

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TERRENCE LAMONT HOLLAND,

Plaintiff,

v.

Case No. 4:25-cv-373

ANTONIO JOSE OTERO,
AARON PARR,
LUCIA GRACIA,
JOHN C. FISHER,
R. HERNANDEZ, and
JULIAN M. MONTEMAYOR

Defendants.

JURY DEMAND

COMPLAINT AND DEMAND FOR JURY TRIAL

NATURE OF THE CASE

1. Plaintiff Terrence Holland brings this 42 U.S.C. § 1983 action against Antonio Jose Otero, Aaron Parr, and Lucia Gracia—three officers of the Houston Police Department (“HPD”) who, after stopping Mr. Holland for a minor traffic violation, brutally beat him and repeatedly drive-stunned him with a TASER.¹

¹ A TASER is a type of controlled-energy device (“CED”) that can be discharged by deploying wire probes from a distance, or by drive-stunning. A drive stun is the use of a CED by direct contact to a subject, rather than by deploying wire probes. Use of the wire probes creates a circuit intended to cause neuromuscular incapacitation, so that an officer can take a subject into custody. In contrast, a drive-stun is intended not to incapacitate, but solely to induce pain.

2. Mr. Holland also brings claims against HPD Officer R. Hernandez and former HPD Officer Julian M. Montemayor, who made no effort to stop their colleagues' brutal attack, and Sergeant John C. Fisher, who conspired to help cover up his subordinates' misconduct.

3. Defendants had no reason to believe that Mr. Holland—a disabled Black man who stands five feet and five inches tall—posed any threat. On the contrary, Mr. Holland was unarmed, had already been searched, and had his hands raised in a gesture of surrender when Defendants tackled him to the ground.

4. Defendants nonetheless used overwhelming and excessive force, in violation of the Fourth Amendment and HPD's official policy.

5. Defendants continued to assault Mr. Holland as he cried out in pain, even as Lisa Reyes, Mr. Holland's then-girlfriend, pleaded with them to stop.

6. Defendants refused to stop even after Ms. Reyes informed them that Mr. Holland is disabled and expressed her fear that Defendants would kill him.

7. Instead, Defendants detained Ms. Reyes in the back of a police cruiser so they could continue their assault without a witness.

8. Defendants then arrested Mr. Holland based on fabricated evidence, alleging that Mr. Holland assaulted Defendant Otero.

9. Mr. Holland did not assault Defendant Otero or anyone else.

10. All of Defendant Otero's alleged injuries were self-inflicted. Otero reported a "possible strained pectoral muscle" after he and his fellow Defendants piled on top of and repeatedly struck Mr. Holland.

11. Defendant Otero also reported a “small laceration” to his left elbow. By Otero’s own admission, this laceration was the result of Otero elbow striking Mr. Holland in the face, such that he scraped his elbow against Mr. Holland’s teeth.

12. Defendants’ violent assault left Mr. Holland with a bleeding ear, a split lip, severe bruising, and a wounded rib cage, for which he was treated at the hospital before Defendants jailed him.

13. The charges against Mr. Holland were ultimately dismissed, but not before Mr. Holland was made to endure an unjust prosecution designed to cover up Defendants’ own violence.

14. Mr. Holland’s experience is not an anomaly. The Houston Police Department routinely escalates low-level traffic stops into traumatic and life-altering experiences for Black and Brown drivers, often fabricating cover charges like assault on an officer and resisting arrest.

15. According to HPD’s own data, Black motorists are at least 29 times more likely to be subjected to violence during a traffic stop than white motorists.²

16. The Ku Klux Klan Act, now codified as 42 U.S.C. § 1983, promised to hold state and local actors accountable for racialized violence. It is that promise of accountability that Mr. Holland seeks to enforce through this lawsuit.

17. Mr. Holland also hopes to shed light on the epidemic of police violence against Black disabled people in particular, who are both disproportionately targeted for police violence and more likely to suffer severe and lasting injuries as a result.

² Texas Civil Rights Project, Safe Passage: Traffic Safety and Civil Rights 2024 Update, https://www.txcivilrights.org/files/ugd/ddf062_4f832e98607f45bf860a239288334a22.pdf; Texas Civil Rights Project, Safe Passage: Traffic Safety and Civil Rights (2023), <https://bit.ly/tcrpsafepassagereport2023>.

JURISDICTION AND VENUE

18. Mr. Holland brings this action under the Fourth and Fourteenth Amendments to the United States Constitution, as authorized by 42 U.S.C. § 1983.³

19. The Court has jurisdiction over Mr. Holland's claims under 28 U.S.C. § 1331 (action arising under the Constitution and federal law) and § 1343(a) (action to redress deprivation of civil rights).

20. Venue is proper under 28 U.S.C. § 1391(b) because one or more Defendants reside in this judicial district and all Defendants are residents of Texas, or, alternatively, because a substantial part of the events or omissions giving rise to Mr. Holland's claims occurred in this district.

PARTIES

21. Terrence Holland is a 47-year-old Black man with multiple physical, cognitive, and psychological disabilities. He is a resident of the State of Texas.

22. Defendant Antonio Jose Otero is a Police Officer with the Houston Police Department, where he has worked since 2017. He is a resident of the State of Texas. He is sued in his individual capacity.

³ The applicable limitations period on Mr. Holland's Section 1983 claims is two years, and the events giving rise to his cause of action occurred on December 19, 2019. However, Mr. Holland is entitled to equitable tolling under Section 16.001 of the Texas Civil Practice and Remedies Code because he was under a legal disability at the time of Defendants' unconstitutional assault, and has remained as such since then. Section 16.001 provides that "if a person is under a legal disability when the cause of action accrues, the time of the disability is not included in the limitations period." Tex. Civ. Prac. & Rem. Code § 16.001. "A person is under a legal disability if the person is . . . of unsound mind." *Id.* At the time of Defendants' assault, Mr. Holland suffered from multiple disabilities, including chronic Post-Traumatic Stress Disorder (PTSD). Exhibit 1, Expert Affidavit of Dr. Jennifer Hughes (to be filed under seal). Mr. Holland's PTSD has persisted continuously ever since. This disability prevented him from vindicating his rights within the two-year period following Defendants' assault. *See, e.g., Rollins v. Pressler*, 623 S.W.3d 918, 931 (Tex. App. 2021), *review denied* (Apr. 1, 2022); *Myers v. St. Stephen's United Methodist Church*, No. 01-96-001460-CV, 1998 WL 723887, at *4 (Tex. App. Oct. 8, 1998).

23. Defendant Aaron Parr is a Police Officer with the Houston Police Department, where he has worked since 2009. He is a resident of the State of Texas. He is sued in his individual capacity.

24. Defendant Lucia Gracia was a Police Officer with the Houston Police Department, where she worked from 2019 through 2023. She is a resident of the State of Texas. She is sued in her individual capacity.

25. Defendant John C. Fisher is a Sergeant with the Houston Police Department, where he has worked since 2002. He is a resident of the State of Texas. He is sued in his individual capacity.

26. Defendant R. Hernandez is a Police Officer with the Houston Police Department, or was at the relevant time. Under information and belief, she is a resident of the State of Texas. She is sued in her individual capacity.

27. Defendant Julian M. Montemayor was a Police Officer with the Houston Police Department at the relevant time. He is a resident of the State of Texas. He is sued in his individual capacity.

STATEMENT OF FACTS

I. On December 19, 2019, Defendant Antonio Jose Otero Stopped Mr. Holland for a Minor Traffic Violation and Needlessly Escalated the Interaction.

28. Shortly before 11:00 p.m. on December 19, 2019, Defendant Officer Antonio Jose Otero of the Houston Police Department stopped Mr. Holland for a suspected traffic violation one block away from his nearby home.

29. Mr. Holland had stepped out to take his nephew, Adrian to the corner store.

30. Mr. Holland suffers from multiple physical, cognitive, and psychological disabilities, including PTSD, hearing impairments, and traumatic brain injury.

31. Due to his disabilities, Mr. Holland relies on the assistance of a home health aide to manage everyday tasks, such as getting in and out of the shower, going grocery shopping, and completing

paperwork. He is not able to stand for long periods, has limited mobility, and has trouble swallowing food.

32. At the time, Mr. Holland also had a laceration and stitches to his left ear due to a recent injury.

33. Adrian is also disabled and legally blind.

34. When the police approached his car, Mr. Holland grew nervous for his safety, particularly given his nephew's disabilities.

35. Mr. Holland immediately called his then-girlfriend, Lisa Reyes, to tell her that he had been pulled over. He asked her to come outside to witness the encounter, in the hopes that her presence would deter the police from escalating to violence.

36. Ms. Reyes came outside and began recording with her cellphone.

37. Otero instructed Mr. Holland to get out of the car. Mr. Holland did so without incident.

38. Otero then indicated that there was an issue with Mr. Holland's license or registration and told him that he was being placed under arrest.

39. Otero asked Mr. Holland if he had any weapons. Mr. Holland responded, "No, I don't have any weapons on me," and stretched his arms out to his sides to show he was unarmed.

40. Otero performed a brief pat down, confirming that Mr. Holland was unarmed.

41. Fearing that Otero would escalate to violence, Mr. Holland asked to speak with a police supervisor.

42. Mr. Holland hoped that he could clear up any potential license or registration issues with a sergeant, and that he and his nephew could go home safely.

43. Mr. Holland's request for a supervisor angered Otero. He told Mr. Holland that he had no right to ask for a supervisor and that he was being detained.

44. Otero placed his hands on Mr. Holland's forearms and started shoving Mr. Holland towards his parked car.

45. Mr. Holland pulled away from Otero's grasp and stepped backwards with his hands in the air, repeating, "I ain't doing nothing wrong, I told you."

46. After this, there was no further physical contact between Mr. Holland and Otero.

47. Otero radioed a request for additional HPD units. They arrived several minutes later, at which point Mr. Holland was standing calmly with his hands in the air, to demonstrate that he posed no threat.

48. Meanwhile, Otero did not take cover or do anything else that would suggest he feared for his safety or the safety of others.

II. Defendant Otero Summoned Additional HPD Officers to the Scene and Joined in their Violent Assault on Mr. Holland.

49. Defendant Officers Lucia Gracia and Aaron Parr exited their vehicles and began walking towards Mr. Holland.

50. Mr. Holland kept his arms raised in a gesture of surrender, and reiterated his desire to speak with a supervisor.

51. He tried to explain, "All I asked him—" but was cut off when Defendants Gracia and Parr grabbed him, kicked him, and pulled him to the ground.

52. Defendants Gracia and Parr did not ask any questions of Mr. Holland, nor did they give him any commands or warnings before using overwhelming force.

53. Parr then shouted "taser, taser" as he deployed his taser on Mr. Holland in the drive-stun mode. This was a violation of HPD policy, which prohibits the use of a taser on a person who is not resisting or who is exhibiting, at most, only passive resistance, as was true of Mr. Holland.

54. Parr gave no prior warning, only a verbal description of an action he was already performing.

55. Ms. Reyes shouted in distress, “Hey man, that’s unnecessary! That’s unnecessary!” She informed Defendants that she was recording them.

56. Meanwhile, Otero joined in the pile-on, grabbing Mr. Holland and striking him in the head with his knee. Otero then jumped on top of Mr. Holland and struck him with his elbow.

57. Defendants repeatedly hit, kicked, and punched Mr. Holland, using their hands, fists, elbows, and knees to strike him. They did so despite Mr. Holland’s lack of resistance to their assault, and despite the fact he was crying out in pain.

58. By this point, Mr. Holland was on the ground, face-down, trying to protect the stitches in his left ear from Defendants’ blows.

59. Mr. Holland was physically incapacitated by the body weight of at least three armed officers who had no reason to believe he posed a threat to their safety, let alone one that would justify this level of force.

60. Nonetheless, Defendant Parr, without any warning, again drive-stunned Mr. Holland in the back.

61. Defendants then dragged Mr. Holland across a neighbor’s front lawn and drive-stunned him another time.

62. It is a violation of HPD policy to discharge a taser on a person who is physically restrained, as was true of Mr. Holland.

63. HPD policy also requires officers to minimize the number and duration of taser deployments, using the least amount of force necessary to effect an arrest. Defendant Parr subjected Mr. Holland to repeated and prolonged taser exposure without regard for policy.

64. Ms. Reyes became increasingly distressed, pleading with Defendants, “Don’t tase him! You’re hurting him!” Defendants ignored Ms. Reyes’s pleas.

65. Defendants continued to tase Mr. Holland repeatedly, while Ms. Reyes sobbed.

66. One of the Defendants then shouted at Mr. Holland to put his hands behind his back.

67. By that point, Mr. Holland was prone on the ground, writhing in pain from the electric shocks and Defendants’ assault.

68. As Mr. Holland continued to cry out in pain, Ms. Reyes shouted in desperation, “You’re trying to kill him!”

69. Defendants ignored her and continued to tase Mr. Holland repeatedly, on and off, for about a minute after the first shock. Defendants violated HPD taser protocol by immediately deploying their weapons on Mr. Holland while he was restrained on the ground, under the weight of multiple officers.⁴

70. Ms. Reyes begged the officers to stop, screaming, “He’s fucking disabled!” “What is wrong with y’all?” and “He didn’t even do nothing wrong!”

71. Meanwhile, at least two additional HPD officers, Defendants Julian M. Montemayor and R. Hernandez had arrived on the scene.

72. Defendants Montemayor and Hernandez could see that Defendants Parr, Gracia, and Otero were tasing and hitting Mr. Holland repeatedly and unnecessarily, yet took no steps to stop them.

73. Defendants outnumbered Mr. Holland by a ratio of at least five to one at that point.

⁴ Houston Police Department General Order No. 400-26 (Conducted Energy Devices) prohibits the use of tasers on individuals presenting only passive resistance, individuals who are medically infirm, and individuals who are handcuffed or otherwise restrained. Prior to activating a taser, officers are required to give a warning “unless to do so would place any person at risk.” Officers are directed to always use “time, distance, numbers, cover and concealment” when confronting a suspect and minimize the number and duration of taser deployments, using the least amount of force necessary to effect an arrest.

74. Nonetheless, Defendants Montemayor and Hernandez chose not to intervene in their fellow officers' misconduct.

75. Instead, Defendant Hernandez approached Ms. Reyes and told her to "stop," referring to the fact Ms. Reyes was recording.

76. Ms. Reyes informed Defendant Hernandez that she had the right to record and had done nothing wrong.

77. Defendant Hernandez then detained Ms. Reyes, ushering her into the back of a police cruiser. She explained that she was detaining Ms. Reyes to keep her away from Mr. Holland.

78. On information and belief, Defendant Hernandez detained Ms. Reyes to prevent her from further recording or bearing witness to the violence that her fellow officers were enacting on Mr. Holland.

79. Defendant Hernandez then said to Ms. Reyes, "You know what, I'm going to handcuff you until we find out what's going on." Ms. Reyes had not committed any crime, nor did Defendants indicate that she was suspected of any crime.

80. Similarly, Defendant Montemayor approached Adrian, Mr. Holland's nephew. Adrian is legally blind and stands just four feet and nine inches tall. Adrian remained in the passenger seat of Mr. Holland's car until Defendant Montemayor approached. Montemayor, without legitimate cause or explanation, detained Adrian in his police cruiser.

81. Meanwhile, Defendants Otero, Parr, and Gracia continued their assault, ultimately leaving Mr. Holland injured and traumatized. Defendants' assault ruptured the stitches in Mr. Holland's ear, split his lip open, and severely bruised and wounded his rib cage. He was treated at the hospital for his injuries before Defendants jailed him.

III. Defendants Conspired to Fabricate Evidence Against Mr. Holland and Cover Up their Unconstitutional Attack.

82. After repeatedly beating and tasing Mr. Holland, Defendants arrested him and conspired to fabricate evidence to cover up their illegal attack.

83. Notably, Defendants did not charge Mr. Holland with a traffic violation or issue a traffic ticket, despite reporting that they stopped him for a registration issue.

84. Instead, Otero falsely claimed in his written reports that Mr. Holland assaulted him. Otero complained of a “minor” scrape to his elbow and a “possible” strained pectoral muscle.

85. Otero admitted that he scraped his own elbow on Mr. Holland’s teeth when he repeatedly and intentionally struck his elbow against Mr. Holland’s head and face. He did not expressly attribute the muscle strain to Mr. Holland.

86. Otero nonetheless accused Mr. Holland of assaulting him. He did so to cover up his own excessive use of force and that of his fellow officers.

87. Mr. Holland did not assault Defendant Otero or anyone else.

88. On information and belief, Defendants Parr, Gracia, Hernandez, and Montemayor conspired in this cover up by falsifying their own written reports.

89. When Defendant Sergeant Fisher arrived on the scene, he reportedly interviewed the Defendant Officers and reviewed their bodyworn camera footage. Defendant Fisher was thus on notice of the Defendant Officers’ excessive use of force.

90. Rather than disciplining the Defendant Officers or reporting their violations to internal affairs, Fisher conspired in their misconduct by signing off on the Defendant Officers’ falsified reports and regurgitating their misrepresentations in his own report.

91. Defendant Otero, with the acquiescence or assistance of his fellow Defendants, pursued criminal charges against Mr. Holland, bolstered by the evidence they fabricated.⁵

IV. Defendants’ Constitutional Violations Caused Mr. Holland to Suffer Serious Physical and Emotional Harm, Material Losses, and Wrongful Detention.

92. Defendants’ conduct caused Mr. Holland severe and continuing harm, including, but not limited to: medical and legal expenses, physical pain and suffering, temporary and permanent physical impairments, mental anguish and emotional distress, fear, humiliation, and loss of enjoyment of life.

93. In addition to a split lip, bleeding ear, severe bruising, and a wounded rib cage, Defendants caused Mr. Holland intense emotional distress and psychological trauma.

94. Even now, Mr. Holland is cautious about spending time outside the safety of his home for fear that the police will violently attack him.

95. Mr. Holland is hypervigilant when completing normal daily tasks such as grocery shopping, and he frequently avoids social interactions to avoid triggering the post-traumatic stress symptoms caused by this incident.

96. Mr. Holland’s trauma also weighs on his child. Nearly every day since the assault, Mr. Holland’s young son asks, “Daddy, are you okay?”

97. In addition, Mr. Holland was forced to defend himself against falsified evidence of a crime he did not commit. This caused him additional emotional and dignitary harm, wrongful deprivations of liberty, and financial losses.

98. The impact of Defendants’ violent abuse of their power has been both devastating and life-altering for Mr. Holland.

⁵ The charges against Mr. Holland were ultimately dismissed, but not before Mr. Holland was made to endure an unjust prosecution designed to cover up Defendants’ own violence.

CLAIMS FOR RELIEF

I. Count One: Defendants Otero, Parr, and Gracia Subjected Mr. Holland to Excessive Force in Violation of the Fourth Amendment.
(Against Defendants Otero, Parr, and Gracia)

99. Mr. Holland realleges and incorporates by reference the allegations set forth in paragraphs 1–98, *supra*.

100. By needlessly escalating a minor traffic stop into a violent, life-altering assault, Defendants Otero, Parr, and Gracia violated Mr. Holland’s Fourth Amendment right to be free from excessive force, as incorporated to the states through the Fourteenth Amendment.

101. Defendant Otero stopped Mr. Holland on suspicion of a minor traffic violation.

102. When Defendants Parr and Gracia arrived shortly afterwards, they immediately used overwhelming force to tackle Mr. Holland to the ground, despite the fact that he had his hands raised in a gesture of surrender from the moment they arrived.

103. Defendant Parr repeatedly deployed his taser to drive-stun Mr. Holland.

104. Defendants Otero, Parr, and Gracia repeatedly hit, kicked, and punched Mr. Holland, using their hands, fists, elbows, and knees to strike him as he cried out in pain and Ms. Reyes pleaded with them to stop.

105. No reasonable officer could conclude that it was necessary to use this level of force against Mr. Holland, a 5’5” disabled Black man suspected only of a minor traffic violation—especially given that he was unarmed, had already been searched, and posed no threat of harm to the officers or any other person.

II. Count Two: Defendants Failed to Intervene in their Fellow Officers’ Excessive Use of Force, in Violation of the Fourth Amendment.
(Against Defendants Otero, Parr, Gracia, Hernandez, and Montemayor)

106. Mr. Holland realleges and incorporates by reference the allegations set forth in paragraphs 1–105, *supra*.

107. In addition to inflicting excessive force on Mr. Holland, Defendants Otero, Parr, and Gracia also failed to intervene in each other's excessive use of force despite being physically present, being aware of the constitutional violations at hand, and having ample opportunity to intervene.

108. By failing to intervene, Defendants Otero, Parr, and Gracia each violated Mr. Holland's right to be free from unconstitutionally excessive force.

109. Defendants Hernandez and Montemayor are also liable for failing to intervene in their fellow officers' excessive use of force despite being physically present, being aware of the constitutional violations at hand, and having ample opportunity to intervene.

III. Count Three: Defendants Conspired to Fabricate Evidence Against Mr. Holland and Failed to Intervene to Prevent the Fabrication of Evidence Against Mr. Holland in Violation of His Fourteenth Amendment Right to Due Process.
(Against All Defendants)

110. Mr. Holland realleges and incorporates by reference the allegations set forth in paragraphs 1–109, *supra*.

111. Defendants Otero, Parr, Gracia, Hernandez, Montemayor, and Fisher conspired to fabricate evidence against Mr. Holland for the purpose of concealing and justifying Defendants' excessive force violations. Defendants' fabrication efforts included, *inter alia*, a falsified probable cause affidavit, falsified incident reports and supplements, and false verbal statements, including to the Harris County District Attorney's Office.

112. Because of Defendants' fabrication, Mr. Holland was confined in jail and forced to defend himself against falsified evidence of a crime he did not commit. Defendants' fabrication thus caused Mr. Holland additional emotional and dignitary harm, wrongful deprivations of liberty, and financial losses.

113. Through their conspiracy and fabrication, Defendants violated Mr. Holland's procedural due process rights under the Fourteenth Amendment.

114. In addition, Defendants' conspiracy and fabrication is so offensive to basic concepts of liberty, justice, and democracy that it "shocks the conscience" and violates Mr. Holland's substantive due process rights under the Fourteenth Amendment.

115. Defendants are also liable for failing to intervene in each other's fabrication of evidence despite being physically present, being aware of the constitutional violations at hand, and having ample opportunity to intervene.

REQUEST FOR RELIEF

116. Defendants' flagrant disregard for Mr. Holland's constitutional rights and humanity subjected him to physical pain and suffering; fear, humiliation, and loss of enjoyment of life; lasting physical and emotional impairments; and material costs. Mr. Holland now asks the Court to enter a judgment confirming that Defendants are not above the laws they enforce.

117. WHEREFORE, on the basis of the foregoing, Mr. Holland demands a jury trial for all issues so triable pursuant to the Seventh Amendment of the United States Constitution and Federal Rules of Civil Procedure, and requests that this Court issue the following relief:

- a. declare that Defendants violated Mr. Holland's constitutional rights;
- b. award compensatory damages against Defendants in an amount to be determined by a jury at trial;
- c. award punitive damages against Defendants for their willful and egregious violations of the law in an amount to be determined by a jury at trial;
- d. award reasonable attorneys' fees, expenses, and costs of litigation pursuant to 42 U.S.C. § 1988 and other applicable law; and
- e. award such other relief as the Court deems just and proper.

Respectfully submitted this 29th day of January, 2025,

/s/ Shirley LaVarco

Shirley LaVarco (S.D. Tex. Bar No. 3837906)

[REDACTED]

Brittany Francis*

[REDACTED]

Leonard J. Laurenceau (*pro hac vice* forthcoming)†

[REDACTED]

[REDACTED]

[REDACTED]

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