

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

PAYTON ROHRSCHEIB,)
)
)
Plaintiff,)

V.

**MATT GENTRY, individually
and in his official capacity as
Sheriff of Cullman County,
Alabama;**

PHILLIP HARRIS, individually;

REX SORROW, individually;

TODD REYNOLDS, individually;

REBEKAH CASH, individually;

**and CULLMAN COUNTY,
ALABAMA,**

Defendants.

Civil Action No.

COMPLAINT AND DEMAND FOR JURY TRIAL

PRELIMINARY STATEMENT

1. Payton Rohrscheib found a security flaw in a federal law enforcement database, reported it to the federal authority responsible for patching it, and copied his own department's IT staff so the chain of command was covered. He sent the email at 7:30 in the morning. By 8:20, his captain was on the phone telling him to report to the Sheriff's Office. The reason given: the email.
2. What followed was not an investigation. It was a reckoning. Sheriff Matt Gentry — who had personally endorsed a candidate in the Cullman County

Sheriff's race and had been systematically threatening CCSO employees who publicly supported the opposing candidate — sat Payton down at the far end of a conference table, surrounded him with command staff, and told him he had a search warrant for Payton's personal cell phone. There was no warrant. Gentry knew there was no warrant. Payton handed over the phone because a sitting sheriff told him under oath-level authority that the law required it. The moment the phone left Payton's hands, Captain Harris entered the passcode and started going through it.

3. Payton was not targeted because he was a threat. He was targeted because of his mother. Cindy Rohrscheib is a veteran state probation officer with years of law enforcement service. She had publicly supported the candidate running against Gentry's political interest — the opponent of the candidate Gentry had personally endorsed. She put up yard signs. She posted her support publicly. She spoke out. In Gentry's world, that made her the enemy. And when he could not reach her directly through the levers of official power, he reached her through her son — a five-year detention deputy who reported a cybersecurity flaw and gave Gentry exactly the pretext he needed.
3. What Gentry did not know — and what this case turns on — is that Payton had activated his audio recorder before he walked into that office. The recorder was running when Gentry made the false warrant claim. It was running when Harris was handed the phone. Every word spoken in that room is captured on a device that Gentry's own department has held since March 27, 2026.
5. Three days after the warrantless seizure, Captain Harris appeared before a judge and swore an affidavit claiming Payton had refused to contact a supervisor or IT about the vulnerability. The email Harris was responding to had the CCSO IT staff member copied on it. Harris had that email when he swore the affidavit. The warrant he obtained on the strength of that false affidavit was also never served on Payton, was issued with its date and time fields left blank, and falsely certified in the return that a copy had been left with him. On April 6, 2026, Harris conducted a full forensic extraction of Payton's phone — without notice, without Payton's presence, and under a warrant that the false affidavit had no business producing.
6. This action is brought under 42 U.S.C. § 1983, the First, Fourth, and Fifth Amendments to the United States Constitution, and the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. Payton seeks compensatory damages, punitive damages against the individual defendants in their individual capacities, and attorney's fees under 42 U.S.C. § 1988 and 29 U.S.C. § 216(b).

PARTIES

3. Plaintiff Payton Rohrscheib is a citizen of the United States and a resident of Cullman County, Alabama. At all relevant times he was employed as a Detention Deputy with the Cullman County Sheriff's Office ("CCSO").
5. Defendant Matt Gentry is, and was at all times relevant to this Complaint, the duly elected Sheriff of Cullman County, Alabama. He is sued in his individual capacity for compensatory and punitive damages and in his official capacity for injunctive relief.
6. Defendant Phillip Harris is, and was at all relevant times, a Captain with the CCSO. He is sued in his individual capacity.
10. Defendant Rex Sorrow is, and was at all relevant times, a Captain with the CCSO. He is sued in his individual capacity.
11. Defendant Todd Reynolds is, and was at all relevant times, a Captain with the CCSO. He is sued in his individual capacity.
12. Defendant Rebekah Cash is, and was at all relevant times, a Lieutenant with the CCSO assigned to IT functions. She is sued in her individual capacity.
13. Defendant Cullman County, Alabama, is a municipal entity organized and existing under the laws of the State of Alabama. Cullman County funds and administers the CCSO jail operations and is a proper defendant for Plaintiff's claims arising under the Fair Labor Standards Act. To the extent permitted under *McMillian v. Monroe County*, 520 U.S. 781 (1997), Cullman County is also named for non-law-enforcement policymaking functions of the CCSO that give rise to constitutional liability.

JURISDICTION AND VENUE

14. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343(a)(3) because this action arises under the Constitution of the United States and 42 U.S.C. § 1983. The Court also has jurisdiction over Plaintiff's FLSA claim under 29 U.S.C. § 216(b).
15. Venue is proper in the Northern District of Alabama, Northeastern Division, under 28 U.S.C. § 1391(b) because all Defendants reside in this district and all acts and omissions giving rise to Plaintiff's claims occurred in Cullman County, Alabama.

FACTUAL ALLEGATIONS

A. Payton's Position, Duties, and Status at the CCSO

16. Payton Rohrscheib worked for the CCSO for approximately five years in the position of Detention Deputy. He was sworn in by Sheriff Gentry but was not certified by the Alabama Peace Officers' Standards and Training Commission (APOST). He had no arrest authority outside the jail facility. He was not authorized to exercise the powers of the sheriff in his absence and could not legally stand in for him. He held no policymaking authority and supervised no subordinates in any official capacity. He had no commission as a patrol deputy.
17. At various times Payton served informally as the "second" on his shift — meaning that when the shift sergeant was unavailable he managed the shift floor — but this role carried no official title, no rank, no pay increase, and no formal authority. Deputies he trained were promoted over him to sergeant. Her core daily duties were custodial: booking inmates, managing cell blocks, processing transports, and managing inmate conduct within the jail.
18. The CCSO had no written policy governing how employees should report IT security vulnerabilities to external agencies. There was no policy either requiring or prohibiting direct contact with CJIS on security matters. However, the NCIC certification and recertification program administered by the federal government — the same program Payton had just completed on March 26, 2026 — expressly instructs certified employees to report security breaches and suspicious activity. Payton's decision to report the vulnerability to CJIS was driven by this federal certification instruction, not by any duty assigned to him by the CCSO.
19. Payton has had no disciplinary action since November 2024. Earlier in his employment, Gentry had already demonstrated his willingness to use official meetings as instruments of intimidation. In or about October 2024, after Payton raised concerns about disparate discipline — noting that a deputy who received a DUI was given two days without pay while Payton received three days without pay for a text message, and that a sergeant who verbally berated a lieutenant was given approximately three weeks with pay — Gentry subjected him to a confrontation lasting more than forty minutes. At the close of that meeting, Gentry told Payton directly that if he ever came to his office again for a conversation of that kind, he would be fired. Payton understood that threat to be a standing warning against raising concerns about CCSO misconduct through internal channels.

B. Discovery of the CJIS Security Vulnerability

20. On or about January 23, 2026, while helping a fellow deputy access the CJIS/ALACOP certification portal, Payton discovered a security

vulnerability. When a user accessed the portal through the Google Chrome browser history, the browser automatically authenticated that user under the credentials of the last-logged-in employee — bypassing username, password, and two-factor authentication entirely. Any person with access to a CCSO computer's browser history could log into another employee's official CJIS account without any credentials.

21. Payton verbally reported this to his supervisor, Sergeant Lee, in or about January 2026 in the booking area of the jail. Sergeant Lee responded with words to the effect that it was "weird" but took no further action. The booking area has video and audio surveillance, and that report should be captured on CCSO recording systems.
22. On March 26, 2026, Payton completed his NCIC recertification test. The test itself directs certified employees to report security breaches or suspicious activity. The following morning Payton recalled the vulnerability was still unaddressed.

C. Payton Reports the Vulnerability; Immediate Summons

23. On March 27, 2026, at approximately 7:30 a.m., Payton sent an email from his CCSO work email account to CJIS@alea.gov reporting the vulnerability. He carbon-copied Charlie Gibbs, the CCSO IT staff member, to keep his chain of command informed while ensuring CJIS received direct notice of the flaw. He used his work email specifically because he wanted CJIS to know he worked for the CCSO and to lend credibility to the report. He sent a follow-up from his personal email but the original report was sent from his official CCSO account.
24. Shortly after the phone was seized later that day, the CCSO changed the password to Payton's work email account, locking him out of it. As a result, Payton lost access to the original March 27 email and any responsive communications from CJIS or Gibbs. Defendants possessed and controlled that email account and its contents from the time Payton's access was revoked.
25. Within approximately fifty minutes of sending the email — at approximately 8:20 a.m. — Payton received a phone call from Defendant Captain Reynolds directing him to report to the Sheriff's Office immediately. Reynolds identified the sole reason as the email he had sent to CJIS.
26. Payton reported as ordered. While walking through the records area on his way to Gentry's office — before entering the room — he activated the audio recorder on his phone and placed it in his pocket. This was the third time

Payton had recorded a meeting with Gentry; he had also recorded a prior meeting about the hostile work environment complaint. Reynolds escorted him into Gentry's personal office, where Gentry and Defendant Captain Harris were already waiting. Defendant Lieutenant Cash and Timothy Kerber entered and took seats flanking Gentry. Payton was directed to sit at the far end of a table with Reynolds on his right and Harris on his left.

D. Warrantless Seizure of Payton's Cell Phone; Compelled Passcode; Evidence Now in Defendants' Possession

27. In the meeting, Gentry accused Payton of "backdooring" CJIS for personal gain and demanded to know what else he had been backdooring. Payton denied any unauthorized access and explained he had sent the email as a bug report. Gentry's only response was to accuse him of wanting to work in IT since he started and to suggest that if he could backdoor CJIS he could backdoor anything. Gentry never identified specifically what system he believed he had improperly accessed or what evidence of improper access he possessed.
28. Gentry then stated that he had a search warrant for Payton's personal cell phone and that he was required to hand it over. He also stated that he was required to provide the unlock passcode. No search warrant had been issued at the time. Gentry's representation was a knowing falsehood.
29. Payton's audio recorder was running throughout this exchange, capturing Gentry's false claim of a warrant and the compelled demand for his passcode. As Payton was turning off the recorder and handing the phone to Harris, Gentry instructed Harris to take the phone before he could unlock it. Payton disclosed his passcode because he reasonably believed he was legally required to do so and would be terminated if he refused.
30. Harris immediately entered Payton's passcode, unlocked the phone, and began navigating through its contents — accessing screens Payton did not recognize for approximately five to ten minutes, without any warrant, without voluntary consent, and without any recognized exception to the warrant requirement.
31. The phone that Harris seized and searched contained three audio recordings of meetings between Payton and CCSO supervisors, including a forty-minute recording of a prior meeting involving a hostile work environment complaint and the recording made during the March 27 meeting itself — including the moment Gentry falsely claimed to possess a warrant.

Defendants have possessed those recordings since March 27, 2026. They are potentially exculpatory evidence and must be preserved.

32. Gentry told Payton he was suspended pending investigation and had him escorted out. He was given no written documentation about any warrant.

E. No Warrant Existed; Gentry Admits the Falsehood

33. After the meeting Payton reported what happened to his mother, Cindy Rohrscheib. Cindy called the Cullman County Courthouse and the District Attorney's Office and confirmed that no search warrant had been issued for Payton's phone.
34. Payton and Cindy returned to the Sheriff's Office that same day. Cindy met with Gentry and Harris in Harris's office. Gentry admitted he did not have a search warrant. He stated he intended to seek one and was keeping the phone as "exigent circumstances."
35. Gentry told Cindy he believed Payton had been documenting policy violations at the CCSO and that he intended to pursue criminal charges if he found supporting evidence. He said Payton violated policy by reporting the vulnerability to CJIS. Gentry and Harris refused to return the phone.

F. The After-Obtained Warrant: False Affidavit, Facial Defects, and the April 6 Forensic Extraction

36. On March 30, 2026 — three days after the phone was seized — Defendant Harris swore an Application and Affidavit for Search Warrant in Case No. 260303385 before a judge of the Cullman County District/Circuit Court, seeking to search the Red Samsung Cellphone with Passcode #7256 for evidence of Computer Tampering under Ala. Code § 13A-8-112.
37. Harris's affidavit contained material false statements. Harris swore that Payton "declined speaking with a supervisor or the IT department about it, wanting to fix it himself." This was false in at least two independent respects that Harris knew at the time he swore the affidavit. First, Payton had verbally reported the vulnerability to Sergeant Lee in January 2026 — a fact Payton stated openly in the meeting on March 27, in the presence of Harris, Gentry, Reynolds, Cash, and Kerber. Second, the March 27 email that triggered the entire investigation — the email that Reynolds, Gentry, and Harris were responding to — conspicuously carbon-copied Charlie Gibbs, the CCSO IT staff member. Harris had access to that email before he swore the affidavit. The statement that Payton declined to contact IT was directly contradicted by documentary evidence Harris possessed.

38. Harris's affidavit also stated that Payton "had actually breached the system a short time before the meeting." This was false. Payton had not breached any system. He discovered and reported a pre-existing vulnerability. Gentry himself, in the meeting, never identified any specific system Payton had improperly accessed or any evidence of actual unauthorized access. The characterization of discovery and reporting as criminal breach was factually unsupported.
39. Harris referred to Payton throughout the affidavit using male pronouns. Harris had never spoken with Payton directly before swearing the affidavit and conducted no apparent independent investigation, relying instead on Reynolds's account of the meeting.
40. The warrant itself was facially defective: the "ISSUED TO" fields requiring the time and date of issuance were left entirely blank. No hour, day, or month was filled in.
41. The warrant was filed with the Cullman County Circuit Court on April 7, 2026. Payton has never been personally served with the warrant, has never been given a copy of it, and has never signed any consent form. No copy was ever left with him by mail, hand delivery, or any other method. The box on the Return certifying compliance with Ala. R. Crim. P. 3.11(a) was checked, but that certification was false.
42. On April 6, 2026, Harris conducted a "phone dump" — a full forensic extraction of the digital contents of Payton's cell phone — and recorded that execution in the Return and Inventory as "Phone dump" of the "Red cellphone" at 1300 hours. Payton received no notice, was not present, and was not contacted. The Return was signed by Harris on April 6, 2026 and filed April 7, 2026. The warrant was returned to the judge on April 7 at 9:40 a.m. and acknowledged by a judge or magistrate the same day.
43. The forensic extraction was a comprehensive search of all digital contents of the phone. The warrant, even on its face, authorized seizure of the physical device — it did not specify any particular digital content, files, messages, or categories of information to be searched. Under *Riley v. California*, 573 U.S. 373 (2014), a warrant to seize a phone does not automatically authorize a search of all digital contents stored on it. Even a valid warrant would not have authorized this extraction. The warrant was not valid.
44. Payton's Samsung account backup reflects a gap in text messages and phone call records for March 27, 2026 — the day of the seizure — and does not include photographs from the phone. The gap in the backup record for the precise date of the seizure is consistent with deletion or alteration of data

during or after the extraction. The photographs lost included personal images of Payton's son.

G. Seizure of Issued Equipment; Departure from Standard CCSO Suspension Practice

45. Shortly after Payton returned home on March 27, Defendants Sorrow and Reynolds arrived at his residence, dispatched by Gentry to collect all of his issued uniforms, gear, and commission card.

46. This collection was unprecedented in Payton's experience at the CCSO. On at least one prior occasion Payton had been suspended without pay, and CCSO staff did not collect his uniforms, gear, or commission card at that time. The CCSO's practice of collecting those items is reserved for termination, not suspension. Payton reasonably believed he had been permanently terminated.

H. Ongoing Retaliation: Post-Suspension Order Against Contact

47. After the suspension, Gentry issued an order through the CCSO chain of command prohibiting Payton's coworkers from speaking with him and stating that he was forbidden from entering the jail. This order was communicated to Payton's fellow employees and served to isolate him professionally, damage his standing within the law enforcement community, and deter others from cooperating with him or corroborating his account of events.

I. Retaliation for Payton's Protected Speech

48. Payton's March 27 email to CJIS reported a vulnerability in federally-regulated law enforcement systems posing a threat to the integrity of CJIS records and the personal information of CCSO personnel. It was directed to an external federal-state regulatory authority, not made in furtherance of any duty assigned to Payton as a Detention Deputy. The CCSO had no written policy governing such reports. The instruction to report came from the federal NCIC certification program, not from Payton's job description. Her speech addressed a matter of public concern — the security of a federal criminal justice information system used by law enforcement agencies across Alabama.

49. The adverse actions taken against Payton — summoning him within fifty minutes of the email, falsely claiming a warrant to obtain his phone, seizing the phone, compelling his passcode under threat of termination, suspending him, collecting his gear in a manner used only for terminations, locking him

out of his work email, issuing an order prohibiting coworkers from speaking with him, and threatening criminal prosecution — were causally connected to and substantially motivated by his protected speech to CJIS.

J. Retaliatory Context: Political Motive Behind the Adverse Actions

50. Under ordinary circumstances, a sheriff who received a security vulnerability report from a jail employee might have handled the matter through routine administrative channels — a conversation with IT, a note to the relevant supervisor, a quiet fix. What transformed Payton's bug report into a pretext for warrantless seizure, suspension, threatened criminal prosecution, and a false sworn affidavit was the political context in which it arrived.
51. Gentry had personally and publicly endorsed a candidate in the Cullman County Sheriff's race. Members of Payton's family had publicly supported that candidate's opponent. They placed yard signs for the opposing candidate and declared their support on personal social media. In Gentry's view, their public backing of the opposing candidate was not merely a difference of opinion — it was a direct challenge to the candidate he had staked his personal credibility on and was actively campaigning for. Any CCSO patrol or detention deputy who expressed public support for the opposing candidate received phone calls from Gentry, Captain Sorrow, or ranking deputies demanding deletion of social media posts and removal of yard signs, on threat of termination. Payton was aware of and affected by this sustained campaign of political intimidation within the CCSO.
52. Gentry also publicly opposed Payton's family's support for a candidate running against a candidate Gentry himself had endorsed. Payton's mother had not only backed the opposing candidate — she had done so openly and vocally, in a small community where Gentry knew exactly who was with him and who was not. When Payton's email to CJIS arrived on Gentry's desk fifty minutes after it was sent, it did not land in a vacuum. It landed on the desk of a sheriff who had already decided that Payton's family was the enemy, and who now had a vehicle to act on that animus under the cover of an official investigation.
53. Gentry's retaliatory conduct against Payton was substantially motivated by this political hostility — toward Payton's family's public opposition to his endorsed candidate, and toward the threat their documented concerns about the CCSO posed to his political standing. The phone seizure, the false warrant claim, the forensic extraction, the suspension, and the threatened

prosecution were not a response to a security breach. They were a response to who Payton's family was and what they stood for in an active election.

54. Defendant Lieutenant Cash and CCSO Records Clerk Pam Miller received and carried out Gentry's order to cut off Payton's mother's probation office from receiving police reports and the daily arrest and inmate list — access the probation office had received routinely for years. This action occurred the same day as the phone seizure and was taken against state probation officers performing their official law enforcement duties, in direct retaliation for the family's political activities and Payton's mother's exposure of Gentry's false warrant claim.

K. Prior Pattern of Misconduct

53. Defendant Gentry has previously been the subject of an FBI investigation for alleged misappropriation of funds. Those charges were not pursued after a private meeting between Gentry and the State Attorney General.
54. Between approximately September 2024 and January 2025, three inmates died at the Cullman County Jail within a four-month span. The first, whose identity is not currently known to Plaintiff, died on Bravo shift under the supervision of Sergeant Orona while foaming at the mouth. The second, Mark Oliver, died on Charlie shift under Sergeant Hanson's supervision and was discovered with rigor mortis already set in. The third, Charles Keeton, died on Alpha shift under Sergeant Hanson's supervision. Keeton was transported by ambulance from the jail to Cullman Regional Medical Center and was pronounced dead there, rather than at the jail. Information provided to Plaintiff indicates that the State Bureau of Investigation investigated the first two deaths but was not called to investigate Keeton's death — the one in which the body was removed from the jail before he was declared dead. Plaintiff is informed that Keeton was experiencing pulseless electrical activity at the time of transport, a condition in which the heart has ceased to function while residual electrical brain activity remains. Jail nurse Kendra Parks has knowledge of these events. The removal of Keeton's body from the jail before a death declaration is consistent with a deliberate effort to circumvent mandatory in-custody death investigation procedures.
57. The systematic suppression of CCSO employee political speech — in which Gentry and his command staff personally threatened multiple deputies with termination for constitutionally protected public expression — constitutes a widespread custom so pervasive as to reflect de facto policy and demonstrates Gentry's established practice of using his official authority to silence protected speech.

L. Constructive Discharge and New Employment

58. The combination of unlawful suspension, unprecedented gear collection, lockout from his work email, a standing order prohibiting coworkers from speaking with him, threatened criminal prosecution, and the ongoing retention of his personal phone left Payton with no reasonable basis to expect continued employment at the CCSO on lawful terms. Payton accepted a position with the Morgan County Sheriff's Office with a start date of April 23, 2026, and submitted his resignation from the CCSO effective the same date. His departure was a constructive discharge proximately caused by Defendants' unconstitutional conduct.

M. Unpaid Overtime

59. Prior to his suspension, Payton worked and was not compensated for the following overtime hours: (a) approximately five hours on March 7, 2026, for a Delta shift assist; (b) approximately 1.5 hours on March 23, 2026, for Taser 10 class preparation; and (c) approximately 2.5 hours on March 24, 2026, for the Taser 10 class itself. The CCSO has failed and refused to pay Payton for any of these hours.

COUNT I

Fourth Amendment — Warrantless Seizure of Personal Cell Phone

42 U.S.C. § 1983

(Against Defendants Gentry and Harris, Individually)

60. Plaintiff incorporates Paragraphs 1 through 53 to the extent necessary to this Count.
61. The Fourth Amendment guarantees the right of persons to be free from unreasonable seizures of their effects. A personal cell phone is an effect within the meaning of the Fourth Amendment. Seizure of a cell phone without a warrant and without valid consent is presumptively unreasonable.
62. At the time Defendants Gentry and Harris seized Payton's personal cell phone on March 27, 2026, no search warrant existed. No lawful exigency justified warrantless seizure. No voluntary consent was given. Under *Bumper v. North Carolina*, 391 U.S. 543 (1968), consent obtained through a false affirmative representation that a warrant exists is involuntary and constitutionally infirm. Payton's audio recorder was running when Gentry made that false representation.

63. The exigent-circumstances justification Gentry asserted after the fact fails as a matter of law. Any arguable exigency was created by Gentry himself — he summoned Payton under false pretenses and manufactured a coercive confrontation in his own office. A party cannot manufacture an exigency to justify a warrantless seizure.
64. The warrant obtained three days after the seizure cannot retroactively validate the Fourth Amendment violation. The constitutional moment is the moment of seizure.
65. No reasonable officer could have believed that seizing a citizen's cell phone by falsely claiming to possess a warrant was constitutionally permissible. Qualified immunity is unavailable.
66. As a direct and proximate result, Payton suffered deprivation of his personal property, loss of personal data and communications including irreplaceable photographs of his minor son, emotional distress, and related damages.

COUNT II

Fourth Amendment — Warrantless Search of Cell Phone Contents on March 27, 2026

42 U.S.C. § 1983

(Against Defendants Gentry and Harris, Individually)

67. Plaintiff incorporates Paragraphs 1 through 53 and 54 through 60 to the extent necessary to this Count.
68. In *Riley v. California*, 573 U.S. 373 (2014), the Supreme Court held unanimously that police must obtain a warrant before searching the digital contents of a cell phone and that no exception to the warrant requirement exists for the convenience of law enforcement.
69. Immediately after receiving Payton's phone on March 27, 2026, Defendant Harris entered his passcode and began accessing the phone's digital contents — with no warrant in existence, no valid consent, and no recognized exception to the warrant requirement. Harris navigated to screens Payton did not recognize and spent approximately five to ten minutes in the phone's contents before Payton left the room.
70. The passcode was compelled through Gentry's false representation of legal authority and the threat of termination. Consent obtained through those

means is not voluntary. Riley has been controlling law since 2014. No reasonable officer could have believed that accessing the digital contents of a citizen's phone without a warrant — through a false claim of authority — was lawful. Qualified immunity is unavailable.

71. As a direct and proximate result, Payton suffered invasion of his privacy and exposure of personal communications, photographs, and other private digital data, including the three audio recordings of prior CCSO meetings, emotional distress, and related damages.

COUNT III

Fourth Amendment — Unlawful Forensic Extraction Based on Warrant Procured Through Material Misrepresentations (Franks v. Delaware)

42 U.S.C. § 1983

(Against Defendant Harris, Individually)

72. Plaintiff incorporates Paragraphs 1 through 53 and 32 through 40 to the extent necessary to this Count.
73. Under *Franks v. Delaware*, 438 U.S. 154 (1978), a search warrant is void where the affiant deliberately or recklessly includes false statements of material fact in the supporting affidavit. Where a warrant is procured through a false affidavit, any search conducted pursuant to that warrant is as unconstitutional as a warrantless search.
74. Harris's March 30, 2026 affidavit contained at least two deliberate or reckless material misrepresentations. First, Harris swore Payton had "declined speaking with a supervisor or the IT department" — false, because Payton said in the March 27 meeting, in front of Harris and four other witnesses, that he had reported the issue to Sgt. Lee in January; and false because the March 27 email Harris was responding to had the CCSO IT staff member CC'd on its face. Harris had that email before he swore the affidavit. Second, Harris swore Payton had "actually breached the system" — false, because Payton had discovered and reported a pre-existing vulnerability. No one in the March 27 meeting identified any specific system Payton had accessed, any evidence of unauthorized access, or any specific harm. Gentry himself only accused his of possible misuse without identifying what he had done.

75. Absent these misrepresentations, Harris's affidavit would not have established probable cause for Computer Tampering under Ala. Code § 13A-8-112. A person who discovers a security vulnerability and reports it to the responsible federal authority has not tampered with a computer. The false statements were material to the probable cause determination.
76. The April 6, 2026 "phone dump" — a comprehensive forensic extraction of all digital contents of Payton's cell phone — was conducted pursuant to this void warrant and constitutes an independent Fourth Amendment violation. The extraction was also independently unlawful because the warrant, even on its face, authorized seizure of the physical device only; it did not identify any specific digital content, files, messages, or categories of information to be searched.
77. The warrant was facially defective on an additional independent ground: the issuance date and time fields were left entirely blank, rendering it procedurally invalid under Ala. R. Crim. P. 3.8.
78. The law requiring probable cause to be established through truthful averments has been clearly established since *Franks* in 1978. No reasonable officer could have believed that swearing to the falsehoods in Harris's affidavit and then conducting a full forensic extraction under the resulting void warrant was constitutionally permissible. Qualified immunity is unavailable.
79. As a direct and proximate result, Payton suffered a comprehensive invasion of his entire digital private life, including all personal communications, photographs — including irreplaceable photographs of his minor son — financial records, personal documents, and three audio recordings of prior CCSO meetings, as well as emotional distress and related damages.

COUNT IV

Fifth Amendment — Compelled Self-Incrimination

42 U.S.C. § 1983

(Against Defendants Gentry and Harris, Individually)

80. Plaintiff incorporates Paragraphs 1 through 53 to the extent necessary to this Count.
81. The Fifth Amendment provides that no person shall be compelled in any criminal case to be a witness against himself. Compelled disclosure of a cell

phone passcode is a testimonial act within the meaning of the Fifth Amendment where the contents of the phone are not a foregone conclusion known to the government. Harris's own affidavit acknowledged that it was "unclear" what had been done with the CCSO systems and that the phone was seized because it "possibly" held evidence of the offense — language directly undercutting any claim that the government knew the specific incriminating content of the phone before seizure.

82. Gentry told Payton he was required to provide his passcode under a false claim of legal authority and a credible threat of termination. Payton provided the passcode because he reasonably believed he had no lawful choice. The compulsion was effective and deliberate.
83. At the time of the compelled disclosure, Payton was the target of a criminal investigation Gentry intended to pursue. The testimonial act was compelled in direct furtherance of that investigation. The subsequent false affidavit confirms that Defendants were constructing a criminal case using evidence obtained through the coerced disclosure.
84. No reasonable officer could have believed that compelling a citizen to disclose his phone passcode by falsely claiming to possess a warrant, in the context of an investigation targeting that citizen, was constitutionally permissible. Qualified immunity is unavailable. [Note to counsel: Confirm through discovery the full extent of what the government claims it already knew about the phone's specific contents before seizure, in light of Harris's admission of uncertainty in the affidavit.]
85. As a direct and proximate result, Payton suffered compelled self-incrimination, potential criminal exposure arising from his own coerced disclosure, emotional distress, and related damages.

COUNT V

First Amendment — Retaliation for Protected Speech on a Matter of Public Concern

42 U.S.C. § 1983

(Against Defendant Gentry, Individually)

86. Plaintiff incorporates Paragraphs 1 through 53 to the extent necessary to this Count.

87. A government employee's speech is protected by the First Amendment when the employee speaks as a citizen on a matter of public concern and not pursuant to his official duties. *Garcetti v. Ceballos*, 547 U.S. 410 (2006); *Lane v. Franks*, 573 U.S. 228 (2014).
88. Payton's March 27 email to CJIS was speech on a matter of public concern. The security of federally-regulated law enforcement computer systems — systems storing criminal history records, officer certification data, and sensitive information accessible to CCSO personnel — is a matter of legitimate public concern. The vulnerability Payton reported allowed unauthorized access to official CJIS accounts across potentially every agency using the same system, not just the CCSO.
89. Payton's report to CJIS was not within the ordinary scope of his duties as a Detention Deputy. The CCSO had no policy requiring or authorizing his to make such a report. No supervisor had assigned him to monitor CJIS security. Her instruction to report came from the federal NCIC certification program itself, not from any CCSO job duty. He reported as a citizen complying with a federal certification obligation, not as an employee carrying out an assigned function. See *Lane v. Franks*, 573 U.S. at 240.
90. Gentry retaliated against Payton for this protected speech by: (a) summoning him within fifty minutes of the email; (b) falsely claiming to have a search warrant; (c) seizing his phone; (d) compelling his passcode under threat of termination; (e) accessing his phone contents on the spot; (f) placing him on suspension; (g) collecting his gear in the manner reserved for termination; (h) locking him out of his work email account; (i) issuing an order prohibiting coworkers from speaking with him; (j) orchestrating a warrant through false affidavit to continue holding and extracting the phone; and (k) threatening criminal prosecution.
91. The fifty-minute gap between Payton's email and Gentry's summons is direct evidence of retaliatory motive. The law protecting citizen speech on matters of public concern was clearly established before March 2026. See *Cooper v. Smith*, 89 F.3d 761 (11th Cir. 1996) (sheriff's deputy who reported corruption to external law enforcement agency engaged in protected speech; retaliation unlawful). Qualified immunity is unavailable.
92. As a direct and proximate result, Payton suffered constructive discharge, loss of employment income and benefits, emotional distress, reputational harm, and related damages.

COUNT VI

First Amendment — Retaliation for Protected Political Association

42 U.S.C. § 1983

(Against Defendant Gentry, Individually)

93. Plaintiff incorporates Paragraphs 1 through 53 to the extent necessary to this Count.
94. The First Amendment prohibits government officials from retaliating against individuals for engaging in protected political speech and association. *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990); *Elrod v. Burns*, 427 U.S. 347 (1976). Retaliation against a government employee because of the protected political activities of his family members is equally prohibited where retaliatory motive is established.
95. Payton's position as a Detention Deputy is not subject to the Eleventh Circuit's alter-ego exception to the *Elrod-Branti* doctrine. Payton was not APOST-certified. He had no arrest authority outside the jail. He could not stand in for the sheriff. He held no policymaking authority. Her daily duties were custodial — booking, cell management, inmate transport, and floor supervision. Her informal role as shift "second" carried no official title, no rank, and no additional pay or benefits. Payton's position is more analogous to the custodial jailer positions that courts have held retain full First Amendment protection than to the patrol deputy positions that the Eleventh Circuit has treated as alter egos of the sheriff.
96. Gentry was aware that members of Payton's family had publicly declared support for his political opponent and had raised concerns about his management of the CCSO. Gentry had already engaged in a campaign threatening CCSO employees with termination for supporting Creel. His conduct toward Payton — the pretextual investigation, false warrant claim, phone seizure, suspension, gear collection, work email lockout, and no-contact order — was substantially motivated by his hostility toward Payton's family's protected political opposition and the threat their documented concerns posed to his continued tenure.
97. The law prohibiting government retaliation for protected political association was clearly established before the events at issue. Qualified immunity is unavailable.
98. As a direct and proximate result, Payton suffered constructive discharge, loss of income and benefits, emotional distress, and related damages.

COUNT VII

Monell — Municipal Liability for Unconstitutional Policy and Custom

42 U.S.C. § 1983

(Against Cullman County, Alabama)

99. Plaintiff incorporates Paragraphs 1 through 92 to the extent necessary to this Count.
100. Under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), a municipality is liable under § 1983 when a constitutional violation results from an official policy, widespread custom, or the decision of a final policymaker whose acts constitute official policy. This Count is asserted to the extent permitted under *McMillian v. Monroe County*, 520 U.S. 781 (1997). [Note to counsel: develop through discovery.]
101. The systematic suppression of CCSO employee political speech, in which Gentry and his command staff personally threatened multiple deputies with termination for exercising their First Amendment rights, constitutes a widespread custom reflecting de facto policy directed by the highest-ranking officials of the CCSO.
102. The failure to train CCSO officers on Fourth Amendment requirements for cell phone seizure and search, and the demonstrated willingness to procure warrants through false affidavits, reflect deliberate indifference to the constitutional rights of persons interacting with the CCSO.
103. These policies and customs directly caused the constitutional violations Payton suffered.

COUNT VIII

Fair Labor Standards Act — Unpaid Overtime

29 U.S.C. § 207

(Against Cullman County, Alabama)

104. Plaintiff incorporates Paragraphs 1 through 53 to the extent necessary to this Count.
105. The FLSA requires covered employers to compensate non-exempt employees at one and one-half times the regular rate for hours worked in excess of the applicable threshold. 29 U.S.C. § 207.
106. Payton earned \$17.66 per hour and was scheduled for 85.75 hours per two-week pay period. He is a non-exempt employee. Cullman County is an employer within the meaning of the FLSA. [Note to counsel: verify applicability of the 207(k) partial-week law enforcement exemption and calculate the applicable overtime threshold for Payton's position.]
107. Payton worked and was not compensated for the following overtime hours: approximately 5 hours on March 7, 2026 (Delta shift assist); approximately 1.5 hours on March 23, 2026 (Taser 10 class preparation); and approximately 2.5 hours on March 24, 2026 (Taser 10 class). Total uncompensated overtime: approximately 4.25 hours.
108. Cullman County's failure to compensate Payton for these hours was willful within the meaning of the FLSA. Payton is entitled to unpaid overtime wages, an equal amount as liquidated damages under 29 U.S.C. § 216(b), and attorney's fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Payton Rohrscheib respectfully requests that this Court enter judgment in his favor and against Defendants as follows:

- A. Declare that Defendants violated Plaintiff's rights under the First, Fourth, and Fifth Amendments to the United States Constitution;
- B. Award Plaintiff compensatory damages in an amount to be determined at trial for the warrantless seizure of his cell phone; the warrantless search of his phone's contents on March 27, 2026; the unlawful forensic extraction of his phone's contents on April 6, 2026; the compelled disclosure of his passcode; the retaliatory suspension, constructive discharge, and threatened criminal prosecution; the lockout from his work email; the loss of irreplaceable personal data and recordings; and all related harm;
- C. Award punitive damages against each individual Defendant in his or his individual capacity in an amount sufficient to punish the misconduct and deter future unconstitutional conduct;

- D. Order the immediate return of Plaintiff's personal cell phone and the destruction of all forensic copies, digital extractions, and data obtained therefrom, including all audio recordings extracted from the device;
- E. Issue injunctive relief prohibiting Defendants, their agents, and successors from retaliating against Plaintiff for any protected speech or association, including withdrawing any standing order prohibiting CCSO employees from communicating with Plaintiff;
- F. Award Plaintiff all unpaid overtime compensation and an equal amount as liquidated damages under the FLSA;
- G. Award Plaintiff reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988 and 29 U.S.C. § 216(b); and
- H. Award such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Respectfully Submitted,

/s/ Scott T. Morro

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DEFENDANTS TO BE SERVED VIA PRIVATE PROCESS SERVER