

DEC - 3 2019

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, MISSISSIPPI *Shirley Gail Johnson*
CIRCUIT CLERK

TODD ANDREACCHIO and
RAE ANDREACCHIO

PLAINTIFF

V.

CIVIL ACTION NO. 19CV121 (B)

RITCHIE MCALLISTER

DEFENDANT

COMPLAINT

(Trial by Jury Demanded)

The Plaintiffs, Todd and Rae Andreacchio, by and through the undersigned counsel, files this Complaint against the Defendant, RITCHIE MCALLISTER and in support thereof, would show the following:

PARTIES

1. The Plaintiffs, Todd and Rae Andreacchio ("Plaintiffs"), are the parents of Christian Andreacchio and are adult resident citizens of Lauderdale County, Mississippi.
2. On information and belief, Defendant, Ritchie McAllister (also referred to as "McAllister") is an adult resident of Lauderdale County, Mississippi and may be served with process of this Court [REDACTED]

VENUE AND JURISDICTION

3. Plaintiff would show that pursuant to 11-11-13, Mississippi Code of 1972, as amended, jurisdiction and venue are proper in Lauderdale County, Mississippi as the events giving rise to the claims alleged by the Plaintiff arose in this County.

FACTS

4. Christian Andreacchio, the twenty-one year old son of Todd and Rae Andreacchio died in Meridian, Mississippi on February 26, 2014 under circumstances that have not, as yet, been conclusively explained and have become the subject of intense public interest.

5. Dylan Swearingen, an acquaintance of Christian's, placed a call to 911 from Christian's apartment at approximately 4:30 PM that day, frantically exclaiming that there had been a suicide. EMT's and police immediately responded to the scene and found Christian's body in an upstairs bathroom on his knees, his head hanging inside the tub, arms by his side. A gunshot wound, apparently an entrance wound in nature, appeared on the right side of his head.

6. Officers of the Meridian Police Department took the statements of Dylan Swearingen and Whitley Goodman, Christian Andreacchio's girlfriend, individually. Neither Dylan nor Whitley acknowledged to the police that anyone else had been at the apartment that day prior to the 911 call. The statements given by each was not only inconsistent with the statement of the other, but each of their statements was inconsistent with the physical evidence.

7. These inconsistencies were gross in nature. For example, the crime scene photos taken by officers at the scene clearly show the relatively fixed position of the body as the EMT's removed it. The status of the body indicated a relatively advanced state of rigor mortis, but the information provided by both Dylan and Whitley indicated that the suicide

occurred shortly before Dylan called 911. The police did not challenge their statements.

8. A Kimber .45 pistol was found wedged between Christian's left thigh and the exterior of the bathtub; furthermore, the police crime scene photographs indicate that the pistol had been manually de-cocked. No officer, EMT or witness has acknowledged having disturbed the pistol prior to the crime scene photographs being taken. The police did not question Whitley or Dylan as to how an individual who had been shot in the head could have de-cocked his weapon and then positioned it on the other side of his body.

9. Dylan and Whitley were both subjected to gunshot residue tests on their hands; each of the tests were positive, yet neither acknowledged being in the bathroom when the gunshot was fired or having handled the gun.

10. Whitley Goodman's statement was that she had slept through the shot fired from a .45 calibre Kimber, although Christian's apartment was approximately eight hundred square feet in size.

11. When asked whether Christian had exhibited signs of suicidal intent during the course of the day, Dylan described having observed Christian pointing a gun to his head during an argument with Whitley; when asked the same question, Whitley denied having observed anything that would have given her the impression that he was suicidal.

12. In spite of these inconsistencies, the Chief of the Meridian, Mississippi Police Department arrived at the scene and dismissed the officers within an hour of their arrival, concluding that a suicide had occurred. The officers complied, and a representative of MPD was dispatched to advise Rae and Todd that their son had committed suicide. Whitley and Dylan went home without charges being filed. To date, neither has been charged with any

crime.

13. Over the past five years, the Plaintiffs have maintained their belief that their son was the victim of a homicide although two other law enforcement entities, the Mississippi Bureau of Investigation and the Mississippi Attorney General's Office, were brought in to investigate after the Meridian Police Department released control of the file. The Attorney General's Office presented the case to a Grand Jury who declined to indict anyone. All three agencies have closed their cases, concluding that the manner of death was suicide.

8. Christian's family has deep concerns about the lack of interest shown by any of these entities to resolve the inconsistencies in the physical evidence. Their own efforts have resulted in the identification of numerous material witnesses who have not been interviewed despite their requests that statements be taken. The Plaintiffs obtained, at their own expense, the services of a nationally respected pathologist as well as a competent, experienced forensic crime scene analysis group; both have rendered expert opinions that Christian's death was a homicide, and they have further opined that the scene was staged to appear that Christian took his own life.

11. Frustrated by a lack of what they would consider credible responses from any of the state agencies, Rae and Todd began demanding a copy of the Attorney General's file in March of 2019, shortly after the Grand Jury heard the case and declined to indict. Given the numerous obstacles presented by the Attorney General's Office, they filed a request under the Freedom of Information Act and were finally provided a jump drive containing most of the investigative file in July of 2019. On the same date the jump drive was mailed to Plaintiffs, the Attorney General's Office forwarded jump drives to three others who had filed FOIA

requests. On information and belief, others had already received copies without having filed FOIA requests.

12. The photos contained in the file were extremely graphic; they included photos taken throughout the autopsy process, including photos exposing the skull and photos reflecting a rod used to establish the trajectory of the bullet through Christian's head. Christian's autopsy photos showing his body both clothed and nude on the mortuary table were contained in the file. The sight of these photos, at the very least, was deeply traumatic to the Plaintiffs.

13. Plaintiffs continue in their fight to have the investigation reopened. Their pleas for justice for their son have been public and persistent. Because of their efforts, Black Mountain Productions became interested in the circumstances of February 26, 2014; their subsequent podcast known as "Culpable," generated widespread public interest. Millions of listeners eventually tuned in, and many participated on-air requesting answers to some of the same glaring questions that had been raised by Plaintiffs for years. How and why Christian Andreacchio died became an active subject of discussion not only in the Meridian, Mississippi community, but also around the country.

14. Ritchie McAllister is the Chief Administrative Officer for the City of Meridian, Mississippi. For reasons unknown, he became deeply determined to convince a now skeptical public that Christian Andreacchio did, in fact, commit suicide. On information and belief, he obtained a copy of the investigative file through a source other than the Attorney General's Office. He then began a personal effort to encourage local individuals to discount the theory of homicide.

15. On numerous occasions, McAllister invited/encouraged citizens of Meridian to visit his office to view the autopsy photos. Once these individuals arrived, he shared the file with them via his computer. These individuals were then subjected to McAllister's analysis of the photos that led him to conclude that Christian Andreacchio took his own life. His actions generated discussion within the community and considerable comment on social media that has foreseeably caused extreme emotional distress to the Andreacchio family. His reasons for these extreme efforts are unknown to the Andreacchios, but they now must endure daily the knowledge that the graphic evidence of their most private and personal grief has simply become Ritchie McAllister's public water cooler.

16. McAllister's actions foreseeably caused extreme emotional pain and suffering to the Plaintiffs. These actions were outrageous; they shock the public conscience. Survivors have a right to privacy in connection with information relative to the death of a loved one; no public interest is served by the dissemination of such graphic photographs for public discussion.

17. Plaintiffs seek to hold Defendant McAllister accountable for these extreme and outrageous actions that served no purpose other than create pain and suffering and/or to somehow deter a family from seeking credible answers to legitimate questions about the death of their son.

CLAIMS FOR RELIEF

COUNT 1

(Intentional Infliction of Emotional Distress)

18. Plaintiffs re-allege each and every allegation of the preceding paragraphs as if fully set forth herein.

19. The continuing intentional, willful and wanton actions of the Defendant were attended by such extreme and outrageous conduct in absolute indifference to the rights of the Plaintiffs are sufficient to entitle them to a cause of action for intentional infliction of emotional distress. The actions of the Defendant were, and are, so outrageous in character, and so extreme in degree, as to go beyond all bounds of decency and are atrocious and utterly intolerable in a civilized community.

20. Also as a direct and proximate result of the above-described actions of the Defendant, Plaintiffs have been forced to suffer and will continue to suffer emotional distress, depression, anxiety, mental anguish, stigmatization, embarrassment, and humiliation.

COUNT II
(Negligent / Gross Negligence and Reckless Disregard)

21. The Plaintiffs adopt by reference and incorporate each of the preceding paragraphs as if set forth fully hereafter.

22. In the alternative, Plaintiffs allege that the actions of McAllister were grossly negligent, careless, and/or taken with reckless disregard of the foreseeable injury to be caused to the Plaintiffs.

23. As a direct and proximate result of the above-described actions of the Defendant McAllister, the Plaintiffs have been forced to suffer and will continue to suffer emotional distress, depression, anxiety, mental anguish, stigmatization, embarrassment and humiliation.

COUNT III
(Invasion of Privacy)

25. Plaintiffs adopt by reference and incorporates each of the preceding paragraphs as if set forth fully hereafter.

26. Plaintiffs, as survivors of Christian Andreacchio, are entitled to a survivor's right to privacy in connection with the intimate details of his death, such as his autopsy photos.

27. Defendant McAllister has not shown any justification for his actions in any judicial forum, nor has he obtained or attempted to obtain permission from either the Plaintiffs or any other of Christian Andreacchio's survivors, to disclose these graphic photos. He has violated Plaintiffs' right to privacy as survivors of Christian Andreacchio.

28. As a direct and proximate result of the above-described privacy violations by the Defendant, the Plaintiffs have been forced to suffer and will continue to suffer emotional pain and suffering, mental anguish, depression, anxiety, mental anguish, stigmatization, embarrassment and humiliation,

DAMAGES

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs pray that the Court enter judgment in Plaintiffs' favor and against the Defendant, containing the following relief:

- (a) An award of damages in an amount to be determined at trial, plus pre-judgment interest, to compensate Plaintiffs' for all monetary and/or economic damages
- (b) An award of damages in an amount to be determined at trial, plus pre-judgment interest, to compensate Plaintiffs for all monetary and/or compensatory damages, including, but not limited to, compensation for mental anguish and emotional distress, emotional pain and suffering, and any other physical mental

injuries, including, but not limited to, stigmatization, embarrassment and humiliation.

- (c) An award of costs that the Plaintiffs have incurred in this action, as well as reasonable attorneys' fees to the fullest extent permitted by law;
- (d) An award of punitive damages; and
- (e) Such other and further relief as the Court may deem just and proper, including injunctive relief.

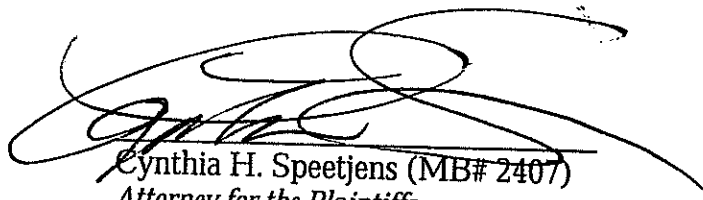
JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues of fact and damages stated herein.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs demand a judgment of, from, and against the Defendant in an amount to be determined at the trial of this cause plus interest from the date of the filing of the original Complaint, along with all costs of court. Further, the Plaintiffs request any such other relief as the Court may deem just.

This the 3rd of December, 2019.

Respectfully submitted,



Cynthia H. Speetjens (MB# 2407)
Attorney for the Plaintiffs

Of Counsel:

CYNTHIA H. SPEETJENS
2088 Main Street, Suite A
Madison, Mississippi 39110
MSB #2407
T: (601) 707-9711
F: (601) 707-7509

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SUMMONS

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Cynthia H. Speetjens, the attorney for the Plaintiff, whose post office address is P.O. Box 2629, Madison, Mississippi 39130-2629, and whose street address is 2088 Main Street, Suite A, Madison, Mississippi 39110. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

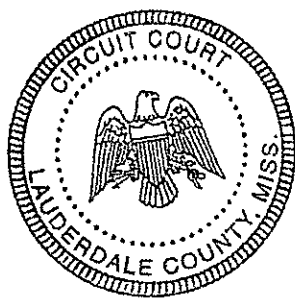
You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 3 day of Dec, 2019.

DONNA JILL JOHNSON
Donna Marshall CLERK
Circuit Clerk of Lauderdale County, MS.

OF COUNSEL:

Cynthia H. Speetjens
MSB #2407
2088 Main Street, Ste. A
Madison, MS. 39110
Telephone: 601-707-9711
Facsimile: 601-707-7509
E-Mail: cspeetjens@ms-lawyer.net



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