbush and Stoelk both claimed
14 that they had a warrant to seize Plaintiff's clothing after he had been arrested and
15 interrogated. These claims, as the original trial court recognized, were false. There
16 was no such warrant and Defendants Quakenbush and Stoelk lied in their reporting
17 and testimony to mislead and taint the prosecution. were the lead investigators on
18 the case, they worked with the other Defendant Officers in seeking Johnson's
19 indictment and conviction.

20 73. Plaintiff was indicted for the Thompson homicide, despite his
21 innocence, and as a result of the conduct of the Defendant Officers.

22 74. There was no probable cause to suspect Plaintiff in the crime and
23 the evidence against him—primary of which was the claim he "confessed" to Shorty
24 and then confirmed that to the Defendant Officers—was entirely fabricated by the
25 Defendants.

1 75. Had Defendants revealed the full extent of the favorable information
2 they had about Johnson, and the extent of their misconduct, Johnson would have
3 never been charged with Thompson's murder.

4 76. Instead, Defendants put false and misleading information in their
5 reports and even lied in court to misdirect and taint the proceedings.

6 77. Even though no non-fabricated evidence pointed to Johnson as a
7 suspect, in 2004, after spending five years and six months in the Marion County
8 Jail without trial, Johnson was tried for aggravated murder and robbery in the first
9 degree.

10 78. Prior to trial, the prosecution offered a plea deal to Johnson of a 15-
11 year prison sentence in exchange for a guilty plea to manslaughter and robbery.
12 Johnson rejected the offer, insisting on his innocence.

13 79. At trial, the evidence fabricated by Defendants was used against
14 Johnson to his detriment, and to cause his wrongful conviction.

15 80. Johnson maintained his innocence and lack of involvement in
16 Thompson's murder.

17 81. Nevertheless, Johnson was sentenced to death. At his sentencing
18 hearing Johnson again professed his innocence, stating: "I did not kill Harriet."

19 82. On direct review by the Oregon Supreme Court, both Johnson's
20 convictions and death sentences were affirmed. The conviction became final.

21 **E. Additional Evidence of Misconduct, Racism, and Plaintiff's**
22 **Innocence**

23 83. The Defendant Officers were able to secure Plaintiff's conviction on
24 the notion that he had "confessed" to Shorty and confirmed that to them, but also by
25 pointing to a witness who says he saw a black man walking in the area sometime
well after the murder. Though the witness had zero information about the crime, or

1 about the black man, his testimony was seen as inculpatory to Johnson.

2 84. However, the police knew—and did not fully disclose their
3 knowledge of—witnesses who reported seeing a white man fleeing the scene. For
4 example, a newspaper carrier Janelle Osborne saw a white man running from
5 Thompson’s apartment.

6 85. After trial, Plaintiff for the first time learned that the Defendant
7 Officers had spoken to a witness, Patricia Hubbard, at least twice.

8 86. Ms. Hubbard was Thompson’s neighbor, who worked a late shift and
9 was up at the time, smoking on her porch, when Thompson was killed. Ms. Hubbard
10 saw a white man park his black van in Thompson’s driveway and go inside. Seconds
11 later, Hubbard heard screaming coming from Thompson’s house, a thud and then
12 silence. Hubbard then saw the same white man running out of the house. This
13 white man was familiar to Hubbard, as he had been to Thompson’s home regularly.

14 87. The first time Hubbard spoke with the Defendant Officers, including
15 either the named Defendant Officers and/or Unknown Salem Police Department
16 Officers, she was told they did not need this information, as they would not be
17 pursuing any white suspects.

18 88. The second time Hubbard spoke to SPD she spoke with at least one
19 detective—who was one of the Defendant Officers and/or an Unknown Salem Police
20 Department Officer. In this encounter, the SPD officers were more explicit about
21 the reasons they would not be pursuing a white suspect or going to document her
22 observations. This included telling Hubbard something to the effect of: “A nigger
23 died, a nigger is going to pay for it.”

24 89. This attituded reflected the entire investigative framework of the
25 Defendant Officers, led by Defendants Quakenbush and Stoelk, and was consistent

1 with the customs and practices of the Salem Police Department.

2 90. If the Salem Police Department actually had customs or policies that
3 prohibited racist policing on the ground, Hubbard would not have been disregarded.

4 91. Indeed, to this day, Defendant Quakenbush openly defends
5 targeting Johnson due to his blackness rather than considering whether the
6 perpetrator was a white man.

7 92. The Defendant Officers did not include any of this information—
8 both what Hubbard said *and* their responses thereto—in any police reports. Though
9 Johnson had been targeted and made a suspect on the basis of his race, the
10 Defendant Officers did not disclose these interactions or misconduct in anyway.

11 93. It was not surprising to Salem that Johnson was targeted by the
12 Defendant Officers on account of his race. For example, Defendant Quakenbush had
13 previously been written up before for saying the “N-word” during an investigation
14 but was never disciplined for this incident. Defendant Stoelk, for his part, was
15 widely viewed as a racist police officer, even by those otherwise supportive of SPD
16 and its officers.

17 94. Additionally, Defendants did not reveal their unduly suggestive
18 lineup procedures used with Gustafson before the criminal prosecution, and they
19 did not disclose their bias in trying to pressure him, Shorty, and perhaps others to
20 provide inculpatory information about Johnson even if untrue.

21 95. Defendants also failed to disclose the entirety of alternative suspect
22 evidence, including about drug dealers, hit men from Portland, and other people
23 they spoke to, that showed Johnson’s innocence and pointed to other perpetrators.

24 **F. Post-Conviction Proceedings**

25 96. In 2021, the Oregon Court of Appeals overturned Johnson’s

conviction and ordered a new trial.

97. Johnson remained imprisoned after his conviction was overturned, while prosecutors decided whether to retry the case.

98. After his conviction was overturned and while his case was pending retrial, prosecutors offered Johnson immediate release from jail if he pled no contest to manslaughter. Johnson refused.

99. Johnson refused to accept any plea deals during his 25 years in prison.

100. On September 5, 2023, the Marion County District Attorney's office unilaterally moved to dismiss the charges against Johnson. The motion was granted and Johnson was freed from imprisonment the same day.

G. Johnson's Profound Damages

101. Johnson was convicted for a crime he did not commit at 37 years old and released at 62 years old. He missed out on the prime years of his life.

102. During his incarceration, Johnson was further deprived of the ability to interact freely with his loved ones; to be present for holidays, births, deaths, and other life events; to pursue his passions and interests; to engage in meaningful labor; and to live freely as an autonomous being.

103. All told, having been arrested on March 27, 1998, and continuously confined by the State of Oregon until September 5, 2023, Johnson spent for 9,293 days wrongfully imprisoned—*i.e.*, 25 years, 5 months, and 9 days—as a result of Defendants misconduct.

104. Roughly 17 of those years were spent with the agony and fear that comes from knowing the government is attempting to execute you and that, should your litigation fail, you may be killed by the state for something you did not do.

1 That type of harm is unbefitting for a civilized culture but happened to Plaintiff on
2 account of Defendants' actions.

3 105. While imprisoned, Johnson steadfastly maintained his innocence
4 from the time of his arrest in 1998—turning down multiple plea deals in the
5 process—and continues to maintain his innocence to this day.

6 106. In addition to causing the severe trauma of Johnson's wrongful
7 imprisonment and loss of liberty, the government misconduct caused and continues
8 to cause Johnson extreme physical and psychological pain and suffering,
9 humiliation, constant fear, anxiety, deep, depression, despair, rage, and other
10 physical and psychological effects.

11 107. The government's and police department's misconduct further
12 caused and continues to cause Johnson's loss of reputation in his community.

13 **H. Salem's Policies and Practices Caused Johnson Harm**

14 108. Oregon's history is marked by laws explicitly designed to exclude
15 black individuals.

16 109. For example, in 1844 Oregon passed an Exclusion law, which
17 disallowed any black person from settling in Oregon.

18 110. In the 1920's Oregon had the highest per capita membership of the
19 Ku Klux Klan in the United States. Their influence extended into politics and law
20 enforcement and promoted white supremacist ideologies.

21 111. The violation of Johnson's constitutional rights in 1998 and into the
22 2000s were not mere accidents or anomalies of some bygone era in Oregon's past.
23 Instead, the violation of Johnson's rights—including the explicit targeting of Johnson
24 on the basis of his race—constitute a translation of prior practices in modern times.

25 112. From top to bottom, the City of Salem permitted its officers to

1 engage in a race-based homicide investigation; it has learned of the specific
2 targeting of Johnson on account of his race; and it has approved of the, and thus
3 ratified, conduct of the Defendant Officers.

4 113. In addition, the City of Salem's policies, practices, and/or customs were
5 obviously deficient and contributed to the violation of Johnson's constitutional
6 rights. The City failed to adopt adequate procedural safeguards concerning the
7 suppression of material evidence; the fabrication of evidence; the prosecution of
8 individuals in the absence of probable cause; and other law enforcement functions
9 that violated Johnson's constitutional rights. Had such safeguards been adopted,
10 Johnson would not have been prosecuted let alone convicted.

11 114. Defendants withheld material exculpatory and/or impeachment
12 evidence as alleged above, and did so pursuant to Defendants' policies, practices,
13 and/or customs that permit the suppression of such evidence, even where it would
14 obviously be exculpatory and/or impeaching, as it was here.

15 115. The deeply flawed investigation of the Thompson murder also itself
16 illustrates that the City of Salem failed to adequately train its officers on important
17 and basic police duties concerning the constitutional rights of criminal suspects,
18 including as it relates to the conduct of interrogations, the use of photographic
19 identification procedures, the disclosure of favorable information, the fabrication of
20 evidence, and the need for truthfulness on the job and in reporting.

21 116. The violations of Johnson's constitutional rights were approved of
22 and ratified by Defendants and/or by the final policymaker for Defendants such that
23 the actions of the individual agents and employees constitute the official policy,
24 practices, and/or customs of Defendants.

25 117. These acts were committed, or ratified, by officials whose acts fairly

1 represent official policy such that the challenged action constituted official policy.

2 118. These unlawful acts were, furthermore, the result of longstanding
3 policies, practices, or customs that constitute the standard operating procedure of
4 Defendant Salem Police Department.

5 119. Indeed, Johnson is not the only person wrongfully convicted as a
6 result of a murder in Salem. For example, following a 1989 murder, Frank Gable
7 was wrongfully convicted in 1991 for murder. As here, Gable's wrongful prosecution
8 and conviction involved the suppression of exculpatory information that would have
9 shown he was innocent and that he could have used to undermine the testimony of
10 the State's witnesses.

11 120. It was obvious in 1998, when Johnson was arrested, that the City of
12 Salem needed further procedures, training, and discipline to control the conduct of
13 its officers. As a result, the City was deliberately indifferent to the necessity of
14 additional procedures, training, supervision, and discipline as it relates to core
15 investigative functions in homicide cases.

16 **COUNT I**
(Due Process, Fourteenth Amendment, All Defendants)

17 121. Johnson incorporates each paragraph of this Complaint as if fully
18 restated here.

19 122. In the manner more fully described above, Defendants, while acting
20 individually, jointly, and/or in conspiracy with each other, as well as under color of
21 law and within the scope of their employment, deprived Johnson of his
22 constitutional right to due process and his right to a fair trial.

23 123. In the manner described more fully above, Defendants fabricated
24 false evidence and suppressed and failed to preserve favorable and exculpatory
25 information, thereby misleading and misdirecting the Thompson murder

1 investigation and tainting the criminal prosecution of Plaintiff.

2 124. In addition, based on information and belief, Defendants concealed
3 additional favorable information—including about their own misconduct and the
4 fabrication of evidence—that still has not been fully revealed to Plaintiff.

5 125. Defendants also continued their investigation of Plaintiff despite the
6 fact that they knew of—or were deliberately indifferent to—his innocence, and the
7 results of the investigation were used to cause Plaintiff's prosecution and conviction.

8 126. Defendants also fabricated evidence by using investigative
9 techniques, including threats and false promises, they knew were likely to generate
10 unreliable, false evidence.

11 127. Defendants' misconduct described in this Count directly resulted in
12 Johnson's unjust and wrongful criminal prosecution and conviction, deprived him of
13 his liberty, and denied him his constitutional right to a fair trial guaranteed by the
14 Fourteenth Amendment. Absent this misconduct, Johnson's prosecution could not
15 and would not have been pursued, and he would not have been convicted.

16 128. The misconduct described in this count was objectively unreasonable
17 and was undertaken intentionally with reckless indifference to the rights of others,
18 and with disregard for the truth and Johnson's innocence.

19 129. Plaintiffs' injuries were caused by the policies, practices, and
20 customs of Defendant City of Salem.

21 130. At all times relevant and material to this action, and for a period of
22 time before and after, Salem failed to promulgate proper or adequate rules,
23 regulations, policies, and procedures governing the collection, documentation,
24 preservation, testing, and disclosure of evidence, including physical evidence;
25 writing of lab reports; and the maintenance of files and disclosure of those files in

1 criminal proceedings by agents and employees of Salem.

2 131. In addition, or alternatively, Salem failed to promulgate proper and
3 adequate rules, regulations, policies, and procedures for the training and
4 supervision of agents and employees with respect to the collection, documentation,
5 preservation, testing, and disclosure of evidence, including physical evidence;
6 writing of lab reports; and the maintenance of files and disclosure of those files in
7 criminal proceedings.

8 132. Had Salem promulgated appropriate rules, regulations, policies, and
9 procedures, then the violation of Johnson's constitutional rights would have been
10 prevented.

11 133. In addition, at all times relevant and material to this action, and for
12 a period of time before, Salem had notice of practices and customs by its agents and
13 employees pursuant to which individuals suspected of criminal activity, like
14 Johnson, were deprived of exculpatory and favorable evidence, falsely charged,
15 subjected to the fabrication of evidence, and prosecuted with false evidence.

16 134. These practices and customs, individually and/or together, were
17 allowed to flourish because the leaders, supervisors, and policymakers of Salem
18 directly encouraged and were thereby the moving force behind the very type of
19 misconduct at issue by failing to adequately train, supervise, and control their
20 officers, agents, and employees on proper techniques and by failing to adequately
21 punish and discipline prior instances of similar misconduct, thus directly
22 encouraging future abuses like those affecting Johnson.

23 135. The above practices and customs, so well settled as to constitute *de*
24 *facto* policies of Defendants, were able to exist and thrive, individually and/or
25 together, because policymakers with authority over the same exhibited deliberate

1 indifference to the problem, thereby effectively ratifying it.

2 136. In addition, the misconduct described in this claim was undertaken
3 pursuant to Defendants policies and practices in that the constitutional violations
4 committed against Johnson were committed with the knowledge or approval of
5 persons with final policymaking authority for Defendants or were actually
6 committed by persons with such final policymaking authority.

7 137. As a result of the misconduct described in this count, Johnson
8 suffered loss of liberty, great mental anguish, humiliation, degradation, physical
9 and emotional pain and suffering, and other grievous and continuing injuries and
10 damages.

11 **Count II**
Unlawful Detention and Prosecution Without Probable Cause
(Fourth Amendment, All Defendants)

12 138. Johnson incorporates each paragraph of this Complaint as if fully
13 restated here.

14 139. In the manner described more fully above, Defendants, while acting
15 individually, jointly, and in conspiracy with one another, as well as under color of
16 law and within the scope of their employment, accused Plaintiff of criminal activity
17 and exerted influence to initiate, continue, and perpetuate judicial proceedings
18 against Plaintiff without any probable cause for doing so and in spite of the fact that
19 they knew Plaintiff was innocent, in violation of his rights secured by the Fourth
20 Amendment.

21 140. In so doing, these Defendants caused Plaintiff to be deprived of his
22 liberty without probable cause and subjected improperly to judicial proceedings for
23 which there was no probable cause in violation of the Fourth Amendment.

24 141. Defendants initiated and continued judicial proceedings against
25 Plaintiff without probable cause, resulting in injury.

1 142. The criminal proceedings terminated in Plaintiff's favor when the
2 charges were dismissed.

3 143. The misconduct described in this Count was objectively
4 unreasonable and was undertaken intentionally with reckless indifference to the
5 rights of others, and with disregard for the truth and Johnson's innocence.

6 144. As a result of Defendants' misconduct described in this Count,
7 Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation,
8 physical and emotional pain and suffering, and other grievous and continuing
9 injuries and damages as set forth above.

10 145. The misconduct described in this Count by Defendants was
11 undertaken pursuant to the policies and practices of the City of Salem, in the
12 manner more fully described above.

13 **COUNT III**
14 **Illegal Seizure in Violation of the Fourth Amendment**
 (Defendants Quakenbush, Stoelk, and Salem)

15 146. Johnson incorporates each paragraph of this Complaint as if fully
16 restated here.

17 147. In the manner described more fully above, Defendants Quakenbush
18 and Stoelk, while acting individually, jointly, and/or in conspiracy with each other,
19 as well as under color of law and within the scope of their employment, deprived
20 Plaintiff of his Fourth Amendment constitutional right to his own property when,
21 without a warrant, they unlawfully seized items belonging to Plaintiff.

22 148. Defendants had a duty to properly obtain a warrant before seizing
23 Johnson's property.

24 149. Defendants seized Johnson's property without a warrant and then
25 lied under oath about their actions.

150. The misconduct alleged above was objectively unreasonable and was undertaken intentionally with reckless indifference to Johnson's constitutional rights, and with disregard for the truth and Johnson's innocence.

151. As a result of the misconduct alleged above, Johnson was indicted and ultimately wrongly convicted.

152. As a result of the misconduct of described in this Count, Johnson suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

153. The misconduct described in this Count by Defendants was undertaken pursuant to the policies and practices of the City of Salem, in the manner more fully described above.

COUNT IV
Equal Protection Clause of the Fourteenth Amendment
(All Defendants)

154. Johnson incorporates each paragraph of this Complaint as if fully restated here.

155. At all relevant times, the Defendant Officers, acted under color of state law and within the scope of their employment.

156. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides that no State shall “deny to any person within its jurisdiction the equal protection of the laws.”

157. As described above, the Defendant Officers targeted Johnson as a suspect due to his being a black man. In so doing, and in discriminating against Johnson on the basis of his race, the Defendant Officers, including potentially unknown officers of the Salem Police Department, the Defendant officers refused to

1 consider any white people as suspects on the rationale that because a “nigger had
2 died” a “nigger must is going to pay for it.” To the Defendant Officers, Plaintiff was
3 the nigger who was going to pay for the death of Ms. Thompson.

4 158. The Defendant Officers, through their actions and omissions as
5 described above, intentionally targeted Plaintiff for differential treatment on the
6 basis of his race, depriving Plaintiff of equal protection under the law.

7 159. Defendants treated Plaintiff differently than similarly situated
8 individuals outside Plaintiff’s protected class, without a legitimate governmental
9 interest or under a pretextual rationale.

10 160. The discriminatory treatment was intentional and not narrowly
11 tailored to serve a compelling or even legitimate government interest.

12 161. The discrimination was overt, demonstrating a discriminatory
13 motive by the Defendants.

14 162. As a result of the misconduct of Defendants, Johnson suffered loss of
15 liberty, great mental anguish, humiliation, degradation, physical and emotional
16 pain and suffering, and other grievous and continuing injuries and damages as set
17 forth above.

18 163. The misconduct described in this Count by Defendants was
19 undertaken pursuant to the policies and practices of the City of Salem, in the
20 manner more fully described above.

21 **COUNT V**
22 **Conspiracy**
23 **(Defendant Officers)**

24 164. Plaintiff incorporates each paragraph of this complaint as if restated
25 herein.

165. In the manner described more fully above, prior to Plaintiff’s

1 conviction, the Individual Defendants, acting in concert with other co-conspirators,
2 known and unknown, reached an agreement among themselves to frame Plaintiff
3 for a crime he did not commit and thereby to deprive him of his constitutional
4 rights, and to exert influence to cause the prosecution of Plaintiff for a crime he did
5 not commit, and took overt actions in conformity with that agreement, as set forth
6 herein.

7 166. As further described above, the Defendant Officers agreed to focus
8 the investigation on Plaintiff, who they knew or should have known was innocent;
9 and to fabricate evidence against Plaintiff, including false identifications and police
10 reports, and to suppress and destroy exculpatory evidence.

11 167. In furtherance of their conspiracy, the Defendant Officers committed
12 overt acts and were otherwise willful participants in joint activity.

13 168. The misconduct described in this count was objectively unreasonable
14 and was undertaken intentionally and with willful indifference to Plaintiff's
15 constitutional rights and in disregard of the truth and Plaintiff's innocence.

16 169. As a result of this illicit prior agreement, Plaintiff suffered loss of
17 liberty, great mental anguish, humiliation, degradation, physical and emotional
18 pain and suffering, and other grievous and continuing injuries and damages as set
19 forth above.

20 **COUNT VI**
Failure to Intervene
(Defendant Officers)

21 170. Plaintiff incorporates each paragraph of this Complaint as if fully
22 restated herein.

23 171. In the manner described above, during the constitutional violations
24 described herein, the Defendant Officers each stood by without intervening to
25 prevent the violation of Plaintiff's constitutional rights, even though they had the

1 opportunity to do so.

2 172. The misconduct described in this Count was objectively
3 unreasonable and was undertaken intentionally, with reckless indifference to the
4 rights of others, and in disregard of the truth and Plaintiff's innocence.

5 173. The Defendant Officers were acting under color of law and within the
6 scope of their employment when they took these actions.

7 174. As a result of the Defendant Officers' misconduct described in this
8 Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation,
9 degradation, physical and emotional pain and suffering, and other grievous and
10 continuing injuries and damages set forth above.

11 **COUNT VII**
12 **State Law – False Imprisonment**
(All Defendants)

13 175. Johnson incorporates each paragraph of this Complaint as if fully
14 restated here.

15 176. By letters dated February 9, 2024, Plaintiffs provided notice to all
16 Defendants of their state law claims as required by ORS 30.275.

17 177. Johnson was incarcerated beginning on March 27, 1998.

18 178. The incarceration was unlawful. The indictment against Johnson
19 was made without probable cause because it was based on fabricated evidence as
20 alleged above and was made without regard to exculpatory evidence that had been
21 deliberately suppressed as alleged above.

22 179. Defendants violated Johnson's rights by incarcerating him without
23 probable cause.

24 180. The City of Salem is responsible for the misconduct of its agents and
25 employees who acted as alleged above under a theory of vicarious liability and/or

1 *respondeat superior.*

2 181. As a result of the misconduct of Defendants, Johnson suffered loss of
3 liberty, great mental anguish, humiliation, degradation, physical and emotional
4 pain and suffering, and other grievous and continuing injuries and damages as set
5 forth above.

6 **COUNT VIII**
7 **State Law – Malicious Prosecution**
8 **(All Defendants)**

9 182. Johnson incorporates each paragraph of this Complaint as if fully
10 restated here.

11 183. Based on the misconduct alleged above, agents and employees of
12 Defendants caused Johnson to be unreasonably seized and further caused Johnson
13 to be improperly subjected to judicial proceedings for which there was no legitimate
14 probable cause. These judicial proceedings were instituted and continued by the
15 Defendant Officers, resulting in injury.

16 184. The criminal proceedings were ultimately terminated in Johnson's
17 favor when the Marion County District Attorney unilaterally moved to dismiss the
18 charges.

19 185. As alleged above, agents and employees of Defendants accused
20 Johnson of criminal activity knowing those accusations to be without genuine
21 probable cause, and they made statements to prosecutors with the intent of exerting
22 influence to institute and continue judicial proceedings against Johnson.

23 186. The proceedings lacked probable cause because they were based on
24 fabricated and suppressed evidence and were made without regard to exculpatory
25 evidence that had been deliberately withheld and suppressed as alleged above.

187. The misconduct alleged above was undertaken with malice,
willfulness, and/or reckless indifference.

1 188. The City of Salem is responsible for the misconduct of its agents and
2 employees who acted as alleged above under a theory of vicarious liability and/or
3 *respondeat superior*.

4 189. As a result of the misconduct of Defendants, Johnson suffered loss of
5 liberty, great mental anguish, humiliation, degradation, physical and emotional
6 pain and suffering, and other grievous and continuing injuries and damages as set
7 forth above.

8 **COUNT IX**
9 **State Law—Intentional Infliction of Emotional Distress**
 (Defendant Officers)

10 190. Johnson incorporates each paragraph of this Complaint as if fully
11 restated here.

12 191. In the manner described more fully above, Defendants, individually,
13 jointly, and in conspiracy with one another, and others unknown, engaged in
14 extreme and outrageous conduct by fabricating evidence, suppressing and failing to
15 preserve exculpatory evidence, and otherwise causing his wrongful prosecution,
16 conviction and incarceration for a crime he did not commit.

17 192. The acts and misconduct of Defendants as alleged above were
18 extreme and outrageous. The actions were rooted in an abuse of power or authority,
19 and they were undertaken with intent to cause, or were in reckless disregard of the
20 probability that their actions would cause, severe emotional distress to Johnson as
21 alleged above.

22 193. As a direct and proximate result of the actions by Defendants,
23 Johnson has suffered and continues to suffer physical sickness and severe emotional
24 distress.

25 194. Defendants were acting under color of law and within the scope of
their employment when they took these actions.

1 195. Through the doctrine of *respondeat superior*, Defendant City of
2 Salem is liable as principal for all torts committed by its employees and agents,
3 including the misconduct by the Defendant Officers described in this Count.

4 196.

5 **COUNT X**
6 **State Law – Civil Conspiracy**
7 **(Defendant Officers)**

8 197. Johnson incorporates each paragraph of this Complaint as if fully
9 restated here.

10 198. Defendants and other co-conspirators, known and not yet known to
11 Plaintiff, reached an agreement amongst themselves to “close” the Thompson case
12 by arresting and indicting Johnson with the intent that he would be convicted.

13 199. The Defendant Officers agreed to investigate and to exert influence to
14 cause the prosecution of Plaintiff for a crime he did not commit and took overt
15 actions in conformity with that agreement.

16 200. As further described above, the Defendant Officers agreed to direct the
17 investigation of the shooting to focus the investigation on Plaintiff, who they knew
18 or should have known was innocent; to fabricate evidence against Plaintiff,
19 including police reports; and to suppress and fail to preserve exculpatory evidence.

20 201. In so doing, the Defendant Officers conspired to accomplish an
21 unlawful purpose by unlawful means. In addition, these co-conspirators agreed
22 among themselves to protect one another from liability by depriving Plaintiff of his
23 rights.

24 202. The violations of Oregon law described in this complaint, including
25 Defendants’ malicious prosecution of Plaintiff and their intentional infliction of
emotional distress, were accomplished by the Individual Defendants’ conspiracy.

 203. As a result of these Defendants’ misconduct described in this Count,

1 Plaintiff suffered an unjust conviction, loss of liberty, great mental anguish,
2 humiliation, degradation, physical and emotional pain and suffering, and other
3 grievous and continuing injuries and damages as set forth above.

4 204. The misconduct in this Count was objectively unreasonable and was
5 undertaken intentionally, with reckless and deliberate indifference to the rights of
6 others.

7 205. Defendants were acting under color of law and within the scope of
8 their employment when they took these actions.

9 206. Through the doctrine of *respondeat superior*, Defendant City of
10 Salem is liable as a principal for all torts committed by its employees and agents,
11 including the misconduct by the Defendant Officers described in this Count.

12 **COUNT XI**
13 **State Law – Negligent Training and Supervision**
14 **(City of Salem)**

15 207. Johnson incorporates each paragraph of this Complaint as if fully
16 restated here.

17 208. The City of Salem had a duty to properly train and supervise its
18 agents and employees, including the Defendant Officers.

19 209. Salem breached its duty to train and supervise their agents and
20 employees by failing to create adequate policies and by permitting inadequate
21 practices and customs, as described above.

22 210. Salem also breached its duty to train and supervise its agents and
23 employees by failing to institute policies, practices, and customs that would prohibit
24 and prevent the misconduct alleged above.

25 211. As a result of Salem's negligence, their agents and employees
violated Johnson's constitutional rights by committing the misconduct alleged

1 above.

2 212. As a result of the negligent training and supervision by Salem,
3 Johnson suffered loss of liberty, great mental anguish, humiliation, degradation,
4 physical and emotional pain and suffering, and other grievous and continuing
5 injuries and damages as set forth above.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiffs respectfully pray for the following relief:

8 1. Judgment against Defendants and in favor of Plaintiff on all claims for
9 relief stated herein;

10 2. An award of Plaintiff's economic and non-economic damages;

11 3. An award of punitive damages;

12 4. An award of Plaintiff's costs and attorney fees in this action pursuant
13 to 42 U.S.C. § 1988(b); and

14 5. Such other relief as the Court finds just and equitable.

15 **JURY DEMAND**

16 Plaintiff hereby demands a trial by jury pursuant to the Seventh Amendment
17 of the U.S. Constitution and Federal Rule of Civil Procedure 38(b) on all issues so
18 triable.

19 Dated: September 3, 2025

20 Respectfully submitted,

21 **JESSE LEE JOHNSON**

22 By: /s/ Megan Pierce

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