



**STATE OF ALABAMA
IN THE CIRCUIT COURT OF LAUDERDALE COUNTY**

DALTON BOLEY, REGINA WILLIAMS,
and DALE LILES,

Plaintiffs,

v.

Civil Action No. _____

CHRIS BLANKENSHIP, in his official capacity as the
Commissioner of the Alabama Department of
Conservation and Natural Resources; CHARLES
SYKES, in his official capacity as Director of Wildlife
and Freshwater Fisheries, Alabama Department of
Conservation and Natural Resources; CHAD HOWELL,
in his personal capacity and in his official capacity as
game warden, Alabama Department of Conservation and
Natural Resources; JARROD POOLE, in his personal
capacity and in his official capacity as game warden,
Alabama Department of Conservation and Natural
Resources; UNKNOWN OFFICER, in his personal
capacity and in his official capacity as game warden,
Alabama Department of Conservation and Natural
Resources,

Defendants.

COMPLAINT

INTRODUCTION

1. This case seeks to vindicate the right of Dalton Boley, Regina Williams, and Dale Liles, to be free from unreasonable searches of their land. Alabama Department of Conservation and Natural Resources (DCNR) officers, relying on a statute, *see* Ala. Code § 9-2-65(a)(6), have repeatedly entered Plaintiffs’ land without consent or a warrant. Because these entries constituted trespasses—they relied on a statute that violates Article I, Section 5 of the Alabama Constitution, and were therefore unlawful—Plaintiffs seek nominal damages recognizing that their rights were violated. And, because Defendants claim the power to search Plaintiffs’ land in a similar manner moving forward, Plaintiffs seek declaratory and injunctive relief against further unconstitutional searches. In short, Defendants have repeatedly violated Plaintiffs’ right to be secure on their land and they should not be allowed to do it again.

2. Plaintiff Regina Williams owns roughly ten acres of land immediately behind her house, and she has granted Plaintiff Dalton Boley, her next-door neighbor, a license to use it for recreational and family purposes (for example, he camps there with his three young boys). The land is in a residential subdivision and is surrounded by private homes. It’s clearly not open to the public: The surrounding properties are fenced and every possible entrance to Regina’s land is posted with “no trespassing” signs. Yet, on multiple occasions—most recently in November 2024—DCNR officers entered Regina’s land without her consent or a warrant to search around for potential wildlife violations. During one of these entries, a DCNR officer even tampered with a camera that Dalton had placed on a tree, turning it around to avoid capturing the officer’s intrusion.

3. Plaintiff Dale Liles owns roughly 86 acres of rural land, which he uses primarily to hunt with his grandchildren. The property is clearly not open to the public: There are only two

entrances—one by the main road, and the other blocked by a locked gate accessible only through a neighbor’s private property—and both entrances are marked with “no trespassing” signs. Yet, on multiple occasions, DCNR officers have entered Dale’s land without consent or a warrant to search around for potential hunting violations. They have continued to do so even after Dale, in 2018, informed a DCNR officer that he should seek Dale’s permission before entering his property.

4. Defendants, including the DCNR officers who searched Plaintiffs’ lands without consent or a warrant, believe their intrusions are justified under Ala. Code § 9-2-65(a)(6), which provides that “[g]ame and fish wardens shall have power . . . [t]o enter upon any land or water in the performance of their duty.” But the statute is unconstitutional. Article I, Section 5 of the Alabama Constitution forbids “unreasonable . . . searches” (warrantless and similar discretionary searches) of “possessions” (including private land). Because that is precisely what Ala. Code § 9-2-65(a)(6) allows, it is unconstitutional and cannot justify Defendants’ past or future warrantless searches of Plaintiffs’ land.

5. And that’s the bottom line: Article I, Section 5 guarantees Plaintiffs’ right to be “secure in their . . . possessions.” For that right to mean anything, Plaintiffs deserve to know that Defendants’ warrantless searches violated their rights and that Defendants lack authority to do it again. Accordingly, the Court should declare that Defendants Howell’s, Poole’s, and Unknown Officer’s past warrantless searches of Plaintiffs’ land were a trespass—Ala. Code § 9-2-65(a)(6) could not have served as a source of lawful authority for the entries because that statute violates Article I, Section 5—and award Plaintiffs nominal damages from Howell, Poole, and Unknown Officer in their personal capacities. Further, to ensure Defendants do not violate Plaintiffs’ rights again, this Court should enjoin all official-capacity Defendants from relying on Ala. Code § 9-2-

65(a)(6) to search landed “possessions” (Ala. Const. art. I, § 5) without consent or a warrant moving forward.

JURISDICTION AND VENUE

6. Plaintiffs are suing under Article I, Section 5 of the Alabama Constitution (right to be free from “unreasonable searches” of “possessions”), Article I, Section 13 of the Alabama Constitution (right to “a remedy” “for any injury done him, in his lands”), Ala. Code §§ 6-5-210 *et seq.* (right of action for trespass), Ala. Code § 6-6-223 (courts’ power to issue “a declaration of rights”), Ala. Code § 6-6-230 (courts’ authority to grant “[f]urther relief based on a declaratory judgment . . . whenever necessary or proper”), and the common law.

7. This Court has jurisdiction over this action because it is a civil action in which no other court may provide an adequate remedy. Ala. Code § 12-11-31(1), (3).

8. Venue is proper in Lauderdale County given that at least one of the trespasses at issue occurred there. Ala. Code § 6-3-2(a)(1).

THE PARTIES

9. Plaintiff Regina Williams owns about 10 acres of land surrounding her house in Killen, Alabama. She licenses that land to her next-door neighbor, Dalton Boley. Regina has lived on the property her entire life and has posted “no trespassing” signs at all entrances to exclude intruders. Yet Defendants, either personally or through their subordinates, have repeatedly entered and searched Regina’s land without consent or a warrant. Because Regina desires and expects privacy and security on her land, and desires and expects the same for Dalton, Regina is challenging the statute on which Defendants relied for authority to enter and search her land, Ala. Code § 9-2-65(a)(6); is seeking nominal damages for Defendants’ past trespasses; and is seeking an injunction to prevent any similar warrantless searches moving forward.

10. Plaintiff Dalton Boley owns about half an acre of land (also in Killen, Alabama), which is right behind his own house and abuts his neighbor Regina Williams's 10 acres. Since 2021, Dalton has held a license to use Regina's land for recreational and family purposes in exchange for caring for it and excluding intruders from it. Pursuant to his duties under that license, Dalton has cut trails on the property and he has posted "no trespassing" signs (beyond those Regina had already put up). In enjoyment of his license, Dalton has spent countless hours there either meditating alone or playing and camping with his three young boys. Yet Defendants have repeatedly entered and searched the land without consent or a warrant. Because Dalton desires and expects privacy and security on the land, Dalton is challenging the statute on which Defendants relied for their entries and searches, Ala. Code § 9-2-65(a)(6); is seeking nominal damages for such past trespasses; and is seeking an injunction to prevent any similar warrantless searches moving forward.

11. Plaintiff Dale Liles owns and leases about 86 acres of contiguous land in Muscle Shoals, Alabama. Dale acquired the land in 2014 and uses it primarily for hunting and enjoying nature with his family. In 2018, Dale told Defendants (through DCNR officer Defendant Howell) to seek Dale's permission before entering his land. Yet despite that instruction, Defendants have repeatedly entered and searched Dale's land without consent or a warrant. (In 2025, Dale posted "no trespassing" signs at all entrances to make even clearer that intruders are not welcome.) Because Dale desires and expects privacy on his land, Dale is challenging the statute on which Defendants relied to perform their entries upon and searches of it, Ala. Code § 9-2-65(a)(6); he is seeking nominal damages for such past trespasses; and he is seeking an injunction to prevent any similar warrantless searches moving forward.

12. Defendant Chris Blankenship is Commissioner of DCNR, the state agency that

enforces Alabama’s wildlife laws. Ala. Code § 9-2-2. He has served as DCNR Commissioner since 2017. As Commissioner, he may exercise “[a]ll functions and duties of the Department of Conservation and Natural Resources” personally or through DCNR’s divisions or employees. *Id.* § 9-2-6. He has, through DCNR officers, executed DCNR’s policy of conducting warrantless entries and searches of Plaintiffs’ (and others’) private lands. Blankenship is sued in his official capacity. His residence is at 3501 Lansdowne Dr., Montgomery, AL 36111.

13. Defendant Charles Sykes is Director of Wildlife and Freshwater Fisheries, the division within DCNR that administers DCNR policies “pertain[ing] to [] game and fish.” Ala. Code § 9-2-61. He serves directly under Defendant Blankenship and he supervises DCNR’s game wardens. *Id.* § 9-2-65(b). Through those game wardens, Sykes has executed DCNR’s policy of conducting warrantless entries onto and searches of Plaintiffs’ (and others’) private land. Sykes is sued in his official capacity. His residence is at 1133 Benjamin Way, Prattville, AL 36066.

14. Defendant Chad Howell is a game warden within the Wildlife and Freshwater Fisheries division. As a game warden, he is charged with “enforc[ing] all laws of this state relating to birds, animals and fish.” Ala. Code § 9-2-65(a)(1). He may “enter upon any land or water in the performance of [his] duty.” *Id.* § 9-2-65(a)(6). Pursuant to that statute, Howell has executed DCNR’s policy of conducting warrantless entries and searches of Plaintiff Liles’s (and others’) private lands—and he will continue doing so unless this Court forbids it. Howell is sued in his official and personal capacity. His residence is at 4800 Wagon Mountain Road, Tuscumbia, AL 35674.

15. Defendant Jarrod Poole is a game warden within the Wildlife and Freshwater Fisheries division. As a game warden, he is charged with “enforce[ing] all laws of this state

relating to birds, animals and fish.” Ala. Code § 9-2-65(a)(1). He may “enter upon any land or water in the performance of [his] duty.” *Id.* § 9-2-65(a)(6). Pursuant to that statute, Poole has executed DCNR’s policy of conducting warrantless entries and searches of Plaintiffs Boley’s and Williams’s (and others’) private lands—and he will continue doing so unless this Court forbids it. Poole is sued in his official and personal capacity. His residence is at 6260 County Road 15, Florence, AL 35633.

16. Defendant Unknown Officer is a game warden within the Wildlife and Freshwater Fisheries division.¹ As a game warden, he is charged with “enforc[ing] all laws of this state relating to birds, animals and fish.” Ala. Code § 9-2-65(a)(1). He may “enter upon any land or water in the performance of [his] duty.” *Id.* § 9-2-65(a)(6). Pursuant to that statute, Unknown Officer has executed DCNR’s policy of conducting warrantless entries and searches of Plaintiffs Boley’s and Williams’s (and others’) private lands—and he will continue doing so unless this Court forbids it. Unknown Officer is sued in his official and personal capacity. His residence is unknown.

FACTUAL ALLEGATIONS

Plaintiffs Own and Use Private Land in Northern Alabama

Plaintiff Williams

17. Regina Williams owns and currently lives on ten acres of land located at 940 Joan Lane in Killen, Alabama (Zip Code 35645), which is in Lauderdale County.

18. Regina’s land is composed of three contiguous parcels, all located within a residential subdivision.

¹ Plaintiffs will file an amended complaint when Plaintiffs learn Unknown Officer’s identity.

19. Regina's family bought the land in 1959, she is currently the sole owner, and she has lived there her entire life.

20. The original house in which Regina was raised still stands on the property. Today, she lives in a newer house just a few dozen feet away from the original one.

21. Regina's land is almost entirely surrounded by private residential properties on which her neighbors have erected fences.

22. There are only two ways to enter Regina's land that do not involve crossing a neighbor's fenced property or largely impassable woods: (1) the main entrance, which consists of a private gravel path that meets a public road, and (2) a small, wooded creek that meets a public road.

23. At all times relevant to this suit, both of those entrances, as well as wooded areas without fencing, were clearly marked with "no trespassing" signs. They continue to be so marked.

24. Thus, there is no way to enter Regina's land that does not involve crossing a fence or a "no trespassing" sign.

25. Besides the gravel path and a cleared area on which Regina's house sits, most of Regina's land consists of woods immediately behind her house.

26. Regina does not hunt on her land, nor has she ever hunted there. She has never received any citation for violating wildlife laws.

27. When Regina was a little girl, she used to play in those woods with her family. And, until a few years ago, she continued to take walks around the land, enjoying the peace and quiet of the woods.

28. Recently, however, health problems have made it difficult for Regina to spend as much time out in her woods as she used to. But she wants others to enjoy them as she once did. So, as discussed below, in 2021 Regina gave her next-door neighbor Dalton a license to use her land for recreational and family purposes so that he and his family, including his three young boys, may enjoy the woods the way Regina used to when she was in better health.

29. Regina's land is not open to the public. Regina desires and expects privacy on that land, both for herself and for Dalton and his family. Regina wants her "no trespassing" signs to be respected.

Plaintiff Boley

30. Dalton Boley is a licensed independent clinical social worker, a husband, and a father of three young boys.

31. In October 2021, Dalton bought a half-acre residential parcel located at 950 Joan Lane in Killen, Alabama (Zip Code 35645), which is in Lauderdale County.

32. Dalton and his family live in a house on the property that is clearly visible from the public road. Soon after moving into his home, Dalton became close friends with his next-door neighbor, Plaintiff Regina Williams.

33. In December 2021, Regina granted Dalton a license to use her land for family and recreational purposes—including, but not limited to, walking, biking, camping, hunting, playing, meditating, and enjoying privacy—in exchange for Dalton's maintaining a walking and biking trail on the land, maintaining "no trespassing" signs around the land, and excluding intruders.

34. After obtaining the license, Dalton and his boys spent countless hours out on Regina's land enjoying nature and privacy. Dalton cleared a campsite and built an extensive walking and biking trail through the property, cutting brush and trees by hand in order to do so.

35. Dalton—a veteran who saw combat in Afghanistan—used the trail and campsite to spend time alone meditating; being out in nature eases his mind in a way that other activities cannot. Dalton also used the campsite to camp with his boys and the trail to walk with his boys.

36. Dalton’s three young boys, meanwhile, used the license to hike and bike along the trail Dalton built, and frequently played out in the woods and in the creek unsupervised, making up games and shooting BB guns.

37. Dalton and his wife felt comfortable allowing their boys to play unsupervised in Regina’s woods because they believed the woods were private—and thus safe—and because the woods are literally across the driveway from their home—and thus easily accessible to them. In other words, Regina’s woods offered the best of both worlds: privacy and proximity to the home.

38. Consistent with his duties under the license, Dalton posted “no trespassing” signs along Regina’s property lines (in addition to signs that were already on the property) at all entrances where there is no fence, to ensure that nobody could come upon the property without seeing that it is a private place and that intruders are not welcome. Further, to monitor for intruders, Dalton put up five motion-sensor trail cameras that were active when the DCNR officer intrusions described below occurred.

39. Dalton has a valid hunting license and has had one at all times relevant to this suit.

40. Dalton has never received a citation for violating any wildlife law or regulation.

41. Neither Dalton’s residential property nor the land he licenses from Regina is open to the public.

42. Dalton desires and expects privacy and security on these lands for himself, for his family, and for Regina.

43. Dalton wants his “no trespassing” signs to be respected, not only because it is what he and his family want, but also because excluding intruders is one of his duties as licensee of Regina’s land.

44. The following map accurately depicts the outer bounds of Regina's and Dalton's land, and the ways in which that land is currently marked private:



Plaintiff Liles

45. Dale Liles is a retired locomotive engineer, a husband, a grandfather, the founder of a youth basketball league (featuring more than two thousand schoolchildren), and a lifelong resident of northern Alabama.

46. Dale is an avid hunter. He's the current president of his local chapter of Ducks Unlimited, an organization dedicated to promoting responsible hunting and conservation. He enjoys hunting and enjoying nature, both alone and with his family, including his grandchildren.

47. Dale takes hunting laws and regulations seriously. He has a valid hunting license and has had one at all times relevant to this suit. And he's never received a citation for violating any hunting law or regulation. In fact, a clean hunting record is a requirement for serving as a Ducks Unlimited officer.

48. In 2014, Dale finally lived out one of his dreams: He acquired about 86 acres of contiguous hunting land (some of it owned, some of it leased) near his home, which is at 202 Congress St., Muscle Shoals, Alabama (Zip Code 35661).

49. Dale's land is almost entirely surrounded by private residential or commercial properties that nobody could mistake for public land—they have visible homes and development.

50. Due to thick brush and wetlands surrounding Dale's land, there are only two ways to enter: (1) the main entrance, which consists of a private gravel path that meets a public road, and (2) a path through a neighbor's property.

51. The portion of the main entrance path that meets the public road is owned by a private company (Dale owns an access easement) and, where the path reaches Dale's property line, Dale has posted clearly visible "no trespassing" signs on trees and wooden posts.

52. The other entrance to Dale's land (via a neighbor's property) is blocked by a locked gate, behind which Dale has posted clearly visible "no trespassing" signs on trees.

53. Thus, there is no way to enter Dale's property that does not involve (1) crossing private property through thick brush and wetlands, (2) driving onto a private path and passing "no trespassing" signs, or (3) crossing private residential property with a locked gate, then passing "no trespassing" signs.

54. Since acquiring the land, Dale has used it precisely as he intended. He visits it several times a week and has hunted there countless times, both alone and with various members of his family. He has also erected a covered awning and is building a small shelter on the property so that he and his grandchildren can camp there overnight.

55. Dale's land is not open to the public. Dale desires and expects privacy on the land for himself and for his family. Dale wants his "no trespassing" signs to be respected.

56. Indeed, it's especially crucial—for safety purposes—that people do not trespass on Dale's land because he is often hunting and, if intruders are wandering or sneaking around without his knowledge, they might get shot.

57. The following map accurately depicts Dale's land and the ways in which that land is currently marked private:



DCNR Conducts Warrantless Entries and Searches of Private Land

58. Alabamians have a “right to hunt . . . subject to reasonable regulations.” Ala. Const. art. I, § 36.02.
59. DCNR is the state agency charged to “protect, conserve, and increase the wildlife of the state and to administer all laws relating to wildlife and the protection, conservation, and increase thereof.” Ala. Code § 9-2-2.
60. DCNR’s Division of Wildlife and Freshwater Fisheries administers laws and regulations “pertain[ing] to the game and fish of the State of Alabama.” Ala. Code § 9-2-61.
61. To hunt game in Alabama, a person must follow all applicable hunting rules and, with certain exceptions, must obtain a license. Ala. Code § 9-11-44. One such rule is that a person may hunt certain wildlife only during specified seasons, Ala. Admin. Code § 220-2-.01; another is that a person may not bait wildlife within designated chronic-wasting-disease zones, *id.* § 220-2-.167(10).
62. Alabama game wardens within DCNR’s Division of Wildlife and Freshwater Fisheries enforce the state’s laws and regulations relating to hunting and wildlife conservation. Ala. Code § 9-2-65(a)(1).
63. Alabama game wardens are subject to immediate and continuous supervision by the Director of Wildlife and Freshwater Fisheries, *i.e.*, Defendant Sykes. Ala. Code § 9-2-65(b).
64. Alabama game wardens, as well as Defendant Sykes, are appointed by and subject to the authority of the DCNR Commissioner, *i.e.*, Defendant Blankenship. Ala. Code §§ 9-2-6, 9-2-61, 9-2-64.
65. Alabama game wardens have statutory power “[t]o enter upon any land or water in the performance of their duty.” Ala. Code § 9-2-65(a)(6).

66. It is DCNR policy and practice to rely on Ala. Code § 9-2-65(a)(6), *i.e.*, DCNR has instructed its game wardens that they may “enter upon any land or water in the performance of their duty.”

67. Accordingly, DCNR empowers its game wardens to enter upon private land to search for violations of wildlife regulations.

68. Alabama game wardens routinely enter private land across the state to search for violations of wildlife regulations.

69. Alabama game wardens routinely enter and search private land across the state without seeking or obtaining the owner’s consent.

70. Alabama game wardens routinely enter and search private land across the state without first obtaining a judicial authorization (*i.e.*, a warrant).

71. Alabama game wardens routinely enter and search private land across the state without ever telling the owner that they did so.

72. Alabama game wardens routinely enter and search private land across the state without consent of the owner and without first obtaining a warrant, even when the land is clearly marked as private.

73. Alabama game wardens routinely enter and search private land across the state at their unfettered discretion.

74. In other words, relying on Ala. Code § 9-2-65(a)(6), Alabama game wardens treat private land like public property, coming and going as they please, so long as, in their view, they are engaged “in the performance of their duty.”

75. Alabama game wardens routinely enter and search private property throughout Lauderdale and Colbert Counties—indeed, throughout Alabama—without the owner’s consent and without a warrant, to search for potential violations of state wildlife laws.

76. Defendants Poole, Howell, and Unknown Officer have done this to Plaintiffs’ properties, and Ala. Code § 9-2-65(a)(6) allows them to do so again moving forward.

77. Besides enforcing hunting and conservation laws, Alabama game wardens have all the same powers as peace officers. Ala. Code § 9-11-5.

78. Moreover, Alabama game wardens are on the watch for violations of other laws while intruding on private land.

79. Alabama game wardens share information from their searches of private property with other law enforcement officers and agencies.

80. Alabama game wardens are typically armed when in the field.

81. Alabama game wardens typically wear uniforms that are either camouflage or green while they are on private land without consent or a warrant.

82. Alabama game wardens are not required to, and often do not, wear blazed orange or other fluorescent clothing while they are on private land without consent or a warrant.

83. According to a DCNR video, game wardens are trained in paramilitary tactics and specialize in “covert investigations.” *The Alabama Conservation Enforcement Officer*, Outdoor Alabama, <https://www.youtube.com/watch?v=4BVJdSS7a2g>. Here are three representative stills from that video:





84. On information and belief, DCNR officers routinely enter private land without consent or a warrant and without notifying the occupants of their entry or location, and spy on the occupants from a concealed location on the property.

85. On information and belief, DCNR officers routinely tamper with privately owned trail cameras posted on private land, including by turning them around to prevent them from capturing photos of the officers intruding on the land without consent or a warrant.

86. On information and belief, DCNR officers routinely place cameras on private land to spy on occupants without consent or a warrant.

87. Ala. Code § 9-2-65(a)(6) grants DCNR officers the authority to enter or search private land whenever and however they please, at their sole discretion.

88. On information and belief, DCNR does not place any specific constraints on its officers' discretion to enter or search private land.

89. For example, DCNR does not limit the timing, frequency, duration, or scope of its officers' entries or searches.

90. For example, DCNR does not require officers to obtain approval from (or even to notify) a supervisor (or anybody else) before entering or searching private land.

91. In other words, DCNR gives its officers complete, unfettered, unilateral authority to decide whose land to enter, when or how often to enter it, how long to remain on it, and what means to use when searching it.

92. DCNR does not possess and cannot produce any evidence—because it does not exist—that game wardens need unfettered discretion to enter and search private land in order to effectively enforce hunting laws or regulations.

93. DCNR's policy and practice of enforcing Ala. Code § 9-2-65(a)(6) in the manner described above is widespread, ongoing, and will continue until a court orders otherwise.

DCNR's Warrantless Entries and Searches of Plaintiffs' Land

Plaintiffs Williams and Boley

94. In February 2024, Defendant Jarrod Poole entered and searched Regina's property (the land where Dalton holds a license) without consent or a warrant.

95. In order to enter the property, Poole would have had to cross over a fence or pass by conspicuous "no trespassing" signs.

96. Poole did not seek permission from Dalton or Regina to enter or search the land that day.

97. Poole did not notify Dalton or Regina that he was on the land that day.

98. Poole did not attempt to notify Dalton or Regina that he was on the land that day.

99. One of Dalton's trail cameras captured a photo of Poole walking around the land.

The following is a zoomed-in portion of that photograph:



100. One of Dalton's other trail cameras also snapped a photograph on that same day, but the photo was black—because, as Dalton later discovered, the camera had been turned around to face the tree trunk.

101. On information and belief, Defendant Poole physically tampered with Dalton's trail camera during the February 2024 entry and search of Regina's land.

102. One day in November 2024, at around 8:00am, two DCNR officers—Defendants Poole and Unknown Officer—startled Regina awake by banging loudly on her front door.

103. When Regina answered the door, Poole and Unknown Officer demanded to know who was using the land behind Regina's house.

104. Feeling threatened, Regina told Poole and Unknown Officer that she had given Dalton permission to use the land.

105. Poole and Unknown Officer then walked the short distance to Dalton's front door.

106. Dalton opened his door and, based on the photo his camera had snapped in February 2024, he accused Poole and Unknown Officer of trespassing onto his and Regina's land, and he specifically accused Poole of physically tampering with his trail camera.

107. Neither Poole nor Unknown Officer denied Dalton's accusations.

108. To the contrary, Poole and Unknown Officer stated they had been on the land several times before—even though neither Dalton nor Regina had ever met them and nobody had given them permission to be on the land.

109. The officers justified their intrusions by referencing the “open fields doctrine.”

110. Poole and Unknown Officer accused Dalton of unlawfully baiting deer within a chronic-wasting-disease zone.

111. Dalton explained that he has never baited deer on the property.

112. Poole and Unknown Officer did not issue Dalton any citation.

113. Dalton's entire front-door conversation with Poole and Unknown Officer was recorded by Dalton's doorbell security camera.

114. Poole's and Unknown Officer's warrantless entries and searches have interfered with, and diminished, Dalton's and Regina's use and enjoyment of the land.

115. Following the November 2024 incident, Dalton moved his cameras 20 feet higher to prevent further tampering by game wardens.

116. For months, Dalton did not feel comfortable using the property at all.

117. Although Dalton now allows his children to use Regina's woods again, he must spend more time supervising them, for he fears that they might either be under surveillance or in danger of encountering armed governmental agents.

118. Dalton fears that, if one of his dogs encounters a game warden roaming in the woods without Dalton's knowledge, the game warden may shoot the dog.

119. Dalton no longer uses the land to relax or meditate, as he no longer can achieve the same peace he once could, now that Alabama game wardens have explained that they may intrude on the land without his knowledge or consent.

120. Regina, meanwhile, no longer receives the benefits of the license she granted Dalton, including knowing that the land is being used as a safe and secure recreational place for Dalton and his family from which intruders would be excluded.

121. In short, neither Regina nor Dalton can use the land the way they intended it to be used because they have no way to be sure that DCNR officers will not invade it again, or watch people on the land—including Dalton's three little boys—any time they please.

122. Poole's and Unknown Officer's warrantless entries and searches have had further spillover effects: Dalton feels less secure in his own residential backyard and Regina feels less secure in her own home knowing that armed government officials could be out roaming the land or spying on them at any time.

Plaintiff Liles

123. In August 2018, Defendant Chad Howell entered and searched Dale's 86-acre property without consent or a warrant.

124. Howell has never had Dale's permission or a warrant to enter his land.

125. No other Alabama game warden has ever had Dale's permission or a warrant to enter his land.

126. In order to enter Dale's land, Howell would have either had to drive on a private gravel road, cross through thick brush and wetlands, or cross over a neighboring property and the locked gate on that property.

127. Even though Dale was on the land at the time Howell entered, Howell did not notify Dale when he entered.

128. Later, when Dale was leaving his land, he spotted Howell's truck parked near the entrance. When Howell spotted Dale, he quickly drove away, speeding out of the property along the private gravel trail that meets the public road.

129. Dale, wanting to know why Howell had entered his land without his consent and without notifying him, followed Howell in his truck until Howell eventually pulled over.

130. The two began speaking, and Dale explained that Howell did not have permission to be on his land. Indeed, *nobody* has permission to be on Dale's land without his consent.

131. Dale further explained that, should a DCNR officer need to access Dale's land in the future, the officer must ask Dale's consent and, should Dale grant it, he would accompany the officer onto the land himself.

132. But Howell did not follow Dale's instructions. In November 2024, one of Dale's neighbors took a photo of a DCNR officer's car parked on Dale's property line and shared that photo with Dale via text message.

133. At that time, Dale himself was also on the land. Upon receiving the photo from his neighbor, he attempted to track down the game warden.

134. Dale saw the game warden's car and approached him but, as before, the game warden sped away—and this time, Dale was unable to catch up to him.

135. On information and belief, Defendant Howell was driving that car.

136. After the November 2024 incident, Dale posted motion-activated cameras at both entrances to his land.

137. In January 2025, Dale's camera recorded a video of a DCNR officer attempting to enter Dale's land, and, once he approached the camera, he turned around so not to be caught further on camera.

138. On information and belief, the game warden who attempted to drive into Dale's land that day was Defendant Howell.

139. After the January 2025 incident, Dale posted clearly visible "no trespassing" signs at both entrances to his land.

140. Neither Howell nor any other game warden has ever cited Dale for violating any wildlife law or regulation.

141. Howell's warrantless entries and searches have diminished Dale's enjoyment of his land.

142. Dale purchased his land as a refuge where he and his family could enjoy nature and hunt in peace, but it's impossible for Dale to fully enjoy that benefit because there is no way to be sure DCNR officers will not invade the land again, or watch people on the land—including his grandchildren—any time they please.

143. Moreover, Dale takes safe hunting and firearms practices seriously, including the rule that the person shooting a gun should always keep a safe distance from others and be aware of where everybody else on the property is located. But it's impossible to follow that rule when DCNR officers can invade Dale's land whenever they please and without notice—causing Dale to worry that he might accidentally shoot a game warden who is sneaking around on his land.

INJURY TO PLAINTIFFS

144. Defendants, either personally or through their subordinates, have invaded Plaintiffs' property and privacy rights and have reduced their ability to use and enjoy their land in peace.

145. Ala. Code § 9-2-65(a)(6) and Defendants' policy and practice of warrantless entries and searches pursuant to that statute have deprived, and are depriving, Plaintiffs of their right to exclude unwanted intruders from their land, making it impossible for Plaintiffs to enjoy the full degree of privacy that they expect on their land.

146. But for Ala. Code § 9-2-65(a)(6), Defendants Poole's and Unknown Officer's past trespasses, and Defendants' ongoing policy and practice of warrantless entries and searches, Dalton would continue using Regina's land as he was originally doing under his license by (1) resuming his meditation on the land, (2) camping on the land more frequently, and (3) allowing his children to play unsupervised on the land.

147. But for Ala. Code § 9-2-65(a)(6), Defendants Poole's and Unknown Officer's past trespasses, and Defendants' ongoing policy and practice of warrantless entries and searches, Regina would receive the full benefits of the license she granted Dalton, including knowing that the land is being used as a safe and secure recreational place for Dalton and his family from which intruders would be excluded.

148. But for Ala. Code § 9-2-65(a)(6), Defendants Poole's and Unknown Officer's past trespasses, and Defendants' ongoing policy and practice of warrantless entries and searches, Dalton would feel more secure in his residential backyard and in the land he licenses from Regina.

149. But for Ala. Code § 9-2-65(a)(6), Defendant Howell's past trespasses, and Defendants' ongoing policy and practice of warrantless entries and searches, Dale would be able to more fully enjoy nature and hunting on his land without the fear that DCNR officers are watching him or his family, or that those officers may accidentally step into his line of fire.

150. Defendants maintain they have ongoing authority to enter and search Plaintiffs' land without consent, a warrant, or any other constraints on their discretion, and absent the relief Plaintiffs request below, there is no way for Plaintiffs to be "secure in their . . . possessions from unreasonable . . . searches." Ala. Const. art. I, § 5.

151. Plaintiffs will continue to be harmed in their ability to use and enjoy their private properties in peace for as long as Ala. Code § 9-2-65(a)(6), and Defendants' policy and practice of warrantless entries and searches, remain in place.

152. But for Ala. Code § 9-2-65(a)(6), Defendants Poole's, Howell's, and Unknown Officer's past trespasses, and Defendants' ongoing policy and practice of warrantless entries and searches, Plaintiffs would have suffered none of these harms in the past and would suffer none of them in the future.

153. Defendants Poole's and Unknown Officer's assertion that the "open fields doctrine" allows DCNR game wardens to enter and search Regina's land reflects Defendants' position that Alabama law allows DCNR game wardens to enter and search Plaintiffs' (and others') private land at their unfettered discretion.

154. Defendant Howell’s continued entries and searches of Dale’s land—even after Dale explicitly instructed him not to do so—reflects Defendants’ position that Alabama law allows DCNR game wardens to enter and search Plaintiffs’ (and others’) private land at their unfettered discretion.

LEGAL CLAIMS

Count I

(Ala. Const. art. I, § 5—Unreasonable Searches of Possessions)

155. Plaintiffs adopt and reallege the allegations contained in paragraphs 1 through 154, inclusive.

156. Article I, Section 5 of the Alabama Constitution declares: “the people shall be secure in their . . . possessions from unreasonable seizure or searches.”

157. The term “possessions” includes land over which the owner or an occupant has exerted control by, for example, using the land for private purposes, marking the land as private, or otherwise excluding the public from the land.

158. Plaintiffs’ properties described above are “possessions” within the meaning of Article I, Section 5.

159. The term “searches” includes physical intrusions of property made for the purpose of obtaining information, and alternatively, other intrusions into people’s reasonable expectations of privacy.

160. Defendants searched Plaintiffs’ possessions within the meaning of Article I, Section 5 by physically intruding on their land to obtain information about potential violations of hunting laws or regulations, and alternatively, by intruding upon Plaintiffs’ land in violation of their reasonable expectation of privacy in land that they use for private purposes and from which they have made efforts to exclude intruders.

161. Searches of possessions are “unreasonable” within the meaning of Article I, Section 5 when they are made without consent or a warrant.

162. Defendants’ past searches of Plaintiffs’ possessions were unreasonable because they were made without consent or a warrant.

163. Ala. Code § 9-2-65(a)(6), and Defendants’ policies and practices enforcing it, violate Article I, Section 5 both on their face and as applied to Plaintiffs because they purport to authorize nonconsensual warrantless searches of protected possessions.

164. Ala. Code § 9-2-65(a)(6), and Defendants’ policies and practices enforcing it, also violate Article I, Section 5 both on their face and as applied to Plaintiffs because they effectively serve as a “general warrant”—a standing authorization to search possessions without any meaningful constraints on DCNR officers’ discretion.

165. Plaintiffs ask the Court to enter judgment declaring that Defendants’ past searches of Plaintiffs’ possessions violated Article I, Section 5 of the Alabama Constitution.

166. Plaintiffs ask the Court to enter judgment declaring that Ala. Code § 9-2-65(a)(6), and Defendants’ policies and practices enforcing it, currently violate Article I, Section 5 both on their face and as applied to Plaintiffs.

167. Finally, to prevent continuing and irreparable harm to Plaintiffs’ property and privacy rights, Plaintiffs ask the Court to enjoin Defendants from conducting future warrantless entries and searches of Plaintiffs’ possessions under Ala. Code § 9-2-65(a)(6) or under Defendants’ policies and practices enforcing it.

Count II
Common Law and Statutory Trespass to Land
(On Behalf of Plaintiffs Boley and Williams against Defendants Poole and Unknown Officer in their Personal Capacities)

168. Plaintiffs adopt and reallege the allegations contained in paragraphs 1 through 154, inclusive.

169. At all relevant times, Plaintiffs Boley and Williams have had actual and lawful possession of the land located at and around 940 Joan Lane and 950 Joan Lane in Killen, Alabama.

170. At all relevant times, that land has been conspicuously marked as private. That is, it is either clearly a yard to a private residential home or it is dense woods surrounded by fences, with “no trespassing” signs posted at all possible entrances.

171. Accordingly, at all relevant times, any unauthorized entry onto that land was unlawful. Ala. Code § 13A-7-1(3).

172. Defendants Poole and Unknown Officer intentionally entered upon that land in February 2024 and in November 2024.

173. On information and belief, Defendants Poole and Unknown Officer intentionally entered upon that land on other occasions, unbeknownst to Plaintiffs.

174. Defendants Poole and Unknown Officer did not have consent to enter that land.

175. Defendants Poole and Unknown Officer entered upon that land to search for violations of wildlife laws.

176. Defendants Poole and Unknown Officer did not have judicial authorization (*i.e.*, a warrant) to enter or search that land.

177. For authority to enter upon Plaintiffs Boley and Williams's land without their consent and despite conspicuously posted "no trespassing" signs at every entrance, Defendants Poole and Unknown Officer relied on Ala. Code § 9-2-65(a)(6), which states: "Game and fish wardens shall have power . . . [t]o enter upon any land or water in the performance of their duty."

178. However, as described at paragraphs 156 through 164 above, Ala. Code § 9-2-65(a)(6) is unconstitutional and thus could not have provided a lawful source of authority for Defendants Poole or Unknown Officer to enter or search Plaintiffs Boley's or Williams's land at any time.

179. Accordingly, Defendants Poole and Unknown Officer acted beyond their lawful authority when entering and searching Plaintiffs Boley's and Williams's properties and are not immune from civil liability in their personal capacities.

180. Plaintiffs Boley and Williams ask the Court to enter judgment declaring that Defendants Poole's and Unknown Officer's intentional and legally unauthorized entries and searches of their properties, performed pursuant to an unconstitutional statute, were trespasses.

181. Under Alabama common law and Ala. Code § 6-5-213, Plaintiffs Boley and Williams may recover damages for Defendants Poole's and Unknown Officer's intentional and legally unauthorized entries and searches of their properties.

182. Plaintiffs Boley and Williams each request nominal damages from Defendants Poole and Unknown Officer, in the amount of one dollar (\$1.00).

Count III
Common Law and Statutory Trespass to Land
(On Behalf of Plaintiff Liles against Defendant Howell in his Personal Capacity)

183. Plaintiffs adopt and reallege the allegations contained in paragraphs 1 through 154, inclusive.

184. At all relevant times, Plaintiff Liles has had actual and lawful possession of 86 acres of land located in Muscle Shoals, Alabama.

185. Defendant Howell intentionally entered and searched that land in August 2018.

186. At that time, Plaintiff Liles gave Defendant Howell notice that the property is private and that DCNR officers, including Howell, do not have consent to enter it.

187. Having received “notice against trespass [] personally communicated to him,” any further legally unauthorized entry of Dale’s property by Defendant Howell would be unlawful. Ala. Code § 13A-7-1(3).

188. Nevertheless, Defendant Howell proceeded or attempted to enter and search Dale’s 86-acre land several times, including but not limited to entries in November 2024 and January 2025.

189. Defendant Howell did not have consent to enter or search the land.

190. For authority to enter Plaintiff Liles’s property after Liles expressly denied him consent, Defendant Howell relied on Ala. Code § 9-2-65(a)(6), which states: “Game and fish wardens shall have power . . . [t]o enter upon any land or water in the performance of their duty.”

191. However, as described at paragraphs 156 through 164 above, Ala. Code § 9-2-65(a)(6) is unconstitutional and thus could not have provided a lawful source of authority for Defendant Howell, or any other DCNR game warden, to enter or search Plaintiff Liles’s property at any time

192. Accordingly, Defendant Howell acted beyond his lawful authority when entering and searching Plaintiff Liles’s property and is not immune from civil liability in his personal capacity.

193. Therefore, Plaintiff Liles asks the Court to enter judgment declaring that Defendant Howell's intentional and legally unauthorized entries and searches of his land, performed pursuant to an unconstitutional statute, were trespasses.

194. Under Alabama common law and Ala. Code § 6-5-213, Plaintiff Liles may recover damages for Defendant Howell's intentional and legally unauthorized entries and searches of his land.

195. Plaintiff Liles requests nominal damages from Defendant Howell, in the amount of one dollar (\$1.00).

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs pray for relief as follows:

- A. Against all Defendants in their official capacities:
 - 1. A judgment declaring that Defendants' past warrantless entries and searches of Plaintiffs' properties violated Article I, Section 5 of the Alabama Constitution;
 - 2. A judgment declaring that Ala. Code § 9-2-65(a)(6) violates Article I, Section 5 of the Alabama Constitution, both on its face and as applied to Plaintiffs;
 - 3. A judgment declaring that Defendants' policy and practice of warrantless entries and searches of private land violate Article I, Section 5 of the Alabama Constitution, both on its face and as applied to Plaintiffs;
 - 4. A permanent injunction barring Defendants from conducting warrantless entries or searches of "possessions" protected by Article I, Section 5 of the Alabama Constitution, including Plaintiffs' properties.
- B. Against Defendants Poole and Unknown Officer in their personal capacities only:

1. A judgment declaring that Poole's and Unknown Officer's past warrantless entries and searches of Plaintiffs Boley's and Williams's properties were trespasses;
 2. An award of \$1.00 in nominal damages from Poole and Unknown Officer, to Plaintiffs Boley and Williams, for each trespass committed.
- C. Against Defendant Howell in his personal capacity only:
1. A judgment declaring that Howell's past warrantless entries and searches of Plaintiff Liles's property were trespasses;
 2. An award of \$1.00 in nominal damages from Howell, to Plaintiff Liles, for each trespass committed.
- D. Alternatively, to the extent the Court holds that any of the above-requested relief cannot be awarded against any Defendant due to the capacity in which that Defendant was sued, Plaintiffs request the same relief against the same Defendant in the capacity in which the Court holds it should have been requested.
- E. For an award of attorneys' fees and court costs; and
- F. For all other legal and equitable relief to which Plaintiffs may be entitled.

Dated: May 20, 2025.

Respectfully submitted,

s/ William M. Dawson
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**Pro hac vice applications forthcoming*

Mailing Addresses of Defendants

Name of Defendant	Mailing Address
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Charles Franklin Sykes Jr., in his official capacity as Director of Wildlife and Freshwater Fisheries	<u>Office:</u> Alabama Department of Conservation and Natural Resources 64 N. Union Street, Suite 567 Montgomery, AL 36130
Chad Braxton Howell, in his personal capacity and in his official capacity as game warden, Alabama Department of Conservation and Natural Resources	<u>Home:</u> 4800 Wagon Mountain Road Tuscumbia, AL 35674 <u>Office:</u> Alabama Department of Conservation and Natural Resources 64 N. Union Street, Suite 559 Montgomery, AL 36130 AND District I Office 21453 Harris Station Road Tanner, AL 35671
Jarrold Allen Poole, in his personal capacity and in his official capacity as game warden, Alabama Department of Conservation and Natural Resources	<u>Home:</u> 6260 County Road 15 Florence, AL 35633 <u>Office:</u> Alabama Department of Conservation and Natural Resources 64 N. Union Street, Suite 559 Montgomery, AL 36130 AND District I Office 21453 Harris Station Road Tanner, AL 35671