

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

DEC 13 2010

JULIA C. DUDLEY, CLERK
BY: *J. Platt*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

WILLIAM W. THOMAS, JR.. pro se)

Plaintiff)

v.)

CITY OF STAUNTON, VIRGINIA)

Defendant)

&

John Does No. 1 – 6

Civil Case No. *7:10-CV-00553*

COMPLAINT

1. This action brought pursuant to 42 U.S.C. 1983 to redress violations of Rights secured to Plaintiff by the United States Constitution, the Virginia Constitution, the laws of the United States and the laws of Virginia.
2. The Court has jurisdiction to pursuant to 28 U.S.C. 1331 and 1343.
3. Plaintiff is resident of Virginia and this case is properly filed in U. S. District Court, Roanoke, Virginia.
4. Defendant: City of Staunton, Virginia is a Municipality located in Augusta County, Virginia.

page 2 of 6

5. Defendants John Doe 1-3 are currently living Staunton Police Officers, or Augusta County Deputies, employed the City of Staunton or Augusta County.
6. Defendants John Doe 4-6 are persons or entities currently living in or doing business in Virginia who acted in conspiracy and collusion with the City of Stanton, its agents and representatives, to deprive Plaintiff of his rights as set out in the Constitution. Those who harassed Plaintiff. Those who failed to perform their duties under the law. Those who trespassed upon and destroyed Plaintiff's property. Those who allegedly taped the Plaintiff's phones and put spy ware on Plaintiff's computers
7. On, or about, April 11, 1967 two women were murdered at High's Ice Cream Store, Terry Court Shopping Center, 2213 North Augusta Street, Staunton, Va
8. On or about November 15, 1967 Plaintiff was indicted for aforesaid murders.
9. On April 8-11, 1968 Plaintiff was tried for murder of Constance Heavener one of the victims. The trial was conducted in Staunton Circuit Court.
10. On April 11, 1968 Plaintiff was acquitted of the charge of 1st degree murder.
11. The 2nd Charge and Incitement remained open against Plaintiff until December 2008, when Sharon Diane Crawford Smith (Smith) confessed to the murders,

page 3 of 6

12. On, or about, Dec.12, 2008 Smith now deceased, confessed to the murders.

Smith, then stated, that she told Dave Bocock (Bocock), Chief Detective for Staunton Police Department, on the day after the murders, that she killed the victims. Smith went on to say, with Bocock's help she hid out at Bocock's farm and they buried the murder weapon on Bocock's farm. Bocock was Chief of Investigations for Staunton Police Department and in charge of the High's Ice Cream Store murder case investigation.

13. Notwithstanding, with direct knowledge the Plaintiff was innocent and Smith was the killer, Bocock proceeded with a phony investigation; and lied to the Commonwealth's Attorney, and Virginia State Police; and caused charges to be against the Plaintiff. Bocock and the City of Staunton, until Bocock's death, in 2006, continued their "investigation," after the first innocent verdict vindicated the Plaintiff. After Bocock's passing the City of Staunton went on with a vigorous investigation and, reportedly, made, from time to time, derogatory remarks about the Plaintiff, until Smith's confession in 2008.

14. Reliable sources advise that Bocock was sexually involved with Smith and that, Bocock may have fathered a child, or possibly more children by Smith. Bocock's family refused to cooperate in DNA testing requested by the Commonwealth's Attorney, in 2009.

page 4 of 6

15. On, or about, June 20, 1980 Bocock was “taken totally out of detective work and placed...in the division of auxiliary service” by Staunton City Manager. There is no evidence that, at this time, or any other time, the City of Staunton reviewed Bocock’s work, or his effort in the High’s case. At the time of Bocock’s demotion Lacy King was appointed Chief of Police and the City of Staunton continued to sponsor investigation and harassment of the Plaintiff for more than 30 years in the effort to hold Plaintiff accountable for the second murder. Mr. King is now Mayor of Staunton.
16. In August 2006 Bocock passed away and was cremated.
17. In Dec 2008 Staunton Police Department released records that contained evidence showing the City knew, or should have known, that Smith was a serious suspect, and that Bocock should have been suspected of having an inappropriate relationship with Smith.
18. Based Staunton Police Department reports, Ms. Bradshaw helped Lowell Sheets identify Smith as a suspect. Mr. Sheets and an associate confronted Smith. This led to the confession and implication of Bocock. Despite this the City of Staunton was slow to act and was prodded by Crime Stoppers to arrest Smith. The scenario was the City of Staunton wanted Smith, then in terminal condition, to die before the charge and arrest could be expedited

page 5 of 6

19. After Smith's arrest, all charges against the Plaintiff were dismissed.
20. On May 27, 2009 Plaintiff advised the City of Staunton of intent to bring suit. This was within a year of the date when charges were dropped.
21. From 1967 until today, Bocock affiliates, subordinates, and successors acting under color of state law and in conspiracy with each other, and other police organizations engaged in activities to violate Plaintiff's Civil rights under the 4th, 8th and 14th Amendments of the U, S. Constitution.
22. The City of Staunton, acting through the Police Department, and other decision makers, adopted an official policy of slander, intended to hold the Plaintiff liable for two murders which it knew, or should have known, Plaintiff did not commit. A city official was quoted as saying "we spent so much money on him we've got to get him for something."
23. The City of Staunton also acted with deliberate and reckless indifference to Plaintiff's Constitutional rights and totally authorized the campaign to hold Plaintiff accountable for crimes which the City knew, or should have known, were not committed by Plaintiff.
24. The City of Staunton failed to properly train, evaluate and supervise Bocock. The City failed to properly discipline and force return of files by Bocock, or later, by his family.

page 6 of 6

25. As direct and proximate result of wrongful conduct the City of Staunton and John Does 1-6, Plaintiff incurred expense of defending himself against crimes he did not commit. He further experienced loss of liberty, loss of income and loss of ability to earn income, injury to physical health, suffered great emotional injury, loss of reputation, loss of assets, and general loss of adequate quality of life.

26. Therefore, Plaintiff demands judgment against the City of Staunton in The amount of Two Hundred Million (\$200,000,000.00) Dollars plus such other and further remedies as the Court finds just and equitable and against the John Does in the amount of \$5,000,000.00 each, plus other relief the Court may find just and equitable.

Respectfully submitted,



William W. Thomas, Jr.
722 Spottswood Road
Spottswood, Virginia 24476
© 540-447-6226

CERTIFICATE OF SERVICE

NOW COMES William W. Thomas, Jr to affirm that the original COMPLAINT germane to that Civil Action being William W. Thomas, Jr., pro se v City of Staunton, Virginia And John Does 1-6 was hand delivered to:

Office of the Clerk
United States District Court
Poff Federal Building
Roanoke, Virginia

NOW COMES William W. Thomas, Jr to swear that on Monday, December 13, 2010 a true copy of the COMPLAINT germane to William W. Thomas, Jr., pro se v. City of Staunton, Virginia and John Does 1-6 was mailed, by U.S. Mail, postage paid in full to:

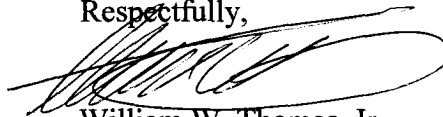
Douglas L. Guynn, Esquire
Staunton City Attorney
Post office Box 58
Staunton, Virginia 24402-0058

Mayor Lacy B. King, Jr.
Post Office Box 58
Staunton, Virginia 24402

Stephen F. Owen
Staunton City Manager
Post Office Box 58
Staunton, Virginia 24402-0058

Victor M. Santos, Esquire
Nelson, McPherson, Summers & Santos
Attorneys at Law
Post Office Box 1287
Staunton, Virginia 24402-1287

Respectfully,



William W. Thomas, Jr.
722 Spottswood Road
Spottswood, Virginia 24476

December 13, 2010

540-447-6226