

Man arrested for taunting police chief sues city of Erin

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(Photo: Getty Images-iStockphoto)

A Tennessee man says he was wrongly arrested because of a six-word statement he sent to a police chief via the back window of his own truck.

"ERIN'S Police Chief is A B----" the white-paint scrawl on the back of Joe Southard II's red pickup declared, according to court records.

Southard is now suing the city of Erin and Chief of Police Mark Moore over his September arrest on a criminal harassment charge.

An affidavit written by Moore said the message was offensive and alarming on a personal level to him and his family, prompting him to file charges.

But Southard says in court filings he was just exercising his right to free speech. The charge against Southard was dropped by prosecutors in December, court records say. But the Houston County man isn't ready to let it go. Southard filed his lawsuit in federal court in Nashville on Feb. 1.

He alleges in court papers the top cop in the town of 1,300 residents about 65 miles west of Nashville violated his First Amendment rights and subjected him to false, retaliatory arrest. It asks a judge to award \$850,000 in damages.

And Southard wants to be able to let his feelings fly again. His lawsuit asks a judge to issue an injunction that would prevent the police chief from arresting Southard after future messages. "We have filed this lawsuit to vindicate his rights, and also we are asking for injunctive relief so that if he wants to make another protest, he wouldn't be arrested again," said David Raybin, a Nashville lawyer representing Southard. "He's afraid to put anything more on his windows because he'll be arrested again. That's what's known as chilling his rights."

Federal law says that in civil rights cases such as this, if Southard and Raybin win, they can recoup their legal fees from the town.

Their 15-page court filing excludes information on what led Southard to write the message in the first place.

Raybin said because of court rules about talking to members of the media, he could not say more. Moore did not return messages left at his office.

But the chief's affidavit indicates there's a backstory.

"The defendant has tried to provoke the (police chief) on several occasions while at his place of employment, however this instance was observed by (the chief) outside of his scope of employment," it reads.

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