

2019537251

CAUSE NO. _____

MS

CARMEN EAST, INDIVIDUALLY
AND AS SURVIVING SPOUSE AND
REPRESENTATIVE OF THE ESTATE
OF FLOYD EAST, JR.

§
§
§
§
§
§
§
§

IN THE 72ND DISTRICT COURT

V.

OF

HOLLIS ALVIN DANIELS, III

LUBBOCK COUNTY, TEXAS

ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Carmen East, Individually and as surviving spouse and representative of the Estate of Floyd East, Jr., and files this, her Original Petition and Request for Disclosure and would respectfully show the Court as follows:

I. DISCOVERY LEVEL

Plaintiff pleads that discovery should be conducted in accordance with a tailored discovery control plan under Level III as provided by Texas Civil Procedure Rule 190.4.

II. PARTIES AND SERVICE

Plaintiff is a resident of El Paso County, Texas, and was married to Floyd East, Jr. at the time of this death.

Defendant Hollis Alvin Daniels, III, is an inmate currently residing in Lubbock County, Texas, who may be served process by the Lubbock County Sheriff at the Lubbock County Detention Center located at 3501 N. Holly Avenue, Lubbock, Texas 79403.

III. JURISDICTION AND VENUE

The subject matter in controversy is within the jurisdictional limits of this court. Venue in Lubbock County, Texas, is proper in this cause due to the fact that all or a substantial part of

events giving rise this claim occurred in Lubbock County, Texas. *See* Tex. Civ. Prac. & Rem. Code §15.002(a). Under Texas Rule of Civil Procedure 47, Plaintiff pleads that she seeks over \$1,000,000.00 in this matter. Plaintiff also seek judgment for all other relief to which she is entitled.

IV. FACTS

On or about October 9, 2017, Defendant Hollis Alvin Daniels, III, shot and killed Officer Floyd East, Jr. with a .45 caliber handgun at the Texas Tech Police Department in Lubbock, Texas. The cold and calculated act took place while Officer Floyd East, Jr. was in the course and scope of his employment as a peace officer and investigating other criminal activity of Defendant Daniels for which he had been taken into custody.

V. PLAINTIFF'S CLAIMS AGAINST DEFENDANT HOLLIS ALVIN DANIELS, III

Plaintiff will show that on October 9, 2017, Defendant Hollis Alvin Daniels, III assaulted and inflicted bodily injury upon Floyd East, Jr. by knowingly and intentionally shooting Floyd East, Jr. causing his death.

Plaintiff would show that on October 9, 2017, Defendant Hollis Alvin Daniels, III acted in a negligent and grossly negligent manner by failing to act as an ordinary reasonable person and acting with disregard towards human life.

VI. DAMAGES

Pursuant to the Texas Civil Practice and Remedies Code the Plaintiff is entitled to recover wrongful death and survival damages as against Defendant for his actions. Plaintiff is entitled to recover and seeks loss of society; loss of advice and counsel; loss of companionship; loss of services; funeral expenses; mental anguish; exemplary damages;

counseling bills and survival damages for the pain and mental anguish suffered by Floyd East, Jr.

VII. REQUEST FOR DISCLOSURE

Under the authority of Texas Rule of Civil Procedure 194, Plaintiff requests the Defendant to disclose within fifty (50) days of the service of this petition and request, the information or material described in Rule 194.

WHEREFORE PREMISES CONSIDERED, Plaintiffs pray that Defendant be cited to appear and answer herein, and upon final hearing and trial, the Plaintiff have judgment against the Defendant for the following:


1. Judgment against the Defendant within the jurisdictional limits of this Court;
2. Prejudgment and post-judgment interest;
3. Costs of Court;
4. Actual, pecuniary and punitive damages; and
5. For such other and further relief, whether in law or equity, to which the Plaintiff may be justly entitled in any capacity in which this suit is brought.

Respectfully submitted,

Payne, Powell & Truitt Law Group
2529 74th Street
Lubbock, TX 79423
Phone: (806) 368-8712
Fax: (806) 731-1502
Matt Powell
Bar no: 00784782
Email: matt@pptlawgroup.com

And

KERBY & WADE, P.C.
P.O. Box 65150
Lubbock, Texas 79464
Telephone: (806) 793-7600
Facsimile: (806) 793-6882
Email: dkerby@ttlawyers.com

By: 
David Kerby
SBN: 24041236