

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

KEYON PAYLOR,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
BALTIMORE POLICE DEPARTMENT,	)	
DANIEL HERSL, JOHN BURNS,	)	JURY DEMAND
TIMOTHY ROMEO, JORDAN MOORE,	)	
AND UNKNOWN EMPLOYEES OF THE	)	
BALTIMORE POLICE DEPARTMENT	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff KEYON PAYLOR, by his undersigned attorneys, complains of Defendants, BALTIMORE POLICE DEPARTMENT, DANIEL HERSL, JOHN BURNS, TIMOTHY ROMEO, JORDAN MOORE, AND UNKNOWN EMPLOYEES OF THE BALTIMORE POLICE DEPARTMENT, as follows:

**Introduction**

1. In 2015, Keyon Paylor was convicted of unlawfully possessing a firearm—a federal crime for which he is absolutely innocent. He was sentenced to five years in prison.

2. The story of how Mr. Paylor came to be arrested and convicted of a crime that he did not commit starts and ends with the Baltimore Police Department’s (“BPD”) corrupt police investigation, orchestrated by Defendants Daniel Hersl, John Burns, Timothy Romeo, and Jordan Moore.

3. Rather than engage in legitimate law enforcement activities, these former and current BPD officers fabricated that Mr. Paylor was carrying a handgun and that Mr. Paylor

placed it under the cushion of a chair on his front porch. The Defendants manufactured this story so that they could enter Mr. Paylor's house, search his belongings, steal his money—and then cover the whole thing up.

4. Immediately after his arrest, Mr. Paylor made a contemporaneous outcry. On recorded jail calls, he told his family that he was innocent, that the gun was not his, and that one of the Defendants had gone upstairs and stolen money from his room. His family confirmed that his money was missing.

5. Mr. Paylor's case was neither the first nor the last time these Defendants engaged in such misconduct. Most notably, in February 2018, Defendant Daniel Hersl was convicted of RICO racketeering and Hobbs Act robbery in connection with criminal acts he committed between 2014 and 2017. Those acts included planting evidence on individuals so that Defendant Hersl and his co-defendants could steal money and cover up their misconduct. Although Defendants Burns, Romeo, and Moore were not arrested with Defendant Hersl, they have been involved in prior incidents with Hersl, including incidents that formed the basis for Hersl's conviction.

6. For its part, the BPD knew about this misconduct and let it go on for years without doing anything about it. So widespread was the knowledge that Defendant Hersl and his colleagues were corrupt that it was repeatedly reported in the news.

7. Indeed, during Defendant Hersl's criminal prosecution, the government indicated that Defendant Hersl's misconduct had been going on for years before 2014—the earliest criminal act in Hersl's indictment—and impacted at least 1,700 criminal cases that he had investigated as a BPD officer.

8. Mr. Paylor never gave up on proving his innocence of this crime. Finally, in March 2024, after years of trying to clear his name, Mr. Paylor's conviction was vacated and the charges were dismissed.

9. This lawsuit seeks redress for Plaintiff's injuries.

### **Jurisdiction**

10. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution.

11. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and § 1367. Venue is proper under 28 U.S.C. § 1391(b). The events giving rise to this Complaint occurred in this judicial district.

### **The Parties**

12. Keyon Paylor is a 32-year old resident of Baltimore, Maryland. He was born and raised in Baltimore. At the time of this incident, Mr. Paylor was living in Baltimore with his mother, stepfather, sister, and nephew in his family home on Bartlett Street.

13. At all relevant times, Daniel Hersl, Timothy Romeo, John Burns, Jordan Moore, and other unknown police officers were employees of the Baltimore Police Department. Plaintiff sues these defendants in their individual capacities, acting under color of law and within the scope of their employment during the events described in this Complaint. These Defendants are referred collectively as the "Officer Defendants" throughout this Complaint.

14. Defendant Baltimore Police Department is or was the employer of each of the Defendants. The BPD is a person within the meaning of 42 U.S.C. § 1983.

### **Mr. Paylor's Arrest**

15. On January 2, 2014, Mr. Paylor was walking on the street toward his home on Bartlett Street in Baltimore. Mr. Paylor stopped near his house to talk to one of his friends, who told him that police were coming down the street.

16. Mr. Paylor then went to his porch, and turned around and saw the Officer Defendants.

17. After, Mr. Paylor went inside his home and spoke to his stepfather. As Mr. Paylor was going to go back out the front door, the Officer Defendants came running up the porch and into his home.

18. The Officer Defendants had no legal basis to enter Mr. Paylor's home: Mr. Paylor had not done anything wrong and the Officer Defendants did not have a warrant.

19. After the Officer Defendants came inside, Defendant Burns went upstairs. The other Officer Defendants remained with Mr. Paylor at the bottom of the stairs, searching and speaking with him.

20. There was absolutely no reason for Defendant Burns to go upstairs in Mr. Paylor's house. On information and belief, Defendant Burns went to Mr. Paylor's room and searched through his drawers and other parts of his bedroom. Defendant Burns took Mr. Paylor's money, which he kept in his drawers. Defendant Burns took approximately \$4,500 to \$5,000.

21. Defendant Burns then came to the top of the stairs, looked at Mr. Paylor and told the other Officer Defendants to take Mr. Paylor outside.

22. Once they were outside, one of the Officer Defendants lifted up the seat cushion to the chair on the front porch. There was a black handgun under the chair. That handgun was not Mr. Paylor's and Mr. Paylor truthfully told the Officer Defendants as much.

23. The Officer Defendants then fabricated that they had seen Mr. Paylor put the handgun under the seat cushion, when they had not. Defendant Hersl memorialized this fabrication in an Incident Report and Statement of Probable Cause.

24. Officer Defendants relied on the fabricated story to arrest and charge Mr. Paylor with a crime that he did not commit. He was subsequently indicted for one count of felony possession of a weapon and ammunition based on the same false and fabricated evidence.

**Mr. Paylor's Prior Interactions with Defendants Hersl and Burns**

25. This was not the first time that Mr. Paylor had interacted with Defendant Hersl—nor was it even the first time that Hersl had planted contraband on Mr. Paylor.

26. Years prior, Defendant Hersl arrested Mr. Paylor while Mr. Paylor was walking down the street. Defendant Hersl put Mr. Paylor in his police car. Defendant Hersl told his partner to grab drugs out of the glove compartment of the police car, which Defendant Hersl then falsely planted on Mr. Paylor.

**Mr. Paylor's Contemporaneous Outcries**

27. Mr. Paylor was arrested on January 2, 2014 for the federal charge of felon in possession of a firearm.

28. Shortly after his arrest on January 2, 2014, Mr. Paylor made calls from jail on a recorded line. During those phone calls, Mr. Paylor repeatedly affirmed his innocence. For example, in reaction to Defendant Hersl's fabricated police report, Mr. Paylor said "Y'all ain't seen me put nothing nowhere, because I ain't had nothing," or words to that effect. He similarly complained that the Officer Defendants were "damn lying" about his having a gun or words to that effect.

29. Mr. Paylor also talked about the money that the Officer Defendants stole from him.

30. For example, in one call, Mr. Paylor said “Hersl and them took my money,” or words to that effect. Mr. Paylor described calling his mother earlier, who told him that his clothes were all over the floor in his bedroom and his money was gone.

### **Mr. Paylor’s Conviction**

31. Mr. Paylor knew that the Officer Defendants were lying when they said he had—and hid—a gun. But he also knew that it would be his word against theirs if he went to trial.

32. In addition, at the time of his arrest, Mr. Paylor was on probation for an unrelated state case and was concerned that he would be facing additional time for allegedly violating his state probation even though he had not done anything wrong.

33. As a result, Mr. Paylor pled guilty to resolve both his state and federal cases. Pursuant to that agreement, Mr. Paylor was sentenced to five years on his federal charge and time served on his state charges.

### **The Indictment of Daniel Hersl**

34. Unbeknownst to Mr. Paylor, the federal government was investigating Defendant Hersl and a group of his fellow officers who were part of the now-disbanded Gun Trace Task Force (“GTTF”). As part of that investigation, certain federal agents listened to the jail calls that Mr. Paylor had made in which he described his innocence and the Officer Defendants’ misconduct in connection with his January 2, 2014, arrest.

35. After listening to these calls, one of the Assistant United States Attorneys (“AUSA”) who was investigating Hersl asked to speak to Mr. Paylor about his arrest on January

2, 2014. Mr. Paylor met with the AUSA and FBI agents, and explained what had actually happened.

36. Believing that Mr. Paylor was credible, the AUSA put Mr. Paylor on in front of the grand jury. During that testimony, Mr. Paylor told the grand jury about his unlawful arrest on January 2, 2014, and why he pled guilty to a crime that he did not commit.

37. The federal government then moved for relief under Federal Rule of Criminal Procedure 35, explaining that Mr. Paylor had substantially assisted the United States in an ongoing investigation, and asked the federal court to reduce Mr. Paylor's sentence to time served.

38. Mr. Paylor declined the relief because he was innocent and wanted to clear his name, and because he was concerned that the Officer Defendants would retaliate against him.

#### **The Conviction of Daniel Hersl**

39. On or about February 23, 2017, Defendant Hersl was indicted for federal racketeering conspiracies, including by committing extortion, robbery, claiming fraudulent overtime and filing false reports and affidavits.

40. On January 25, 2018, the trial of Defendant Hersl began. Over the next two weeks, the federal government demonstrated that certain BPD officers, including Defendant Hersl, had a practice of stealing money, property and drugs by unlawfully detaining and/or arresting victims, entering their homes, and then authoring false documents—incident and arrest reports, reports of property seized, and charging documents—to cover up their misconduct.

41. On February 12, 2018, Mr. Hersl was convicted of RICO conspiracy and Hobbs Act robbery. He was sentenced to 18 years in prison.

42. Among the testimony presented at Defendant Hersl's criminal trial was that of Jimmie Griffin. Defendants Hersl and Romeo stole \$6,000 from Jimmie Griffin on November 5, 2014 during an arrest. Defendants Hersl and Romeo falsely reported that they only took \$900 from Mr. Griffin's person. Defendant Hersl was convicted of robbing Mr. Griffin of his money.

43. Additionally, a year later, in November 2015, Defendants Hersl and Burns stole hundreds of dollars from Herbert Tate and then planted drugs on Mr. Tate to cover up their misconduct. Finding Defendant Hersl's denials of wrongdoings incredible, the jury convicted Defendant Hersl of the robbery of Herbert Tate.

44. While the criminal acts at issue in Defendant Hersl's trial spanned the 2014 to 2017 timeframe, the government explained in its closing argument that this misconduct began long before. And it was widespread.

45. By 2014, Defendant Hersl and other BPD officers amassed dozens of complaints and the City of Baltimore paid hundreds of thousands of dollars to settle lawsuits. For example, Defendant Hersl was accused of physically abusing citizens he came in contact with, including breaking a man's jaw and nose and breaking a woman's arm. Defendant Hersl targeted other innocent people, including arresting a woman who was selling church raffle tickets.

46. This widespread practice began before Plaintiff's arrest and continued well after, as Defendant Hersl and other BPD officers engaged in these acts as part of the GTTF.

47. After investigating the GTTF, prosecutors estimated 1,700 cases have been impacted by the misconduct of Defendant Hersl and the GTTF.

48. However, this pattern of misconduct was not restricted to the members of the GTTF. As the federal prosecutors demonstrated and argued in Defendant Hersl's case, the



practice of framing innocent people was carried out and accepted by other BPD officers, including the Officer Defendants.

49. On information and belief, the Defendants' misconduct was well known to the BPD. For example, so well-known was Defendant Hersl's corruption that the newspapers repeatedly reported on it as early as 2006 and well into the next decade.

50. Notwithstanding its knowledge of the widespread misconduct by Defendant Hersl and others in the BPD, the BPD did nothing to stop it.

51. Indeed, it was not until the federal government stepped in and prosecuted BPD officers that Defendant Hersl was fired.

#### **The BPD's Policies and Practices**

52. The constitutional violations that caused Plaintiff's wrongful convictions were not isolated events. To the contrary, they were the result of the BPD's longstanding policies and practices of falsely arresting, prosecuting, and convicting individuals through profoundly flawed investigations.

53. In the wake of the GTTF prosecutions, the law firm Steptoe and Johnson conducted an investigation into the BPD. The results of that audit were damning.

54. The Steptoe investigation found that the problems of corruption and misconduct existed in the BPD well before the GTTF was created in 2007 and extended well beyond the GTTF. Indeed, the Steptoe investigation demonstrated that the BPD had a policy and practice of allowing its plainclothes officers to fabricate justifications for stops, arrests, and seizures; and to ignore and fail to intervene or report when the same officers stole money and drugs during those stops, arrests, and seizures. Steptoe found that officers might fabricate an observation—e.g., of drugs or weapons—entirely.

55. The Steptoe investigation concluded that this corruption was “casual, routine and pervasive—and carried with it no consequences.”

56. Steptoe focused on several causes of this longstanding corruption. First, the Steptoe investigation found that there was a failure of supervision. Supervisors were inexperienced and lacked rigor in their supervision. BPD failed to properly train supervisors, and there was a general unwillingness among supervisors to closely examine the behavior of subordinate officers, particularly those who were generating impressive numbers of arrests and seizures of guns and drugs.

57. The Steptoe investigation found that supervisors were aware of their subordinates’ misconduct—including making false arrests and lodging charges based on fabricated evidence—but they did nothing to stop it.

58. Second, the Steptoe investigation attributed some of this misconduct to the primacy and pressure to produce arrests. Between 2000 and 2017, BPD leadership created pressure—particularly on plainclothes officers, just like the Officer Defendants—to maximize the number of arrests, and gun and drug seizures. The success or failure of a particular unit or officer depended almost exclusively on the number of arrests made, or guns or drugs seized. In order to achieve those numbers, officers would cross the line and fabricate evidence.

59. In a survey conducted in 2000, nearly one quarter of BPD officers believed that another quarter of their fellow officers were stealing money or drugs from arrestees. During the federal prosecution of certain GTTF officers, one co-defendant, Momodu Gondo, told federal agents that 70% of BPD plainclothes officers were stealing money from suspects on the streets or in their homes.

60. One former BPD officer—who rose to the ranks of supervisor in the GTTF—recommended that officers carry an extra weapon or BB gun in case they needed to plant the gun to justify their actions.

61. For example, in 2014, the same year Mr. Paylor was arrested, BPD officers recklessly pursued a man named Demetric Simon and ultimately killed him after another BPD officer hit Mr. Simon with his car. To justify his use of deadly force, the BPD officer—with the help of his co-workers—planted a BB gun at the scene. This gun-planting was a well-kept secret among BPD.

62. Third, the Steptoe investigation found that there was no accountability for police officers in BPD. Internal Affairs (“IA”) was deprived of leadership, resources, and talent. The quality of investigators assigned to IA was poor, exacerbated by the fact that the investigators received no training, and IA had no standard operating procedures or operations manual. IA investigations were often leaked to the alleged offender and any punishment suggested by IA reduced by leadership.

63. For example, in 2012, a BPD officer reported another officer, Daniel Redd, for associating with a known criminal who was living in Redd’s basement. Instead of investigating Redd, IA investigated the police officer who reported the misconduct.

64. At all relevant times, BPD failed to discipline its officers or hold officers accountable for their misconduct.

65. Worse yet, BPD failed to conduct any internal or external review or learn from scandals involving its officers. For example, in 2005, BPD officers William King and Antonio Murray were arrested for robbing drug dealers and selling the stolen drugs. According to the Steptoe report, their arrests caused “shockwaves,” but nothing was done within BPD: There was

never any institutional introspection, and no effort to review training, policies, or practices. The same thing happened when subsequent scandals came to light.

66. Fourth, the Steptoe investigation found that there was inadequate training of officers. This failure started at the very beginning—at BPD’s Police Academy, where recruits were pushed through by turning a blind eye to recruits cheating on exams, and even when there were significant red flags that indicated the recruits should not be hired. In addition, once recruits left the Academy there was little, if any, formal training. Instead, officers learned from their peers, which all but guaranteed that unconstitutional practices would be continued. One example that Steptoe highlighted was that new officers learned to conduct stops and make arrests without a sufficient factual or legal basis from their more experienced peers.

67. Each of these shortcomings were well-known to policymakers. Nonetheless, the BPD’s policymakers were deliberately indifferent to the violation of constitutional rights described herein and condoned the practices described above. By condoning these practices, policymakers caused Plaintiff’s injuries.

68. The BPD failed to act to remedy the abuses described in the preceding paragraphs, despite actual knowledge of the pattern of misconduct. It thereby perpetuated the unlawful practices and ensured that no internal action would be taken to remedy Plaintiff’s ongoing injuries.

### **Plaintiff’s Damages**

69. Never giving up hope of proving his innocence, Mr. Paylor filed a motion to vacate his conviction.

70. The government joined his request.

71. As a result, on March 3, 2024, the district court granted Mr. Paylor's motion and vacated his conviction. At the government's request, the court then dismissed the indictment against Mr. Paylor.

72. Although Mr. Paylor is finally free of the false and fabricated charges against him, the damages from this wrongful conviction are substantial. During his wrongful incarceration, Mr. Paylor suffered significant physical and emotional pain and suffering. Mr. Paylor missed out on the opportunity to be with his family and raise his children, and live life as an autonomous and free human being. He was incarcerated in a violent and unpredictable jail and prison where he had to constantly remain on high alert to survive.

73. This lawsuit seeks redress for these enormous injuries.

**Count I – 42 U.S.C. § 1983  
Violation of Due Process (Against Officer Defendants)**

74. Each paragraph of this Complaint is incorporated as if restated fully herein.

75. As described more fully above, the Officer Defendants, while acting individually, jointly, and/or in conspiracy, as well as under color of law and within the scope of their employment, deprived Plaintiff of his constitutional right to a fair trial.

76. In the manner described more fully above, the Officer Defendants, individually, jointly, and/or in concert and in conspiracy fabricated false reports and false evidence.

77. In the manner described more fully above, the Officer Defendants also deliberately withheld exculpatory evidence. In doing so, the Officer Defendants violated their clearly established duty to report all material exculpatory and impeachment information to prosecutors.

78. Absent the Officer Defendants' misconduct, the prosecution of Plaintiff could not and would not have been pursued, and Plaintiff would not have been convicted.

79. The Officer Defendants' misconduct directly and proximately resulted in the unjust and wrongful criminal conviction of Plaintiff and his continuing wrongful imprisonment, thereby denying him his constitutional right to a fair trial, in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

80. As a direct and proximate result of this due process violation, Plaintiff suffered injuries, including but not limited to loss of liberty, physical sickness and injury, and psychological and emotional distress.

81. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and willful indifference to Plaintiff's clearly established constitutional rights.

82. The misconduct described in this Count by the Officer Defendants was undertaken pursuant to the policy and practice of the BPD, in the manner more fully described above and in Count V below.

**Count II – 42 U.S.C. § 1983  
Federal Malicious Prosecution and Unlawful Pretrial Detention  
(Against Officer Defendants)**

83. Each paragraph of this Complaint is incorporated as if restated fully herein.

84. In the manner described more fully above, Defendants, while acting as investigators, individually, jointly, and in conspiracy with each other, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and in spite of the fact that they knew Plaintiff was innocent.

85. In doing so, Defendants caused Plaintiff to be unreasonably seized without probable cause and deprived of his liberty, in violation of Plaintiff's rights secured by the Fourth and Fourteenth Amendments.

86. The false judicial proceedings against Plaintiff were instituted and continued maliciously, resulting in injury.

87. Defendants deprived Plaintiff of fair state criminal proceedings, including the chance to defend himself during those proceedings, resulting in a deprivation of his liberty.

88. In addition, Defendants subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiff was deliberately and intentionally framed for a crime of which he was totally innocent. This was accomplished through Defendants' fabrication and suppression of evidence.

89. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's clear innocence.

90. The Defendants' actions were taken under color of law and within the scope of their employment.

91. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and willful indifference to Plaintiff's clearly established constitutional rights.

92. The misconduct described in this Count by the Officer Defendants was undertaken pursuant to the policy and practice of the BPD, in the manner more fully described above and in Count V below.

**Count III – 42 U.S.C. § 1983  
Failure to Intervene (Against Officer Defendants)**

93. Each paragraph of this Complaint is incorporated as if restated fully herein.

94. In the manner described above, by their conduct and under color of law, during the constitutional violations described herein, one or more of the Officer Defendants stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity to do so.

95. As a direct and proximate result of the Officer Defendants' failure to intervene to prevent the violation of Plaintiff's constitutional rights, Plaintiff suffered injuries, including but not limited to loss of liberty, physical injury and sickness, and psychological and emotional distress. These Officer Defendants had a reasonable opportunity to prevent this harm, but failed to do so.

96. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and willful indifference to Plaintiff's clearly established constitutional rights.

97. The misconduct described in this Count by the Officer Defendants was undertaken pursuant to the policy and practice of the BPD, in the manner more fully described above and in Count V below.

**Count IV – 42 U.S.C. § 1983  
Federal Conspiracy (Against Officer Defendants)<sup>1</sup>**

98. Each paragraph of this Complaint is incorporated as if restated herein.

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<sup>1</sup> Plaintiff recognizes that as the law currently stands, this claim is barred by the intracorporate conspiracy doctrine. Plaintiff is including this claim to preserve it should the law in the Fourth Circuit change.



99. Before and after Plaintiff's arrest and conviction, the Officer Defendants agreed among themselves, and with other individuals, to conspire to deprive Plaintiff of his constitutional rights.

100. In this manner, the Officer Defendants, acting in concert with each other and other unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

101. In furtherance of the conspiracy, each of the co-conspirators engaged in and facilitated numerous overt acts, including but not limited to those set forth above—such as fabricating evidence and withholding evidence—and was an otherwise willful participant in joint activity.

102. As a direct and proximate result of the illicit prior agreement and actions in furtherance of the conspiracy referenced above, Plaintiff's rights were violated and he suffered injuries, including but not limited to the loss of liberty, physical sickness and injury, and psychological and emotional distress.

103. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice, willfulness, and deliberate indifference to Plaintiff's rights.

104. The misconduct described in this Count by the Officer Defendants was undertaken pursuant to the policy and practice of the BPD, in the manner more fully described above and in Count V below.

**Count V – 42 U.S.C. § 1983**  
***Monell Policy Claims (Against BPD)***

105. Each paragraph of this Complaint is incorporated as if restated fully herein.

106. The actions of all the Defendants were undertaken pursuant to policies and practices of the BPD, described above, which were ratified by policymakers with final policymaking authority. These policies and practices included the failure to adequately train, supervise, and discipline officers who engaged in the alleged constitutional violations, as set forth in greater detail above. The policies and practices also included the failure to turn over exculpatory evidence and to rely on fabricated evidence, including fabricated police reports.

107. The policies and practices described in this Count were maintained and implemented by the BPD with deliberate indifference to Plaintiff's constitutional rights.

108. As a direct and proximate result of the Police Department's actions, Plaintiff's constitutional rights were violated and they suffered injuries and damages, as set forth in this Complaint.

109. The BPD is therefore liable for the misconduct committed by the Officer Defendants.

**Count VI – State Law Claim  
Malicious Prosecution (Against Officer Defendants)**

110. Each paragraph of this Complaint is incorporated as if restated fully herein.

111. The Officer Defendants accused Plaintiff of criminal activity knowing those accusations to be without genuine probable cause, and they made statements to prosecutors with the intent of exerting influence and to institute and continue the judicial proceedings.

112. The Officer Defendants caused Plaintiff to be improperly subjected to judicial proceedings for which there was no probable cause, resulting in injury.

113. The Officer Defendants fabricated evidence and withheld exculpatory evidence that would have demonstrated Plaintiff's absolute innocence. The Officer Defendants were aware

that, as described more fully above, no true or reliable evidence implicated Plaintiff in any crime whatsoever.

114. The misconduct described in this Count was undertaken intentionally, with malice, willfulness, and reckless indifference to the rights of others.

115. On March 3, 2024, the prosecution terminated in Plaintiff's favor when his habeas petition was granted and the charges were dismissed.

116. As a direct and proximate result of this misconduct, Plaintiff sustained, and continues to sustain, injuries as set forth above, including loss of liberty, physical sickness and injury, and psychological and emotional distress.

**Count VII – State Law Claim  
Intentional Infliction of Emotional Distress (Against BPD Officer Defendants)**

117. The acts and conduct of the Officer Defendants as set forth above were extreme and outrageous. The Officer Defendants' actions were rooted in an abuse of power or authority, and they were undertaken with intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

118. As a direct and proximate result of the Officer Defendants' actions, Plaintiff suffered and continues to suffer physical injuries, and psychological and emotional distress.

**Count VIII – State Law Claim  
Civil Conspiracy (Against Officer Defendants)**

119. Each paragraph of this Complaint is incorporated as if restated fully herein.

120. As described more fully in the preceding paragraphs, the Officer Defendants, acting in concert with each other and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

121. In furtherance of the conspiracy, the Officer Defendants committed overt acts and were otherwise willful participants in joint activity including but not limited to the malicious prosecution of Plaintiff and the intentional infliction of emotional distress upon him.

122. The misconduct described in this Count was undertaken intentionally, with malice, willfulness, and reckless indifference to the rights of others.

123. As a direct and proximate result of the Officer Defendants' conspiracy, Plaintiff suffered damages, including physical sickness and injury, and psychological and emotional distress, as is more fully alleged above.

**Count IX – State Law Claim**  
**Article 24 of the Maryland Constitution – Declaration of Rights**  
**(Against BPD Officer Defendants)**

124. Each paragraph of this Complaint is incorporated as if restated fully herein.

125. As described more fully in the preceding paragraphs, the Officer Defendants violated Plaintiff's due process rights.

126. As a direct and proximate result of the Officer Defendants' actions, Plaintiff was wrongfully imprisoned for a crime that he did not commit.

127. As a direct and proximate result of the Officer Defendants' actions, Plaintiff suffered damages, including physical sickness and injury, and psychological and emotional distress, as is more fully alleged above.

**Count X– State Law Claim**  
**Indemnification (Against BPD)**

128. Each paragraph of this Complaint is incorporated as if restated fully herein.

129. Maryland law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

130. The Officer Defendants are or were employees of the Baltimore Police Department, who acted within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff KEYON PAYLOR respectfully requests that this Court enter judgment in his favor and against Defendants BALTIMORE POLICE DEPARTMENT, DANIEL HERSL, JOHN BURNS, TIMOTHY ROMEO, JORDAN MOORE, AND UNKNOWN EMPLOYEES OF THE BALTIMORE POLICE DEPARTMENT, awarding compensatory damages, attorneys' fees, and costs against each Defendant, and punitive damages against each of the Officer Defendants, as well as any other relief this Court deems appropriate.

#### **JURY DEMAND**

Plaintiff, KEYON PAYLOR, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

**KEYON PAYLOR**

By: /s/ Gayle Horn  
*One of Plaintiff's Attorneys*

*Attorneys for Plaintiff*

Jon Loevy\*

Gayle Horn, Bar Number 07182

Renee Spence\*

LOEVY & LOEVY

311 N. Aberdeen St.

Third Floor

Chicago, IL 60607

(312) 243-5900

(312) 243-5902 (fax)

[gayle@loevy.com](mailto:gayle@loevy.com)

\**Pro hac vice* applications forthcoming