



IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA

1. JANE A WRIGHT, as Special
Administrator of the Estate of Cordae
Carter, deceased,

Plaintiff,

v.

- 1. INDEPENDENT SCHOOL DISTRICT NO. 4 OF OKLAHOMA COUNTY a/k/a Choctaw-Nicoma Park Public Schools, a Political Subdivision of the State of Oklahoma,
- 2. CITY OF CHOCTAW a municipal corporation, and
- 3. CITY OF DEL CITY, a municipal corporation.

Defendants.

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

AUG 25 2025

RICK WARREN
COURT CLERK

88 _____

Case No: CJ-2025-3533

ATTORNEY LIEN CLAIMED

AMENDED PETITION¹

COMES NOW the Plaintiff, Janea Wright ("Plaintiff"), as Special Administrator of the Estate of Cordae Carter ("Cordae" or "Mr. Carter"), deceased, by and through her attorneys of record, and for her causes of action against the Defendants, alleges and states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Janea Wright ("Plaintiff"), is, and was at all times relevant herein, a citizen of the State of Oklahoma, residing in Oklahoma County, Oklahoma and is the duly appointed Special Administrator of the Estate of Cordae Carter ("Cordae" or "Mr. Carter"). Plaintiff was Cordae's biological mother.

¹ This amendment is made as a matter of course pursuant to 12 O.S. §2015(A).

2. Defendant Independent School District No. 4 of Oklahoma County, a/k/a Choctaw-Nicoma Park Schools ("the Choctaw-Nicoma School District") is a public school district and political subdivision, organized under the laws of the State of Oklahoma, with its facilities and schools located in Oklahoma County, Oklahoma.

3. The Choctaw-Nicoma School District is the 19th largest school district in Oklahoma, that operates approximately eight (8) different schools, including the Choctaw High School.

4. Defendant City of Choctaw ("the City of Choctaw") is a municipal corporation and political subdivision located in Oklahoma County, Oklahoma. The City of Choctaw is responsible for the operation of the City of Choctaw Police Department ("CPD"), including the employment of all CPD officers.

5. Defendant City of Del City ("the City of Del City") is a municipal corporation and political subdivision located in Oklahoma County, Oklahoma. The City of Del City is responsible for the operation of the City of Del City Police Department ("DCPD"), including the employment of all DCPD officers.

6. The events and occurrences that gave rise to this action occurred in Oklahoma County, Oklahoma on August 25, 2023.

7. The Defendants were timely placed on notice of Plaintiff's tort claims on August 23, 2024, in conformance with the Oklahoma Government Tort Claim Act ("OGTCA"), 51 O.S. § 151, *et seq.*

8. The Defendants took no formal action upon receipt of Plaintiff's Tort Claim Notice and the same was deemed denied ninety (90) days thereafter. This action is being timely filed within 180 days of the denial of Plaintiff's tort claim, as required by 51 O.S. § 157.²

9. This Court has jurisdiction and venue is proper in Oklahoma County, Oklahoma.

STATEMENT OF FACTS

10. Paragraphs 1 through 9 are incorporated herein by reference.

- ***The Football Game and Shooting***

11. On August 25, 2023, the Choctaw High School football team hosted the Del City High School football team for the teams' first game of the 2023-2024 football season.³

12. The game took place at Choctaw High School's Bill Jensen Field, which is located at 14300 NE 10th St, Choctaw, Oklahoma 73020.

² The Oklahoma County Courthouse closed early on May 19, 2025 due to the threat of severe weather. See DeAngelo Marquise Vaxter, *Severe weather impacts some schools and causes early closures for some city services*, Fox 25, <https://okcfox.com/news/local/oklahoma-county-offices-and-courthouse-to-close-early-due-to-severe-weather-threat-city-officials-hail-wind-city-municipal..> Pursuant to 12 O.S. §2006(A)(1), when the statute of limitations falls on a "day when the office of the court clerk does not remain open for public business until the regularly scheduled closing time" the statute of limitations is extended "until the end of the next day which is not a legal holiday or a day when the office of the court clerk does not remain open for public business until the regularly scheduled closing time." As such, Plaintiff's original Petition was timely filed on May 20, 2025..

³ Like "most public and private schools in Oklahoma," both Choctaw High School and Del City High School were members of the Oklahoma Secondary School Activities Association ("OSSAA"), subject to OSSAA policies and regulations. *Scott v. Oklahoma Secondary Sch. Activities Ass'n*, 2013 OK 84, ¶ 27, 313 P.3d 891, 899.

13. Pursuant to OSSAA policy, Choctaw High School and/or the Choctaw-Nicoma School District possessed responsibility for the “general organization, management, and supervision of student bodies and crowds before, during and following” the game.⁴

14. In conjunction with these responsibilities, Choctaw High School/the Choctaw-Nicoma School District provided security for the game, which, upon information and belief, included five (5) off-duty officers with the CPD and at least two (2) off-duty officers with the DCPD.

15. While there was a law enforcement presence at the game, Choctaw High School did not use any metal detectors to ensure that weapons or other illegal contraband were not brought into the stadium.⁵

16. Cordae, a student at Midwest City High School, attended the game on August 25, 2023, to watch some of his friends who played for the Del City football team.

17. Late in the third quarter of the game, at or around 10:15 p.m., Cordae was confronted by three (3) to four (4) male juveniles, at least one (1) whom who had a gun on his person.

18. An argument ensued, which turned physical. Several bystanders, including Demetrize Carter (“Demetrize”), stepped in to break up the altercation.

⁴ OSSAA Board of Directors Policy XVI(B)(1)(c) provides that “[t]he administrators of both schools are responsible for the general organization, management, and supervision of student bodies and crowds before, during and following each [athletic] event, with the home school assuming the major role.” See, OSSAA Board of Directors’ Policies, https://ossaaillustrated.com/wp-content/uploads/2023/08/Policies_2023-08-21.pdf.

⁵ See, *Hallie Hart, OKCPS updates security policies in response to shooting at Choctaw football game, The Oklahoman*, <https://www.oklahoman.com/story/sports/high-school/football/2023/08/29/okcps-gives-security-updates-in-response-to-shooting-at-choctaw-high-school-football-game/70710461007/> (“Choctaw High School did not have weapon detectors installed when the football team hosted Del City”).

19. As people stepped in, the boys who confronted Cordae began backing away, before one of the juveniles pulled out a firearm and began firing in Cordae's direction.

20. Chaos erupted when the shooting began and Cordae attempted to run behind one of the food vendor's trailers to escape the gunfire.

21. It was at that time that Cordae discovered that one of the bullets had struck him in his groin area, and Cordae began to yell out for help.

22. Cordae then walked out from behind the trailer looking for help, and Demetrize ran over to Cordae to attempt to render aid.

23. As Demetrize was approaching Cordae, two (2) DCPD officers arrived at the scene with their guns drawn and began yelling at Demetrize. Demetrize put his hands in the air and informed the officers that he was not involved in the shooting and was simply attempting to help Cordae.

24. Before Demetrize was able to get to Cordae, one of the DCPD officers, Shawn Hogue ("Officer Hogue"), fired his gun at Demetrize, striking him in the chest.⁶

25. After shooting Demetrize Officer Hogue and the other DCPD officers did not stop to render aid but continued on their way, ostensibly looking for the shooter(s).

26. In the ensuing panic, two other women were reported to have sustained broken bones while trying to escape the gunfire.

27. As fans frantically fled the scene, Cordae lay on the ground, bleeding profusely from his groin. At this same time, Demetrize, who was also bleeding excessively from his gunshot wound, lay just feet away.

⁶ Law enforcement later reported that it recovered at least eight (8) rounds that were allegedly fired during the altercation.

28. Upon information and belief, because of the limited number of law enforcement and medical personnel present at the game, Cordae did not receive timely medical attention after he was shot.

29. In fact, upon information and belief, numerous onlookers attempted to provide aid to Cordae but were instructed by law enforcement/security to stay away. Moreover, Choctaw-Nicoma Park School District, CPD, and/or DCPD agents on scene actively prevented emergency medical personnel from accessing Cordae in the immediate aftermath of the shooting.

30. While Oklahoma requires that school districts have emergency medical services available at all athletic events, upon information and belief, emergency medical services did not arrive to provide Mr. Carter with medical care for approximately forty-five minutes.⁷

31. During that time, Cordae lay on the ground from his gunshot wound.

32. Eventually, emergency medical personnel transported Cordae to the OU Medical Center, where he was pronounced dead upon arrival.

33. Following the shooting, law enforcement arrested 15-year-old Dayvion Hamilton and charged him with first-degree murder. However, that charge was dropped four (4) months later.⁸

34. According to news reports, the OSBI is continuing to investigate the shooting, but at this point in time, no one has been charged in relation to Cordae's death.

⁷ See, *Bill requiring emergency medical services to be provided at school athletic events, activities signed into Oklahoma law*, KFOR, <https://kfor.com/news/local/bill-requiring-emergency-medical-services-to-be-provided-at-school-athletic-events-activities-signed-into-oklahoma-law/>

⁸ See, Tres Savage, *'Infuriated': Boy's attorneys speak after Behenna drops murder charge in Choctaw game shooting*, NonDoc (01/22/2024), <https://nondoc.com/2024/01/22/behenna-murder-charge-in-choctaw-game-shooting/>

- ***The Dangerous Circumstances of the August 25, 2023 Game Created by the Defendants***

35. There was a complete breakdown amongst the police/security working the August 25, 2023 game, which resulted in (1) a number of weapons being present at the game and (2) a failure to ensure that Cordae was provided with necessary medical care and attention after he was shot.

36. As noted above, the Choctaw-Nicoma Park School District, the CPD, and the DCPD were involved with and responsible for providing security and supervision during the August 25, 2023 football game. However, it is clear that the Choctaw-Nicoma Park School District, the CPD, and the DCPD had failed to plan and/or coordinate their efforts and was therefore wholly unprepared for the foreseeable possibility of violence occurring during the game.

37. For starters, according to individuals familiar with the subsequent investigation, there were “at least 10 to 15 other guns [being] found on game attendees.”⁹

38. In fact, an attorney involved in a subsequent criminal case noted that “[i]t was mind-boggling how many people said they saw other people with guns not even connected to the place where, unfortunately, Cordae Carter was shot.”¹⁰

39. Due to several highly publicized shooting incidents that had occurred during Oklahoma high school sporting events, it was clear that thorough security procedures were necessary to ensure the safety of athletes and spectators.

⁹ See, Tres Savage, ‘Infuriated’: Boy’s attorneys speak after Behenna drops murder charge in Choctaw game shooting, NonDoc (01/22/2024), <https://nondoc.com/2024/01/22/behenna-drops-murder-charge-in-choctaw-game-shooting/>

¹⁰ *Id.*

40. As a result of these incidents, numerous school districts across Oklahoma implemented policies and procedures to prevent unnecessary violence.

41. For instance, in response to another shooting that took place during a basketball game in early 2023, the Mid-Del school District enacted security measures which required spectators to pass through metal detectors, carry only clear bags, and any student below a high school grade level was required to have a parent or guardian with them throughout the game.¹¹

42. Choctaw High School/the Choctaw-Nicoma School District, on the other hand, had no such rules on August 25, 2023.

43. As a result, there were “at least 10 to 15” guns present at the August 25, 2023 football game, despite the fact that Oklahoma has made it “a felony for any person to possess a firearm or other weapon on school property” 2004 OK AG 39, ¶4 (citing 21 O.S. §1280.1(A)).¹²

44. Furthermore, Oklahoma law gives a principal, superintendent, or designee the “authority to order persons interfering with the conduct of sanctioned athletic events to leave the premises.” *Scott v. Oklahoma Secondary Sch. Activities Ass’n*, 2013 OK 84, ¶ 27, 313 P.3d 891, 900 (citing 70 O.S. §24-131.2).¹³

45. According to the language of §24-131.2, school administrative officers can “direct any person to leave the premises of [their] secondary school,” if a person “commits an act which

¹¹ See, Rose and Boyette, *Gunshots at Oklahoma high school after basketball game send announcers ducking for cover*, CNN, <https://www.cnn.com/2023/01/18/us/oklahoma-high-school-gunshots-basketball-game/index.html>; Hart, n. 3, *supra*.

¹² See, note 5, *supra* (“When we got full discovery, we realized the real problem is how many people at this football game [at a] high school had guns”).

¹³ See also, 70 O.S. §24-131 (“[t]he superintendent or principal of any secondary, middle or elementary school shall have the authority to order any person out of the school buildings and off the school property when it appears that the presence of such person is a threat to the peaceful conduct of school business and school classes.”).

materially and substantially interferes with the peaceful conduct of a sanctioned athletic event.”

which specifically includes the following:

1. Projecting in any manner an object which could cause bodily harm to another person;
2. Entering the physical boundaries designated for the conduct of a sanctioned athletic event for the purpose of materially and substantially disrupting or interfering with the event;
3. Threatening to kill or do bodily harm to any person with apparent ability to carry out that threat during the period of a sanctioned athletic event; or
4. Using violent, obscene, indecent, or profane language in a manner which materially and substantially interferes with the peaceful conduct of a sanctioned athletic event.

70 O.S. §24-131.2(A)(1)-(4).

46. Despite having the authority and responsibility to ensure that guns, and other weapons, were kept off school grounds, Choctaw High School/the Choctaw-Nicoma School District failed to take any reasonable steps to do so.

47. Following the shooting, Choctaw High School/the Choctaw-Nicoma Park School District finally announced, “new safety and security protocols for extracurricular events.” which included “the implementation of metal detectors.”¹⁴

48. Choctaw High School/the Choctaw-Nicoma Park School District failed to implement, administer, and/or maintain reasonable security and protective measures to safeguard and protect the health, safety, and well-being of spectators at the August 25, 2023 football game, such as Cordae.

¹⁴ See, Chris Yu, *Choctaw-Nicoma Park School District Announces Safety Protocols After Deadly Shooting*, News 9, <https://www.newson6.com/story/64f10078a0f16d072dd5ae7e/choctaw-nicoma-park-school-district-announces-safety-protocols-after-deadly-shooting>

49. Additionally, despite it being a felony in Oklahoma to possess a gun on school grounds, the CPD and DCPD officers responsible for providing security at the game, allowed several firearms to be brought into the stadium on August 25, 2023.

50. By failing to perform the necessary security functions, the CPD and DCPD failed to protect spectators, such as Cordae, from known threats of harm, and acted to place Cordae in danger he would not have otherwise been in.

51. Moreover, due to the failure of the Choctaw-Nicoma Park School District, the CPD, and the DCPD to plan and coordinate security and protective services, emergency medical personnel were unable to reach Cordae for approximately forty-five minutes.

52. As noted above, after Cordae had been shot, Demetrize attempted to provide him aid, but was unable to do so after he was shot by DCPD officer Hogue.

53. Moreover, officers and staff on scene prevented both onlookers and emergency medical staff from accessing Cordae to provide him with medical care.

54. As a result, Cordae laid bleeding out, for approximately forty-five minutes without any medical care

55. The failures of the Choctaw-Nicoma Park School District, the CPD, and the DCPD can be seen in the Interim Report issued by a Grand Jury that was empaneled to investigate Officer Hogue's shooting of Demetrize and law enforcement's response to the incident. *See In re: Oklahoma County Grand Jury*, Oklahoma County District Court Case No. GJ-2023-2.

56. The Grand Jury's Interim Report included a number of "recommendations for...all law enforcement agencies in Oklahoma County, and all school districts located in Oklahoma County," which included the following:

[F]or school extracurricular activities, especially when law enforcement has been requested by the school districts, there should be a briefing held for all

law enforcement agencies and personnel to be present at the extracurricular activity. The briefing should consist of cross-agency communication regarding intel of any potential issues that could arise at the activity and a common means of communication established. The briefing should be held in advance of the extracurricular activity to allow for any adjustments and implementation of additional measures should any be identified and deemed necessary.¹⁵

57. It is clear that there is a danger of violence associated with hosting large groups of people during a football game. It is further clear that the Choctaw-Nicoma Park School District, the CPD, and the DCPD had wholly failed to take any action to minimize that risk and instead acted to increase the already inherent risk.

58. It is obvious that the Choctaw-Nicoma Park School District, the CPD, and the DCPD had an established custom and practice of failing to manage, supervise, and protect persons attending football games at Choctaw High School.

59. Plaintiff alleges that Cordae's death was a result of these deficient policies, practices, and customs.

CAUSES OF ACTION

CLAIM I. NEGLIGENCE (51 O.S. § 151, ET SEQ.)

(As to the Choctaw-Nicoma School District)

60. Paragraphs 1-59 are incorporated herein by reference.

61. The Choctaw-Nicoma Park School District owed a duty to Cordae, and all other spectators at the August 25, 2023 football game, a duty to use reasonable care in putting on the game in a safe manner that protected the health, safety, and well-being of all spectators, including Cordae.

¹⁵ The Grand Jury also made several findings related to the criminal investigation into the shooting.

62. Choctaw-Nicoma Park School District, by and through its employee(s), staff or agents, breached these duties by allowing at least ten (10) individuals to enter the stadium with firearms. Choctaw-Nicoma Park School District further breached the duties owed to Cordae by failing to implement and/or administer any policies, procedures, and/or adequate security measures to ensure that firearms are not brought into football games.

63. Additionally, the Choctaw-Nicoma Park School District owed a duty to Cordae, and all other spectators at the August 25, 2023 football game, to exercise reasonable care to keep the Choctaw Football Stadium in a reasonably safe condition, and to warn of dangerous conditions that the Choctaw-Nicoma Park School District either knew or should have known about.

64. By permitting multiple individuals to enter the stadium with firearms and by allowing at least one such individual to discharge a firearm at Cordae, the Choctaw-Nicoma Park School District created a dangerous condition and/or failed to keep its premises in a reasonably safe condition.

65. The Choctaw-Nicoma Park School District further breached the duty owed to Cordae by failing to warn him, and other spectators of the dangerous conditions that existed at the stadium.

66. The Choctaw-Nicoma Park School District is statutorily liable for the actions of its employees/agents that are taken within the scope of their employment, consistent with the provisions of the OGTC. *See Nail v. City of Henryetta*, 1996 OK 12, 911 P.2d 914.

67. These breaches by the Choctaw-Nicoma Park School District and its employees and/or agents were the actual and proximate cause of Cordae's injuries.

68. As a result of the Choctaw-Nicoma Park School District's breaches of the aforementioned duties, Cordae experienced unnecessary physical pain, emotional distress, mental

anguish, a loss of quality and enjoyment of life, terror, degradation, oppression, humiliation, embarrassment, and the eventual loss of his life.

CLAIM II. NEGLIGENCE
(51 O.S. § 151, ET SEQ.)
(As to the City of Choctaw and the City of Del City)

69. Paragraphs 1-68 are incorporated herein by reference.

70. The CPD and DCPD, along with its employees and/or agents, owed a duty to Cordae, the spectators at the August 25, 2023 football game, and the public at large to protect students and spectators from foreseeable dangers.

71. The CPD and DCPD, and their employees/agents, breached that duty by wholly failing to protect the public and maintain public order during the August 25, 2023 football game. In particular, CPD and DCPD failed to ensure that no firearms were brought into the game.

72. The CPD and DCPD further failed to (a) conduct appropriate planning before the August 25, 2023 game to ensure that all staff members were aware of their duties; (b) develop appropriate security policies and procedures to ensure that firearms are kept out of the stadium; and (c) ensure that officers were monitoring and surveilling the crowd to prevent any unnecessary fights.

73. The CPD and DCPD officers further owed a duty to Cordae to provide immediate medical treatment and/or care after he was shot on August 25, 2023.

74. CPD and DCPD officers had actual or constructive knowledge of Cordae's injuries, as he was bleeding profusely from the gunshot wound. Despite this knowledge, CPD and DCPD employees failed to provide Cordae with immediate first aid.

75. Furthermore, CPD and DCPD officers delayed, stalled, and/or obstructed Cordae from being evaluated and treated by emergency medical personnel.

76. The City of Choctaw and the City of Del City are vicariously liable for the negligence of the CPD and DCPD officers working the August 25, 2023 game, as the officers were acting within the course and scope of their employment.

77. The aforementioned breaches were the actual and proximate cause of Cordae's injuries.

78. As a result of the negligence of the CPD and DCPD officers working the August 25, 2023 game, Cordae experienced unnecessary physical pain, emotional distress, mental anguish, a loss of quality and enjoyment of life, terror, degradation, oppression, humiliation, embarrassment, and the eventual loss of his life.

**CLAIM III. VIOLATION OF THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE
UNITED STATES' RIGHT TO DUE PROCESS
(DUTY TO PROTECT/DANGER CREATION)
(42 U.S.C. § 1983)**

(As to the Choctaw-Nicoma Park School District, City of Choctaw, and the City of Del City)

79. Paragraphs 1-78 are incorporated herein by reference.

80. As noted above, the Choctaw-Nicoma Park School District, the CPD, and the DCPD were involved with and responsible for providing security and supervision during the August 25, 2023, football game.

81. In doing so, the Choctaw-Nicoma Park School District, the CPD, and the DCPD had a duty under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to not affirmatively create or increase an individual's vulnerability to known or obvious private danger.

82. Here, the Choctaw-Nicoma Park School District, the CPD, and the DCPD created and/or increased Cordae's vulnerability to being shot while attending the August 25, 2023 football game, by allowing at least ten to fifteen guns into the game.

83. The Choctaw-Nicoma Park School District was aware of the risk of weapons at athletic events. *See* ¶¶39-41, *supra*.

84. Despite this knowledge and a reasonable opportunity to resolve the dangerous situation at its athletic events, the Choctaw-Nicoma Park School District, the CPD, and the DCPD affirmatively allowed individuals to bring weapons into the August 25, 2023, football game.

85. The Choctaw-Nicoma Park School District's affirmative conduct in allowing weapons into the game increased and/or created Cordae's vulnerability to private violence.

86. Cordae was a member of the limited and definable group of people – *i.e.* persons who attended the August 25, 2025 football game.

87. The risk of the danger to attendees at the game, such as Cordae, was obvious or known to the Choctaw-Nicoma Park School District, the CPD, and the DCPD.

88. Despite this known and obvious danger, the Choctaw-Nicoma Park School District, the CPD, and the DCPD permitted no less than ten to fifteen firearms into the game.

89. But for Choctaw-Nicoma Park School District, the CPD, and the DCPD agents and/or employees allowing firearms into the August 25, 2023 football game, Cordae would not have been shot and killed.

90. The actions of the Choctaw-Nicoma Park School District, the CPD, and the DCPD were arbitrary, and though having sufficient time to exercise practical, deliberate reflection and judgment, the Choctaw-Nicoma Park School District, the CPD, and the DCPD failed to do so.

91. The actions of the Choctaw-Nicoma Park School District, the CPD, and the DCPD agents and/or employees were so unreasonable, unwarranted, and unnecessary that they evince a conscious disregard for the threat and risk to others, and when viewed in total, shock the conscience.

92. The actions of Choctaw-Nicoma Park School District, CPD, and DCPD agents in allowing firearms into extracurricular events was in furtherance with the policies, customs, and/or practices which the Choctaw-Nicoma Park School District, the CPD, and the DCPD promulgated, created, implemented and/or possessed responsibility for.

93. In particular, the Choctaw-Nicoma Park School District, the CPD, and the DCPD, had an established pattern of allowing individuals into sporting events at the Choctaw-Nicoma Park School District with firearms, despite clear guidance preventing firearms at such events.

94. Furthermore, after Cordae was shot, he was clearly in need of immediate emergency medical care and evaluation, but such services were denied, delayed, and/or obstructed by agents and/or employees of the Choctaw-Nicoma Park School District, the CPD, and the DCPD.

95. In fact, Choctaw-Nicoma Park School District, the CPD, and the DCPD agents did not just delay Cordae's receipt of medical care but instead took affirmative steps to prevent him from receiving the care he so desperately needed.

96. As noted previously, the Choctaw-Nicoma Park School District, the CPD, and the DCPD staff on scene prevented onlookers from providing care and prevented emergency medical personnel from accessing Cordae for an extended and unreasonable amount of time.

97. It is foreseeable that preventing injured persons from receiving medical care can increase or enhance the risk of further injury or death.¹⁶

98. The actions of Choctaw-Nicoma Park School District, CPD, and DCPD agents in preventing Cordae from receiving medical care were done in furtherance with the Choctaw-

¹⁶ See *Est. of Soakai v. Abdelaziz*, 137 F.4th 969, 983 (9th Cir. 2025) ("It is entirely predictable that allowing seriously wounded individuals to go without aid for longer than necessary would increase the risk of further injury or death.") (citing *Maxwell v. County of San Diego*, 708 F.3d 1075, 1083 (9th Cir. 2013) ("It was obvious that delaying a bleeding gun shot victim's ambulance increased the risk of death.")).

Nicoma Park School District, the CPD's policy, practice, and custom, of failing to coordinate security, supervision, and protection services at Choctaw football games.

99. When viewed in total, the conduct of Choctaw-Nicoma Park School District, the CPD, and the DCPD agents in preventing Cordae from receiving medical care shocks the conscience.

100. As a result of the violation of Cordae's Fourteenth Amendment rights, Cordae experienced unnecessary physical pain, emotional distress, mental anguish, a loss of quality and enjoyment of life, terror, degradation, oppression, humiliation, embarrassment, and the eventual loss of his life, entitling Plaintiff to recover compensatory and special damages.

**CLAIM IV. VIOLATION OF THE FOURTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES' RIGHT TO DUE PROCESS
(FAILURE TO RENDER MEDICAL CARE)
(42 U.S.C. § 1983)
(As to the City of Choctaw and the City of Del City)**

101. Paragraphs 1-100 are incorporated herein by reference.

102. After he was shot, agents for the CPD and/or DCPD prevented Cordae's freedom of movement such that he was "seized" and/or in their custody for the purposes of the Fourth/Fourteenth Amendment.¹⁷

103. As such, the CPD and/or DCPD agents had a constitutional "duty to assume some responsibility for his safety and general well-being." *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189, 199-200, 109 S. Ct. 998, 1005, 103 L. Ed. 2d 249 (1989).

¹⁷ See *Minafee v. Bernalillo Cnty. Bd. of Commissioners*, 664 F. Supp. 3d 1283, 1297 (D.N.M. 2023) ("A 'seizure' for the purposes of the Fourth Amendment occurs when a government actor terminates one's freedom of movement through means intentionally applied." (citing *Brower v. County of Inyo*, 489 U.S. 593, 596-97, 109 S.Ct. 1378, 103 L.Ed.2d 628 (1989))).

104. Under the Fourteenth Amendment of the United States Constitution, Cordae had a clearly established constitutional right to be free from deliberate indifference to his known serious medical needs, including, without limitation, actions and inactions that create an excessive risk to his safety.¹⁸

105. After he was shot, Cordae had objectively serious medical needs.

106. It was obvious that Cordae needed an immediate and emergent medical evaluation and treatment due to his injuries, but such services were denied, delayed, and obstructed.

107. CPD and/or DCPD agents on scene disregarded these known and obvious risks in deliberate indifference to Cordae's serious medical needs.

108. Plaintiff alleges that the aforementioned violations of Cordae's constitutional rights were causally connected with customs, practices, and policies which the CPD/City of Choctaw and the DCPD/City of Del City promulgated, created, implemented and/or possessed responsibility for.

109. On information and belief, the City of Choctaw and the City of Del City utterly failed to train and supervise CPD and DCPD officers with respect to:

- a. recognizing the signs and symptoms of serious medical conditions, particularly gunshot wounds;
- b. how to protect persons with serious medical conditions, particularly gunshot wounds, from harm;
- c. the need to promptly request medical treatment for persons with serious medical injuries like gunshot wounds;
- d. the importance of allowing emergency medical staff access to persons with serious medical injuries, like gunshot wounds.

¹⁸ See, e.g., *McCowan v. Morales*, 945 F.3d 1276, 1290 (10th Cir. 2019) ("it is the Fourteenth Amendment that applies to McCowan's claim alleging the denial of medical care after his warrantless arrest and before he was taken to be booked into the county detention center.") (citing *Rife v. Okla. Dep't of Pub. Safety*, 854 F.3d 637, 641, 647 (10th Cir. 2017)).

110. The CPD/City of Choctaw and the DCPD/City of Del City should have known that this failure to train and supervise was substantially certain to result in Constitutional violations.

111. The CPD/City of Choctaw and the DCPD/City of Del City's failure to train and supervise resulted from a conscious or deliberate choice to follow a course of action from among various alternatives available and were also moving forces behind the violation of Cordae's civil rights and the resulting injuries alleged herein.

112. As a direct result of the CPD/City of Choctaw and the DCPD/City of Del City's unlawful conduct, Cordae suffered serious actual physical and emotional injuries, death, and other damages and losses as described herein, entitling Plaintiff to compensatory and special damages, in amounts to be determined at trial.

WHEREFORE, based on the foregoing, Plaintiff prays that this Court grant the relief sought including but not limited to actual and compensatory damages, and punitive damages, in excess of Seventy-Five Thousand Dollars (\$75,000.00), with interest accruing from the date of filing suit, the costs of bringing this action, a reasonable attorneys' fee, along with such other relief as is deemed just and equitable.

Respectfully submitted,

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