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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

MELISSA WALTON,

PLAINTIFF,

vs.

CITY OF BOISE; OFFICER M. JACOBS;
OFFICER C. SNODDERLY; and DOES 1-
10

DEFENDANTS.

Case No. CV01-22-14697

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

INTRODUCTION

1. This is a wrongful death lawsuit stemming from the shooting death of ZACHARY SNOW on October 27, 2021 in Downtown Boise, Idaho by Boise Police Department Officers M. JACOBS and C. SNODDERLY.

JURISDICTION & VENUE

2. This Court maintains original, subject-matter jurisdiction over this action under Section 1-705 of the Idaho Code.

3. Venue is proper in this Court pursuant to Section 5-402 of the Idaho Code because the City of Idaho is named as a defendant in this action, and Ada County encompasses the capital City of Boise. Additionally, the underlying actions in this case occurred in Ada County.

PARTIES

4. Plaintiff MELISSA WALTON was the mother of ZACHARY SNOW and brings this lawsuit individually and as successor in interest to ZACHARY SNOW.

5. Defendant CITY OF BOISE (hereinafter sometimes "CITY") is municipal entity of the State of Idaho with the capacity to sue and be sued. Defendant CITY is responsible for the actions, omissions, policies, procedures, practices and customs of its officers, and its agents and employees. At all times relevant to the facts alleged herein, Defendant COUNTY was responsible for the acts and omission of Defendants M. JACOBS and C. SNODDERLY.

6. Defendants M. JACOBS and C. SNODDERLY and Does 1 Through 10 were employees of the CITY. At all times relevant, Defendants . JACOBS and C. SNODDERLY, and Does 1 Through 10 were an employee and/or agent of Defendant CITY and each of these individual defendants acted under color of law, to wit, under the color of the statutes, ordinances, regulations, policies, customs, and usages of Defendant CITY, as well as under the color of the statutes and regulations of the State of Idaho.

7. The true names of defendants Does 1 Through 10, inclusive, are unknown to Plaintiff, who therefore sues these defendants by such fictitious names. Plaintiff will seek leave to amend this complaint to show the true names and capacities of these defendants when they have been ascertained. Each of the fictitious named defendants is responsible in some manner for the conduct and liabilities alleged herein.

8. At all times relevant to the facts alleged herein, Defendants M. JACOBS and C. SNODDERLY, and Does 1 Through 10, are duly appointed, qualified and acting officers, employees, and/or agents of CITY, employed as such by Defendants, and acting within the course and scope of their employment and/or agency and under color of state law. Each of the Defendants and Doe Defendants caused and is responsible for the unlawful conduct and resulting by, inter alia, personally participating in the conduct, or acting jointly and in concert with others who did so by

authorizing, acquiescing, condoning, acting, omitting or failing to take action to prevent the unlawful conduct by promulgating or failing to promulgate policies and procedures pursuant to which the unlawful conduct occurred; by failing and refusing, with deliberate indifference to Plaintiff's rights, to initiate and maintain adequate supervision, security, training, compliance with responsibilities and duties, and staffing; by failing to maintain proper and adequate policies, procedures and protocols; and by ratifying and condoning the unlawful conduct performed by agents and officers, deputies, and employees under their direction and control.

9. Each of the Defendants caused and is responsible for the unlawful conduct and resulting, by, inter alia, personally participating in the conduct, or acting jointly and in concert with others who did so; by authorizing, acquiescing or failing to take action to prevent the unlawful conduct; by promulgating policies and procedures pursuant to which the unlawful conduct occurred; by failing and refusing, with deliberate indifference to Plaintiff's rights, to initiate and maintain adequate supervision and/or training; and, by ratifying the unlawful conduct that occurred by agents and peace officers under their direction and control. Whenever and wherever reference is made in this Complaint to any act by a Defendant, such allegation and reference shall also be deemed to mean the acts and failures to act of each Defendant individually, joint, and severally. They are sued in their individual and official capacities and in some manner are responsible for the acts and omissions alleged herein. Plaintiff will ask leave of this Court to amend this Complaint to allege such name and responsibility when that information is ascertained. Each of Defendants is the agent of the other and the actions of each of the Defendants were ratified by the other Defendants.

10. Whenever and wherever reference is made in this Complaint to any act by Defendants and Doe Defendants, such allegations and references shall also be deemed to mean the acts and failures to act of each Defendants individually, jointly or severally

GENERAL ALLEGATIONS

11. On October 27, 2020, Plaintiff MELISSA WALTON called the police to tell them her son, ZACHARY SNOW, was struggling and suicidal. ZACHARY SNOW's ex-girlfriend contacted Plaintiff MELISSA WALTON and said he was hurting after they separated and he was suicidal.

12. Since Decedent ZACHARY SNOW was young, he battled mental illness.

13. Indeed, doctors diagnosed ZACHARY SNOW with anti-social personality disorder at the age 18. ZACHARY SNOW was prescribed medication as a result.

14. The Boise Police Department said officers knew about ZACHARY SNOW's record and had dealt with him in the past.

15. October 27, 2021, knowing of ZACHARY SNOW's mental health issues and encounters in the past, Boise Police Department officers received a call from MELISSA WALTON about ZACHARY SNOW being suicidal.

16. They came in contact with him again the evening of October 27, 2021 after Walton called dispatch, saying her son threatened to take his own life.

17. Plaintiff MELISSA WALTON had a video of ZACHARY SNOW standing on top of a building saying goodbye. Plaintiff MELISSA WALTON told SNOW that she was calling the police.

18. Plaintiff MELISSA WALTON told police, dispatch around 5 p.m. on October 27, 2021 that ZACHARY SNOW was on top of a building in downtown Boise.

19. Plaintiff MELISSA WALTON spoke with ZACHARY SNOW after calling police and said, 'Hey bud, I called police. They're looking for you. Go talk to them, they're going to help you.'"

20. Thereafter, Plaintiff MELISSA WALTON spoke with a BOISE police officer and explained that her son was depressed, off his meds and he was unarmed.

21. Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive, subsequently located ZACHARY SNOW near the intersection of Capitol Boulevard and Myrtle Street.

22. When Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive, located ZACHARY SNOW, SNOW was in an empty lot not committing a crime, not harming anyone, not threatening to harm anyone, nor doing anything which caused the officers to reasonably believe that SNOW was a threat to the officers or a member of the public.

23. In fact, ZACHARY SNOW was not armed with a weapon when Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive, located him and the officers were also advised by Plaintiff MELISSA WALTON that SNOW was unarmed.

24. Instead of establishing a perimeter or having a tactical plan as to how to approach SNOW, Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive, rushed into the situation contrary to their training and contrary to standard police practices.

25. When Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive, rushed to attack SNOW, there was no exigent circumstance nor any other reasonable reason to rush in.

26. Time was on the side of Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive.

27. As Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive, rushed SNOW, SNOW does not immediately submit to the officers.

28. Instead of showing a reverence to the human life of SNOW, Defendants M. JACOBS and C. SNODDERLY opened fire on SNOW and kill SNOW.

29. Defendants M. JACOBS and C. SNODDERLY shot ZACHARY SNOW several times.

30. Defendants M. JACOBS and C. SNODDERLY shot and killed a man who was experiencing a mental health crisis in violation of their training and in violation of SNOW's right to be free from unreasonable seizures.

FIRST CLAIM FOR RELIEF

Negligence Causing Wrongful Death

(Plaintiff Against All Defendants)

31. Plaintiff repeats and re-alleges each allegation in all the preceding paragraphs of this Complaint with same force and effect as if fully set forth herein.

32. This cause of action as to the CITY is brought pursuant to the Idaho Code, Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive, are liable for injuries caused by their acts or omissions to the same extent as a private person.

33. Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive, and each of them, owed a duty of care to all reasonably foreseeable people, including SNOW to carry out their law enforcement duties in a reasonable manner, including the use of any firearms or the use of any force whatsoever.

34. Plaintiffs are informed, believe, and thereon allege that at all times relevant and mentioned herein, Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive, and

each of them, breached their duty of care when they carelessly and negligently carried out their law enforcement duties, and particularly when they used his firearm, deadly force, in a reckless way, and with willful and conscious disregard, when they shot SNOW, a young man who posed no threat of harm to Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive, at the time he was shot. Such use of deadly force by Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive was clearly unreasonable, not warranted under the totality of the circumstances, and lead to the shooting and killing of SNOW.

35. Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive further breached their duty of care by executing egregiously negligent tactics on October 27, 2021. Defendants M. JACOBS and C. SNODDERLY, including DOES 1 through 10, inclusive, are trained, or should have been trained on using proper tactics as they were taught by Idaho Peace Officer Standards and Training (POST) and by their department.

36. However, despite their training, or lack of training, the actions and inactions of Defendants, including the actions of Defendants M. JACOBS and C. SNODDERLY and DOES 1 through 10, inclusive, were negligent and reckless. At all times herein mentioned, among other things, Defendants M. JACOBS and C. SNODDERLY and DOES 1 through 10, inclusive owed a duty to follow Idaho law that required that law enforcement personnel's tactical conduct and decisions preceding the use of deadly force are relevant considerations under Idaho law in determining whether the use of deadly force gives rise to negligence liability. Such liability can arise, for example, if the tactical conduct and decisions show, as part of the totality of circumstances, that the use of deadly force was unreasonable. Defendants M. JACOBS and C. SNODDERLY and DOES 1 through 10, inclusive, additionally breached their duty and were negligent and unreasonable in their actions and inactions as shown by the following:

- A. The failure to properly and adequately assess the need to detain, arrest, and use force or deadly force against DECEDENT ZACHARY SNOW;
- B. The negligent tactics and handling of the situation with DECEDENT ZACHARY SNOW, including pre-shooting negligence;
- C. The failure to use alternative means to take into custody including, but not limited to, time, space, verbalization, commands, hands on grappling, non-deadly impact weapons, less-than-lethal weapons and less-than-lethal force;

- D. The negligent detention, arrest, and use of force, including deadly force, against DECEDENT ZACHARY SNOW;
- E. The failure to provide prompt medical care to DECEDENT ZACHARY SNOW;
- F. The violation of Defendant CITY Department Manual of Policies, Procedures and training regarding police tactics and use of force; violation of other portions of the Manual, tactics and training and the failure to follow Police Officer Standards and Training (POST) guidelines and learning domains in regards to foot pursuits, tactics and use of force.

37. As a direct and proximate result of Defendants' conduct as alleged above, and other undiscovered negligent conduct, ZACHARY SNOW was caused to suffer severe pain and suffering and ultimately died.

38. As a direct and proximate result of Defendant's actions and conduct, Plaintiff WALTON suffered the loss of her beloved son, ZACHARY SNOW, including damages for the loss of ZACHARY SNOW life-long love, companionship, comfort, care, assistance, protection, affection, society, moral support, training and guidance; loss of financial support, sustenance and earning capacity; loss of gifts and benefits; funeral and burial expenses; loss of the reasonable value of household services; loss of relationship with Decedent, including loss of society and companionship and all other damages allowed under state law, including under Idaho's "Wrongful Death" statute.

39. The CITY is vicariously liable for the wrongful acts of Defendants JACOBS and C. SNODDERLY and DOES 1 through 10, inclusive.

SECOND CLAIM FOR RELIEF

Battery Causing Wrongful Death

(Plaintiff Against All Defendants)

40. Plaintiff repeats and re-alleges each allegation in all the preceding paragraphs of this Complaint with same force and effect as if fully set forth herein.

41. This cause of action as to the CITY is brought pursuant to the Idaho Code, Defendants M. JACOBS and C. SNODDERLY, and Does 1-10, inclusive, are liable for injuries caused by their acts or omissions to the same extent as a private person.

42. Defendants M. JACOBS and C. SNODDERLY and DOES 1 through 10, inclusive, while working as peace officers for CITY, and acting within the course and scope of their duties, intentionally shot DECEDENT ZACHARY SNOW. Defendants M. JACOBS and C.

SNODDERLY, and DOES 1 through 10, inclusive had no legal justification for using force against DECEDENT and the use of force was excessive and unreasonable.

43. At all times herein mentioned, law enforcement officers in Idaho are only allowed to use necessary force reasonable force to effect an arrest, prevent escape or overcome resistance. Defendant M. JACOBS and C. SNODDERLY committed an unconsented touching of ZACHARY SNOW and battered him when he used unreasonable and excessive deadly force when he shot ZACHARY SNOW to death.

44. As a direct and proximate result of Defendants' conduct as alleged above, and other undiscovered negligent conduct, ZACHARY SNOW was caused to suffer severe pain and suffering and ultimately died.

45. As a direct and proximate result of Defendant's actions and conduct, Plaintiff WALTON suffered the loss of her beloved son, ZACHARY SNOW, including damages for the loss of ZACHARY SNOW life-long love, companionship, comfort, care, assistance, protection, affection, society, moral support, training and guidance; loss of financial support, sustenance and earning capacity; loss of gifts and benefits; funeral and burial expenses; loss of the reasonable value of household services; loss of relationship with Decedent, including loss of society and companionship and all other damages allowed under state law, including under Idaho's "Wrongful Death" statute.

46. The CITY is vicariously liable for the wrongful acts of Defendants JACOBS and C. SNODDERLY and DOES 1 through 10, inclusive.

47. The conduct of Defendants JACOBS and C. SNODDERLY was malicious, wanton, oppressive, and accomplished with a conscious disregard for the rights of Plaintiff and DECEDENT, entitling Plaintiffs, individually, and as a successors-in-interest to Decedent, to an award of exemplary and punitive damages as to Defendants JACOBS and C. SNODDERLY only.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests entry of judgment in her favor and against Defendants as follows:

- A. For economic damages for wrongful death including damages for loss of financial support, loss of gifts or benefits, funeral and burial expenses, and reasonable value of household services that ZACHARY SNOW would have provided in an amount according to proof at

the time of trial;

- B. For non-economic damages for wrongful death the loss of DECEDENT's life-long love, companionship, comfort, care, assistance, protection, affection, society; moral support, loss of training and guidance; and the loss of relationship with Decedent, including loss of society, familial relationship and companionship in an amount according to proof at the time of trial;
- C. For economic damages under this survival action in an amount according to proof at the time of trial;
- D. For non-economic damages under this survival action for disfigurement, mental, physical and emotional pain and suffering of DECEDENT in an amount according to proof at the time of trial;
- E. For loss of financial support, sustenance and earning capacity in an amount according to proof at the time of trial;
- F. For loss of gifts and benefits in an amount according to proof at the time of trial;
- G. For punitive damages against the individual defendants in an amount to be proven at trial;
- H. For interest;
- I. For all other damages allowed under state law and;
- J. For such further other relief as the Court may deem just, proper, and appropriate.

Respectfully Submitted,

Dated: September 30, 2022

CRAIG SWAPP & ASSOCIATES



ERIN C. DYER
Attorney for Plaintiff

LAW OFFICES OF HUMBERTO GUIZAR, APC

By: /s/ Humberto Guizar


HUMBERTO GUIZAR
CHRISTIAN CONTRERAS
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

Dated: September 30, 2022

CRAIG SWAPP & ASSOCIATES



ERIN C. DYER
Attorney for Plaintiff

LAW OFFICES OF HUMBERTO GUIZAR, APC

By: /s/ Humberto Guizar
HUMBERTO GUIZAR
CHRISTIAN CONTRERAS
Attorney for Plaintiff