

Absence of Probable Cause: Deputy Josh Smith's Admission & Constitutional Violations

Introduction & Purpose

This memorandum and exhibit demonstrate that Deputy Josh Smith lacked probable cause to arrest Jeremy Black. Deputy Smith admitted in open court that he conducted no investigation prior to arrest. Under controlling Fourth Amendment standards, probable cause must be based on reasonably trustworthy facts known to the officer at the moment of arrest—not on unverified, biased, or fabricated claims. The absence of any pre-arrest investigation renders the arrest unconstitutional and taints all subsequent proceedings.

Issues Presented

1. Whether an arrest complies with the Fourth Amendment when the officer conducts no investigation prior to arrest and relies on a one-sided narrative.
2. Whether Deputy Smith's admission of no investigation defeats qualified immunity and supports claims for unlawful arrest and malicious prosecution under 42 U.S.C. § 1983.
3. Whether fabricated or predetermined probable cause ("I can make this stick") voids any reliance on later process and requires suppression and civil relief.

Governing Legal Standards

Probable Cause – Definition:

Probable cause exists only when the facts and circumstances within the officer's knowledge are sufficient to warrant a prudent person in believing that the suspect has committed or is committing an offense. *Beck v. Ohio*, 379 U.S. 89, 91 (1964); *Brinegar v. United States*, 338 U.S. 160, 175–76 (1949).

Timing:

Probable cause must exist at the moment of arrest; it cannot be retroactively manufactured. *Beck*, 379 U.S. at 91.

Duty to Consider Exculpatory/Clarifying Facts (Sixth Circuit):

An officer cannot ignore readily available exculpatory evidence or turn a blind eye to facts that would clarify the situation. *Gardenhire v. Schubert*, 205 F.3d 303, 318–19 (6th Cir. 2000); *Sykes v. Anderson*, 625 F.3d 294, 311–12 (6th Cir. 2010).

Reliance on Complainant Statements Has Limits:

While victim statements can support probable cause, officers may not rely on them when there is reason to doubt their veracity or when minimal investigation would resolve contradictions. *Ahlers v. Schebil*, 188 F.3d 365, 370–72 (6th Cir. 1999); *Voyticky v. Vill. of Timberlake*, 412 F.3d 669, 677–78 (6th Cir. 2005).

Fabrication/Omissions:

Knowingly false statements or material omissions to justify arrest violate the Fourth Amendment. *Franks v. Delaware*, 438 U.S. 154, 155–56 (1978).

Qualified Immunity:

Officers are not entitled to qualified immunity where no reasonable officer could believe probable cause existed. *Malley v. Briggs*, 475 U.S. 335, 344–45 (1986).

Malicious Prosecution / Post-Legal-Process Fourth Amendment Claim:

A seizure unsupported by probable cause that continues through legal process states a claim for malicious prosecution under § 1983. *Manuel v. City of Joliet*, 580 U.S. 357, 364–70 (2017); *Sykes*, 625 F.3d at 308–12 (6th Cir.).

Exclusionary Rule:

Evidence derived from an unconstitutional arrest must be suppressed as fruit of the poisonous tree. *Wong Sun v. United States*, 371 U.S. 471, 484–88 (1963).

Factual Record (Record Citations to Be Inserted)

- Deputy Smith testified/admitted in court that he conducted no investigation prior to arresting Jeremy Black. January 22, 2025 Sessions Court with Judge Strange
- Body-camera footage shows Deputy Smith announcing he “knows what he’s doing” and selecting a narrative “he could make stick,” while coordinating with Teshia Black, Tammy Webb, and Diane Parker. [Bodycam July 6, 2024].
- No interviews of neutral witnesses; no verification of claims; exculpatory facts ignored (contradictory statements; physical scene inconsistencies). [Exs. ___].
- Subsequent charging and bond actions flowed from the arrest and tainted process.

Analysis

Deputy Smith’s admission that he performed no pre-arrest investigation is dispositive. Under *Beck* and *Gardenhire*, probable cause requires reasonably trustworthy facts gathered before the arrest. By relying solely on a one-sided narrative—amid obvious credibility red flags and available clarifying evidence—Smith violated clearly established law. Sixth Circuit precedent (*Gardenhire*; *Sykes*) forbids officers from ignoring exculpatory information or failing to conduct even a minimal inquiry when simple steps would resolve contradictions.

The bodycam statements (“I can make this stick”) are further evidence of a predetermined, retaliatory arrest undertaken without objective facts. That conduct falls squarely within *Franks*’ prohibition on fabrications/omissions and defeats qualified immunity under *Malley*, because no reasonable officer would believe probable cause existed absent any investigation.

Because legal process thereafter relied on the tainted arrest, Jeremy Black states a § 1983 claim for unlawful arrest and malicious prosecution under Manuel and Sykes. All derivative evidence must be suppressed under Wong Sun. The record also corroborates a broader pattern consistent with the RICO/conspiracy pleadings.

Deputy Josh Smith's False Narrative and Constructed Probable Cause

Sections:

Introduction & Purpose – Explains how this exhibit supports the absence-of-probable-cause findings and evidences deliberate fabrication.

Primary Source Documents – Lists Smith's two reports (Interference with Emergency Call & Domestic Assault) and the warrant affidavit he signed under oath.

Chronological Narrative of Events – Incorporates:

The pre-arrival misinformation ("Jeremy hit Teshia") relayed to Smith.

Tammy Webb's unverified choking allegation.

Teshia's evolving story (held down / took phone / PTSD claims).

Daniel's statement that events became a blur after his mother intervened.

Diane Parker's attempt to clarify, immediately silenced by Teshia.

Smith's coaching remark: "We'll use the part where he held you down and took your phone—leave the rest out, I know what will stick."

Omission of Jeremy Black's facial injuries and his consistent statements that Teshia attacked him without provocation.

Analysis under Fourth Amendment & Due Process – Demonstrates how Smith's conduct:

Violated the constitutional duty to conduct an impartial investigation.

Constituted knowing fabrication under Franks v. Delaware (438 U.S. 154).

Amounts to evidence tampering and malicious prosecution under § 1983.

Requested Findings & Relief – Seeks judicial recognition of fabrication, suppression of tainted evidence, and incorporation into RICO/conspiracy pattern.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on: September 27, 2025

Jeremy Black

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