

IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL
CIRCUIT IN AND FOR ESCAMBIA COUNTY, FLORIDA

KENNETH LAMAR COBB,

Plaintiff

PAM CHILDERS
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY, FL

Case No. :

2016 CA 1550

Div. A

2016 SEP 26 P 4:31

Provided to
Day Correctional Facility

vs.

CIRCUIT CIVIL DIVISION
FILED & RECORDED
ESCAMBIA COUNTY, a municipal corporation
organized and formed under the laws of Florida;
CITY OF PENSACOLA a municipal corporation
organized and formed under the laws of Florida;
ESCAMBIA COUNTY SHERIFF'S OFFICE; and
DAVID MORGAN, as Sheriff of Escambia County, in
his individual and official capacities,
Defendants.

SEP 23 2016

1/c
for filing

COMPLAINT

Plaintiff **Kenneth Lamar Cobb** files this complaint alleging the state torts of negligence, slander, libel, invasion of privacy, character defamation and intentional infliction of emotional distress in violation of Fla. Stat. §768.28 and 770.01 et seq., of the laws of the State of Florida.

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over Plaintiffs' claims pursuant to Fla. Stat. §47.011 on the basis that Escambia County is the county where the defendant resides and where the cause of action accrued.

II. PARTIES

2. **Kenneth L. Cobb** ("COBB") is the Plaintiff in this action and is at times relevant to this action a resident of Escambia County, Florida.

3. **ESCAMBIA COUNTY ("COUNTY")** a municipal corporation formed and organized under the laws of Florida is a named Defendant in this action.
4. **CITY OF PENSACOLA ("CITY")** a municipal corporation formed and organized under the laws of Florida is a named Defendant in this action.
5. **ESCAMBIA COUNTY SHERIFF'S OFFICE ("OFFICE")** a governmental entity of Escambia County, Florida, is a named Defendant in this action.
6. **DAVID MORGAN ("MORGAN")** as Sheriff of Escambia County, is being sued in his individual and official capacities.
7. At all times relevant to this complaint, the named Defendants were operating under the color of state law.

III. FACTS GIVING RISE TO CLAIM

8. On July 14, 2008, the State of Florida filed a four count information in case no.: 2008-CF-3420 charging **COBB** with: one count of Sexual Battery in violation of Fla. Stat. 794.011(Count I); one count of Unlawful Sexual Activity with a Minor, in violation of Fla. Stat. §794.05(Count II); one count of False Imprisonment, in violation of Fla. Stat. §787.02(Count III); and one count of Felony Battery, in violation of Fla. Stat. §784.03(2) (Count IV).
9. On October 22, 2008 **COBB** entered a plea of no contest to one count of Felony Battery in violation of Fla. Stat. §784.03(2) and one count of False Imprisonment, in violation of Fla. Stat. §787.02 and was sentenced to two concurrent 90 day sentences followed by 18 months probation.
10. **COBB's** probation was subsequently violated on February 7, 2009 and he was sentenced to 45.5 months in the Department of Corrections.

11. Pursuant to Fla. Stat. §943.0435(1)(a) and the specific facts of his case **COBB's** conviction required him to register as a "Sexual Offender".¹
12. In or around June of 2014, Defendants **CITY, COUNTY, MORGAN,** and **OFFICE** published a billboard on Fairfield and Mobile Highway which was public venue that was viewed or had to the ability to be viewed by the residents of Escambia County, at the least, and by the residents of the State of Florida, at most, which depicted **COBB** as a "Sexual Predator" pursuant to Fla. Stat. §775.21(3)(a).²
13. **COBB** had not been designated as a "Sexual Predator" by any court in the State of Florida and thus, did not qualify as a "Sexual Predator".
14. The statements published by Defendants **CITY, COUNTY, MORGAN,** and **OFFICE** were false and defamatory.
15. By publishing a billboard which was public venue that was viewed or had to the ability to be viewed by the residents of Escambia County, at the least, and by the residents of the State of Florida, at most, Defendants **CITY, COUNTY, MORGAN,** and **OFFICE** acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of **COBB's** rights and safety.
16. Defendants **CITY, COUNTY, MORGAN,** and **OFFICE's** defamatory falsehood was injurious to a **COBB** tended to injure **COBB's** in his trade or profession and tended to subject **COBB** to hatred, distrust, ridicule, contempt, and disgrace.

¹"Sexual offender" means a person who...[h]as been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction...s.787.02...where the victim is a minor and the defendant is not the victim's parent or guardian.

²Pursuant to Fla. Stat. §775.21(3)(a), a "Sexual Predator" are "[r]epeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children", and are considered to "present an extreme threat to the public safety."

IV. CLAIMS FOR ACTION

17. The Plaintiffs re-allege and incorporate by reference paragraphs 8 through 16.
18. Defendants **CITY, COUNTY, MORGAN, and OFFICE** through false and unprivileged publication, knowingly exposed **COBB** to distrust, hatred, contempt, ridicule or obloquy which causing him to be avoided, and had the tendency to injure **COBB** in his occupation, business or employment by publicly classifying, labeling and representing **COBB** as a sexual predator resulting in intentional infliction of emotional distress thereby committing the state tort of libel.

V. RELIEF REQUEST

WHEREFORE, COBB respectfully requests that the Court **GRANT** the following relief on behalf of the Government:

- A. Issue a Declaratory Judgment stating that:

- B. Award damages against
- C. A Jury trial on all issues triable by jury;
- D. Plaintiff's cost in this action;
- E. Any relief that the Court deems just, equitable, and proper.

/s/ Kenneth L. Cobb DE# 218876
Kenneth L. Cobb

VERIFICATION

KENNETH LAMAR COBB, the Plaintiff in this action, certify under penalty of perjury that we have read the foregoing complaint and hereby verify that the matters alleged herein are true, except as to matters alleged on information and belief, and, as those allegations, believe to be true.

/s/ Kenneth L. Cobb DC # 218876
Kenneth L. Cobb

9-23-16
Date