

RE: Complaint regarding improper conduct by an officer of the Alabaster Police Department

Subject: Lt. Tim Glasgow

The residence, which is referred to in this complaint is located at 1213 Elm Drive in Alabaster, Alabama, and is jointly owned by Amanda A. Spain and Daniel H. Spain.

This house was being occupied, as a residence, in January of 2002 by Amanda A. Spain and Daniel H. Spain's father, William H. Spain and by George W. Morse III pursuant to a lease agreement, which had been duly and legally executed by Amanda A. Spain.

On January 23, 2002, Daniel H. Spain and Wendy Duncan did, without prior notice, enter the home at 1213 Elm Drive and demand that William H. Spain and George W. Morse III vacate the premises.

The Alabaster police department was called as they have primary jurisdiction, and (then) Sgt. Tim Glasgow advised William H. Spain and his wife, Judy Lynn Spain as follows:

1. They must immediately vacate the premises without taking any of their personal belongings with them under threat of arrest.
2. The duly and legally executed lease document and a duly and legally executed power of attorney were shown to Sgt. Glasgow as proof that both William H. Spain and George W. Morse III had legal permission from Amanda A. Spain to reside at the home located at 1213 Elm Drive. Sgt. Glasgow advised that these documents were not valid and again threatened William H. Spain and Judy Lynn Spain with arrest if they did not immediately leave the location.
3. Sgt. Glasgow further advised William H. Spain that since Amanda A. Spain was not present at that time and Daniel H. Spain was present that it "did not matter" what kind of document William H. Spain had.
4. William H. Spain offered to phone Amanda A. Spain, have her properly identified on the phone by a law enforcement officer, and have Amanda A. Spain verify to Sgt. Glasgow that she had executed the documents, which show that William H. Spain and George W. Morse III were in residence at 1213 Elm Drive with her full knowledge and consent. Sgt. Glasgow refused and reiterated his threat of arrest.

William H. Spain and Judy Lynn Spain then left the property at 1213 Elm Drive under duress and without being allowed by Sgt. Glasgow to take any of their personal belongings. George W. Morse III was not able to retrieve any of his personal belongings.

Daniel H. Spain and Wendy Duncan did then occupy the house at 1213 Elm Drive and subsequently convert to their own use and/or damage a large amount of personal property belonging to both Amanda A. Spain, William H. Spain. and George W. Morse III. Further, the records of the City of Alabaster will show that Daniel H. Spain has since kept the residence in a state of disrepair, which has resulted in numerous code violations, and citations from the City of Alabaster.

Daniel H. Spain's attorney, William Swatek, demanded that William H. Spain remove his material belonging outside the home but declined to allow William H. Spain access to the premises. William H. Spain was forced to obtain a court order permitting him to remove his personal property from outside the home, most of which, had suffered considerable damage both from the weather and from vandalism, as a direct result of Sgt. Glasgow's threatening to arrest William H. Spain if he did not immediately abandon his personal property and leave the premises.

On May 23, 2003, William H. Spain went to the Alabaster Police Department and advised Lt. Tim Glasgow that he, Amanda A. Spain and Roland Throneberry (the uncle of Amanda A. Spain and Daniel H. Spain) intended to enter the home at 1213 Elm Drive and retrieve material, which belonged to Amanda A. Spain, William H. Spain and George W. Morse III, and which they had reason to believe was still in the home. Lt. Glasgow was shown a copy of the deed on the home, showing Amanda A. Spain to be joint owner of the property. Lt. Glasgow advised that this was satisfactory and the Alabaster Police Department had no reason to get involved unless a problem developed. William H. Spain advised Lt. Glasgow that, in his opinion, there could be possible violence and asked if an officer could accompany them. Lt. Glasgow refused to allow an officer to accompany or go to the residence at that time.

Amanda A. Spain, William H. Spain and Roland Throneberry arrived at the home. Amanda A. Spain knocked on the door and when she heard someone on the other side of the door, identified herself and stated that she intended to enter her home. There was no response and Amanda A. Spain instructed Roland Throneberry to break a window in order to gain access. Mr. Throneberry did so, and Daniel H. Spain immediately appeared at the window with a pistol and threatened to shoot Mr. Throneberry. Amanda A. Spain, William H. Spain and Roland Throneberry withdrew to the street and phoned the Alabaster Police Department, who then arrived.

After arrival of the Alabaster Police, they advised that Lt. Glasgow had instructed them:

1. To have Amanda A. Spain, William H. Spain and Roland Throneberry leave the property or to arrest them.
2. To take a statement from Roland Throneberry and Daniel H. Spain
3. That Amanda A. Spain would not be allowed to enter her home.

All the above was duly recorded on videotape.

Amanda A. Spain then phoned the Shelby County Sheriff's Department, who advised that:

1. They could not be involved, without a court order, as the City of Alabaster had primary jurisdiction.
2. The Shelby County Sheriff's Department failed to understand on what basis Amanda A. Spain could be arrested for not leaving her own property.
3. Had a party to this action pulled a gun and threatened violence, that person **would** have been arrested by the Shelby County sheriff's Department had they been on the scene.

Amanda A. Spain then asked the officer on the scene on what charge she was to be arrested, if she did not leave her property, as Lt. Glasgow's had instructed his officers to do. The officer shrugged his shoulders and stated that he did not know of any possible charge.

In order to peacefully end the situation, Amanda A. Spain offered to withdraw provided Daniel H. Spain would surrender her pet cat, which had been held hostage by Daniel H. Spain. At the officer's request, Daniel H. Spain did so and Amanda A. Spain and Roland Throneberry withdrew.

William H. Spain had, during this time, gone to the Alabaster Police and asked to see Lt. Glasgow and asked Lt. Glasgow why he was demanding that Amanda A. Spain leave the home and allowing Daniel H. Spain to remain. Mr. Glasgow's reply was that it was because Daniel H. Spain had "taken up residence" there. Mr. Spain stated to Lt. Glasgow that it appeared that Lt. Glasgow was "playing favorites". Lt. Glasgow did not reply.

It is submitted that the actions on the part of Officer Tim Glasgow have been improper as follows:

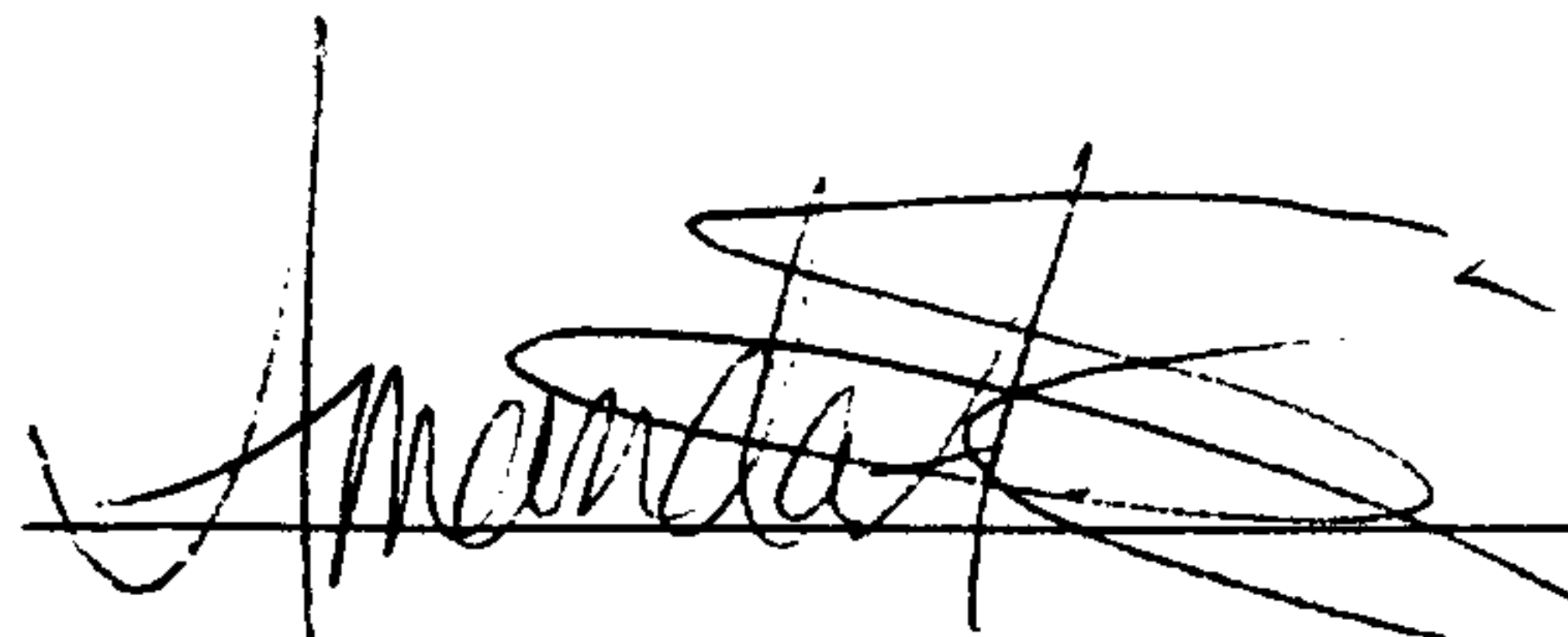
1. Sgt./Lt. Glasgow has repeatedly set himself up as "judge and jury" in making legal determinations outside the purview of his duties as a police officer.
2. Sgt./Lt. Glasgow has threatened innocent parties with arrest when there was no legal basis for an arrest.
3. Sgt./Lt. Glasgow has instructed his officers not to arrest persons who were threatening violence and manslaughter.

It is submitted that Officer Glasgow's actions have resulted in a large and continuing financial loss to Amanda A. Spain, William H. Spain and George W. Morse III by virtue of Daniel H. Spain and Wendy Duncan/Spain being allowed to convert and/or damage personal property of Amanda A. Spain, William H. Spain and George W. Morse III. That this personal property was essentially handed over intact to Daniel H. Spain and Wendy

Duncan by the Alabaster Police Department, under the supervision and instructions of (then) Sgt. Glasgow and over the protests of the aggrieved parties. That Sgt./Lt. Glasgow has sought to protect Daniel H. Spain's continued confiscation of this property, to the continuing detriment of Amanda A. Spain, William H. Spain and George W. Morse III.

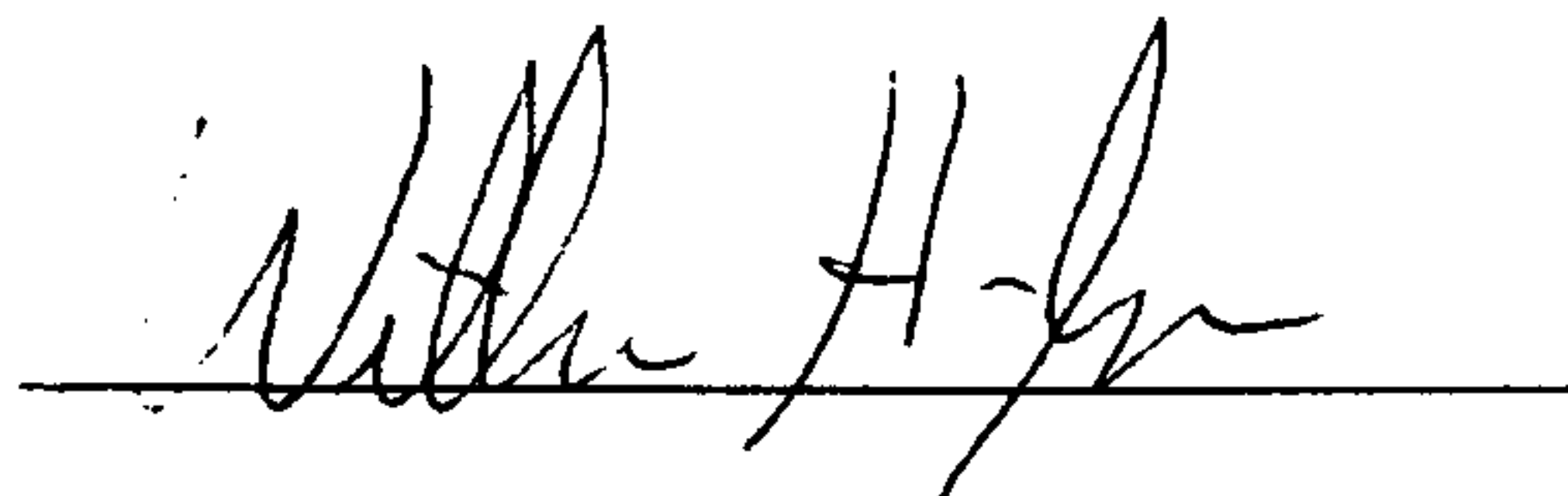
It is submitted that Mr. Glasgow has committed these acts while in the employ of and as an agent and representative of the City of Alabaster.

It is also submitted that Mr. Glasgow's actions give the appearance of favoritism, as an attorney and firm employed by the City of Alabaster, also represents Daniel H. Spain in this matter.

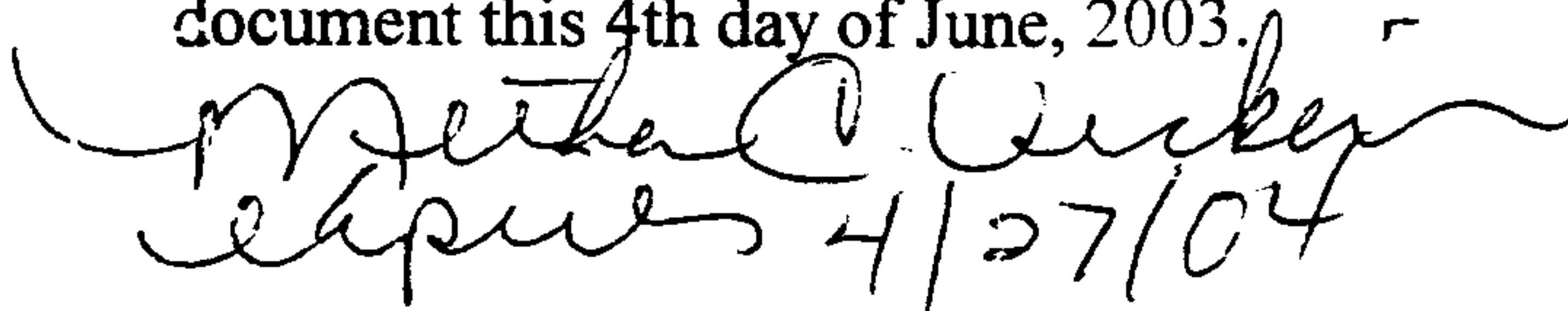
 Amanda A. Spain

Before me did appear Amanda A. Spain, who being identified by me did sign the above document this 4th day of June, 2003.

 expires 4/27/04

 William H. Spain

Before me did appear William H. Spain, who being identified by me did sign the above document this 4th day of June, 2003.

 expires 4/27/04

William H. Spain

Signed in the presence of officer _____ of the Alabaster Police

Department this _____ day of _____, 2003