



LEXINGTON POLICE DEPARTMENT

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

August 2, 2021

Mr. Thomas Moyler Jr. #1139164
Red Onion State Prison
PO Box 1900
Pound, VA 24279

RE: Formal Complaint 2021F-012—Sergeant Stacy Shannon

Dear Mr. Moyler,

The Public Integrity Unit completed the investigation of your Formal Complaint against Sergeant Stacy Shannon for violation of General Order 1973-02K Disciplinary Procedures of Sworn Officers, Appendix B, Operational Rule 1.02--Misconduct.

After reviewing the investigative summary, Chief Lawrence Weathers determined the disposition of the complaint as "Unfounded". Chief Weathers has recommended that no further action be taken with regard to this complaint.

Formal Complaint 2021F-012 regarding Sergeant Stacy Shannon is closed.

Please feel free to contact the Public Integrity Unit if you have any questions regarding this determination.

Sincerely,

Lieutenant Matt Brotherton
Bureau of Investigation
Public Integrity Unit
(859) 258-3628

cc: Chief Lawrence Weathers
Asst. Chief Roger Holland
Sgt. Stacy Shannon
File – PIU2021F-012



Lexington-Fayette Urban County
Division of Police
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
July 30, 2021

EFFECTIVE DATE

NUMBER
COP:
21-0118

TO:
Kenneth Armstrong, Commissioner
Department of Public Safety

SUBJECT:
Disciplinary Recommendation
PIU2021F-012
Sergeant Stacy Shannon

FROM:
Lawrence B. Weathers
Chief of Police

I met with Sergeant Stacy Shannon on July 29, 2021, and am recommending this case be administratively closed as "Unfounded" due to insufficient evidence for violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02 – Misconduct.

I find that there does not appear to be sufficient evidence produced to sustain this complaint.

I have included the summary of this formal complaint for your review.

Lawrence B. Weathers 

Lawrence B. Weathers
Chief of Police

LBW/rmh

Attachment



LEXINGTON POLICE
DEPARTMENT
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE
07/21/2021

EFFECTIVE DATE
07/21/2021

NUMBER
PIU 21-077

<p>TO: Lawrence Weathers Chief of Police</p>	<p>SUBJECT: Summary of Formal Complaint on Sgt. Stacy Shannon, PIU2021F-012</p>
<p>FROM: Lieutenant Matt Brotherton Bureau of Investigation - Public Integrity Unit</p>	

Sir,

This memorandum will provide a summary of the investigation into the Formal Complaint filed by Mr. Thomas Moyler Jr. alleging improper conduct by Sergeant Stacy Shannon. Mr. Moyler, who is currently incarcerated in Virginia, submitted the below statement by mail:

“Officer Stacy Shannon lied about me assaulting her. Committed perjury at Moyler’s trial 2009 with a false confession. Forced me to have a medical procedure against my will which is still affecting me today, stomach pump, I was forced to have a “bad catheter” at UK hospital by Officer Stacy Shannon which has scar me for life. Officer Stacy Shannon also conducted an illegal search on me. Provided false confession tape.”

If the above allegations are true, Sergeant Stacy Shannon is in violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02--Misconduct:

Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department and to not cast doubt on the officer's integrity, honesty, judgement, or character. Misconduct of an officer shall include that which tends to bring the department into disrepute or reflects discredit upon the officer as an employee of the department, or that which tends to impair the operation and efficiency of the department or officer.

Investigation

On December 27th, 2005, Sgt. Shannon was working as a 3rd shift Central Sector patrol officer, patrol downtown with her probationary officer, Dawn Dunn. They conducted a traffic stop and field investigation on a vehicle at Vine Street and Mill Street. During the course of the encounter, the passenger of the vehicle, later identified as Mr. Thomas Moyler, punched Sgt. Shannon in the face and fled on foot. He was apprehended and charged with the below offenses:

- Assault 3rd
- Fleeing/Evading Police
- Giving a False Name/Address
- Tampering with Physical Evidence
- Trafficking: Marijuana
- Trafficking: Cocaine

After he was taken into custody, Mr. Moyler was transported to the UK Emergency Room due to officers’ belief that he had ingested narcotics. At the hospital, Sgt. Shannon learned of an active

Virginia arrest warrant for Mr. Moyler, charging him with Murder. Sgt. Shannon notified Mr. Moyler of the charge. Mr. Moyler was ultimately transported to Virginia where he was convicted and is, as of this report, serving a life-sentence at the Red Onion State Prison, Wise County, Virginia. Sgt. Shannon testified at Mr. Moyler's trial in Virginia, detailing his capture in Lexington. Pursuant to the complaint, I obtained certified copies of the dispositions of Mr. Moyler's charges.

Interview with Mr. Moyler

On July 1st, 2021 I spoke with Mr. Moyler by phone. We discussed his allegations against Sgt. Shannon and I was able to define them as follows:

- During the arrest in Lexington, officers had no right to search Mr. Moyler and he did not assault any officers.
- While in the emergency room, Sgt. Shannon forced Mr. Moyler to have his stomach pumped; he denied to me that he ingested any narcotics.
- Mr. Moyler maintains that Sgt. Shannon perjured herself during her testimony, testifying about a false confession.

During my conversation with Mr. Moyler, I asked him to obtain any medical records from the University of Kentucky.

Interview with Sgt. Shannon

On July 16th, 2021, Lt. David Biroshchik and I spoke with Sgt. Shannon in the PIU office. I addressed each of the allegations with Sgt. Shannon. She recalled how Mr. Moyler assaulted her, the officers on scene believed he ingested narcotics, and she then found out he had a warrant for murder.

Sgt. Shannon stated that she did not interview Mr. Moyler and that her testimony at the trial consisted solely of the details of the arrest and his response when she notified him of the warrant. She could not recall exactly what Mr. Moyler said when she informed him of the warrant, but that it was something to the effect of "tell me something I don't know". Sgt. Shannon remembered that Detectives from Virginia came to Lexington the next day to interview Mr. Moyler. Sgt. Shannon does not believe any of her interactions with Mr. Moyler were recorded.

When asked about the treatment given at UK, Sgt. Shannon stated that they informed the medical staff that the officers believed he had ingested narcotics; Sgt. Shannon stated that in her experience, police have never been able to influence the medical care given at UK. Further she stated that she has an affirmative responsibility to inform medical staff if it is believed someone has ingested narcotics.

Allegation 1: Sgt. Shannon conducted an illegal search and the arrest of Mr. Moyler was unlawful:

Mr. Moyler's first set of allegations concern his encounter with Lexington Police on December 27th, 2005. He was arrested, charged, indicted, and his case was resolved in Fayette Circuit Court. On May 26th, 2006, Mr. Moyler, represented by Mr. Russell Baldani, pled guilty to the following charges:

- Ct. 1: Possession of a Controlled Substance 1st
- Ct. 2: Assault 3rd
- Ct. 3: Tampering with Physical Evidence
- Ct. 4: Fleeing / Evading 2nd
- Ct. 5: Possession of Marijuana
- Ct. 6: Giving an Officer False Name
- Ct. 7: Persistent Felony Offender 1st

During the guilty plea, accepted by Judge Mary Noble, it was documented that Mr. Moyler understood the charges against him and voluntarily pled guilty to all charges. Sgt. Shannon stated that she was assaulted by Mr. Moyler and that no illegal searches were conducted. Due to the court having addressed the validity of the arrest and the guilt of Mr. Moyler, I recommend no further action on this allegation.

Allegation 2: Because of Sgt. Shannon's actions, the University of Kentucky Hospital performed unnecessary medical procedures on Mr. Moyler:

All medical care given to Mr. Moyler was performed by staff at the University of Kentucky Hospital. Sgt. Shannon stated that due to her belief that Mr. Moyler having ingested narcotics, she was obligated to inform the medical staff. Any treatment given to Mr. Moyler was according the UK ER's protocols. Any issues with the care that he received are the responsibility of the Hospital. I recommend no further action on this allegation.

Allegation 3: Sgt. Shannon provided a false confession in Mr. Moyler's Virginia trial, leading to an unjust conviction:

In November of 2008, a Virginia jury convicted Mr. Moyler of the murder for which the warrant was issued. According to an article published in the *The Virginian-Pilot* on November 21st, 2008 about Mr. Moyler's conviction:

When an officer confirmed an outstanding murder warrant against him, Moyler swore at her and said "tell me something I didn't know I did."

During the trial, Mr. Moyler was given the opportunity to challenge any statements given under oath by Sgt. Shannon. Any questions of the validity of his conviction have been addressed by the Virginia legal system. I recommend no further action on this allegation.

Conclusion

Mr. Moyler's complaints against Sgt. Shannon pertain to issues that have been addressed by the courts and allegations about her directing medical care against his interests. I have found no merit to his allegations.


Lieutenant Matt Brotherton
Bureau of Investigation
Public Integrity Unit

cc: file – PIU 2021F-012



Lexington Police Department
MEMORANDUM
 Lexington, Kentucky

DATE OF ISSUE

06/03/2021

EFFECTIVE DATE

06/03/2021

NUMBER

PIU: 21-055

TO:

Assistant Chief Brian Maynard
 Bureau of Patrol

SUBJECT:

FORMAL COMPLAINT

FROM:

Commander Chad Bacon
 Bureau of Investigation
 Public Integrity Unit

COMPLAINANT: Mr. Thomas Moyler Jr.

ACCUSED OFC.: Sergeant Stacy Shannon

ALLEGATION: Violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02--Misconduct

ALLEGED CIRCUMSTANCES:

The below statement from Mr. Moyler Jr. was received by mail:

Officer Stacy Shannon lied about me assaulting her. Committed perjury at Moyler's trial 2009 with a false confession. Forced me to have a medical procedure against my will which is still affecting me today, stomach pump, I was forced to have a "bad catheter" at UK hospital by Officer Stacy Shannon which has scar me for life. Officer Stacy Shannon also conducted an illegal search on me. Provided false confession tape.

If the above allegations are true, Sergeant Stacy Shannon is in violation of General Order 1973-02K, Disciplinary Procedures, Appendix B, Operational Rule 1.02--Misconduct:

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ACTION REQUESTED:

- The Bureau Commander and Sergeant Shannon should sign the Acknowledgment Sheet and process this complaint.
- The Commanding Officer should provide the attached copy of the Form 111 and the Officer's Rights Packet to Sergeant Shannon.

- Sergeant Shannon should contact the Public Integrity Unit to arrange for a time to provide a formal statement.

	<u>DATE</u>	<u>TIME</u>
Bureau Commander <u>Jesse Harris</u>	<u>6-3-21</u>	<u>1315</u>
Supervisor <u>Ch Van Buren</u>	<u>06-03-21</u>	<u>1315</u>
Officer <u>S. D. Shannon</u>	<u>6-3-21</u>	<u>1315</u>

Accused officer would like the Public Integrity Unit to notify the FOP President or their designee that a formal complaint is filed against them. (Circle One) YES or NO

Returned to the Public Integrity Unit [Signature] 6/3/21 1320

[Signature]
Commander Chad Bacon
Bureau of Investigation
Public Integrity Unit

mr v

enclosures

cc: Chief Lawrence Weathers
file - PIU2021F-012

**Lexington Police Department
Formal Complaint
Form 111**

File #: PIU2021F-012

Member(s) Involved Sergeant Stacy Shannon		Employee No. 42088	D.O.B. N/A	D.O.E 9/9/2002	Present Assignment BOP / East Sector
Complainant Thomas Moyler Jr.		Address-Apt. No. - Zip Code Inmate-Red Onion State Prison-Virginia			Telephone No. 276-796-7510
Employed By N/A		Business Address - Zip Code N/A			Telephone No. N/A
Date of Incident 12/27/2005	Time of Incident 210	Location of Incident Vine / Upper	Date and Time Reported 5/27/2021		How Reported: <input checked="" type="checkbox"/> Letter <input type="checkbox"/> Phone <input type="checkbox"/> Person <input type="checkbox"/> Email

Brief Description of Allegations:

The below statement from Mr. Moyler Jr. was received by mail:

Officer Stacy Shannon lied about me assaulting her. Committed perjury at Moyler's trial 2009 with a false confession. Forced me to have a medical procedure against my will which is still affecting me today, stomach pump, I was forced to have a "bad catheter" at UK hospital by Officer Stacy Shannon which has scar me for life. Officer Stacy Shannon also conducted an illegal search on me. Provided false confession tape.

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I swear/affirm that the facts set out above are true to the best of my knowledge and belief.



Thomas Moyler Jr. (Complainant) Date: 6-11-21

Subscribed and sworn before me this date: 06-11-2021 (Date) Angel Mullins Hurd (Notary)

My Commission Expires:

Witnesses:
Name James Dyson JR Address _____ Phone Number _____

Chief of Police (or "Designee"):

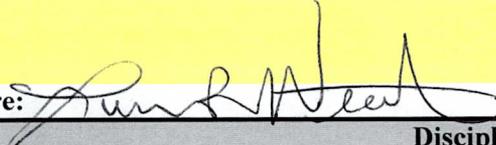
Policy Violation	Finding
1973-02L Disciplinary Procedures Appendix OR 1.02 MISCONDUCT	<input type="checkbox"/> Proper Conduct
	<input type="checkbox"/> Improper Conduct
	<input type="checkbox"/> Insufficient Evidence
	<input type="checkbox"/> Policy Failure
	<input checked="" type="checkbox"/> Unfounded

Chief of Police Recommendation

Recommend Case Be Closed Corrective Training Recommended Below Disciplinary Action Recommended

Comments:

ONLY CONTENTS OF REBOOK REVIEWED - COMPL. UNFOUNDED

Signature:  Date: 07/29/21

Disciplinary Review Board

Policy Violation	Finding
	<input type="checkbox"/> Proper Conduct
	<input type="checkbox"/> Improper Conduct
	<input type="checkbox"/> Insufficient Evidence
	<input type="checkbox"/> Policy Failure
	<input type="checkbox"/> Unfounded

Disciplinary Review Board Recommendation

Recommend Case Be Closed Corrective Training Recommended Below Disciplinary Action Recommended

Comments:

Signature: _____ Date: _____

Chief of Police 2nd Recommendation

Recommend Case Be Closed Corrective Training Recommended Below Disciplinary Action Recommended

Comments:

Signature: _____ Date: _____

Proper Conduct: Allegation is true; the action of the agency or the officer was consistent with agency policy.
Improper Conduct: The allegation is true; the action of the agency or the officer was inconsistent with agency policy.
Insufficient Evidence: There is insufficient proof to confirm or to refute the allegation.
Policy Failure: The action of the agency or the officer was consistent with agency policy, but the policy did not take into account the circumstances present in this instance.
Unfounded Complaint: Either the allegation is demonstrably false or there is no credible evidence to support it.