



IN THE CIRCUIT COURT OF  
MONTGOMERY COUNTY, ALABAMA

PERRY O. HOOPER, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV- _____
	)	
CITY OF MONTGOMERY,	)	
Municipal Corporation and	)	
DARRYL J. ALBERT,	)	
Police Chief of Montgomery	)	
Police Department,	)	
	)	
Defendants.	)	

**COMPLAINT**

(1) Plaintiff, Perry O. Hooper, Jr., (“Plaintiff”) is over the age of 19 and a citizen of Montgomery County, Alabama. He brings this complaint under Alabama Code § 36-12-40 Alabama Open Records Act and violation of DUE PROCESS UNDER THE LAW.

(2) Defendant City of Montgomery is a municipal corporation located at 103 N. Perry Street, Montgomery, Alabama 36104.

(3) Defendant Darryl J. Albert is over the age of 19 and is a citizen of Montgomery County and is the Police Chief for the City of Montgomery located at 320 N. Ripley St., Montgomery, Alabama 36104.

**FACTS**

(4) On the night of August 16, 2022, there was a fund raiser held at Ravello restaurant in downtown Montgomery for Alabama State Representative Danny Garrett.

(5) Plaintiff attended the event at approximately 5:30 pm.

(6) At approximately 7:00 pm, Plaintiff asked the hostess if Jake Gannon (a client) and the Plaintiff could get a table since the restaurant was crowded. The hostess said it will be about 45 minutes to an hour wait, however approximately 5 minutes later the hostess came to the Plaintiff and said there was a table available.

(7) As the Plaintiff and his guest were leaving the restaurant around 8:15-8:30 pm, Plaintiff went up to the hostess and politely hugged the hostess and kissed her on the cheek and said "thank you for the table." The video shows that the alleged abuse took only 2.2 seconds and the hostess thanked the Plaintiff and waved goodbye.

(8) On the morning of August 23, 2022, Mike Mashburn ("Mashburn") with the Montgomery Police Department (Cell #334-320-1503) called the Plaintiff and said something along the lines of, "Just a heads up, a lady from the restaurant is pressing charges for sexual abuse. Plaintiff was shocked. The Plaintiff was told the Complaint was filed 4 or 5 days after the alleged incident. Mashburn said he received notice of the complaint from the United States Marshals office. He asked the Plaintiff to come down to the detective's office and meet with Detective Goza and try to work things out. He further told Plaintiff to tell him it was all a "misunderstanding".

(9) Plaintiff immediately left his home in Pike Road and went to meet with Goza, who is a criminal detective with the Montgomery Police Department. When Plaintiff met with Detective Goza, Plaintiff told him that his intent was only to thank her for promptly getting him a good table. Shortly after Plaintiff made his statement, the detective read him his rights and put me in hand cuffs. Detective Gozo nor anyone has ever shown Plaintiff the alleged complaint and based on information and belief the hostess/accuser ("accuser") never filed a complaint and

Plaintiff has discovered that this was a planned and orchestrated set up by Plaintiff Hooper's political enemies.

(10) The police then took Plaintiff to Montgomery County Jail about 9:15 am. Plaintiff stayed there from 9:30 am until 3:00 pm, until my youngest son picked me up.

(12) Based on information and belief, whoever was behind this "set up" had a press release sent out locally and nationally before the Plaintiff was arrested. The press release contain false and defamatory information enclosed is an example of media stories that went out nationwide. (Composite Exhibit "A")

(13) Plaintiff and his family went to the law offices of his criminal attorney, Joe Espy, and were allowed to view the video of the incident, but not keep it and Plaintiff's criminal attorney Joe Espy was told not to allow anyone except immediate family to view the tape from the person he obtained it from.

(14) When the Plaintiff and his family viewed the tape, it was laughable. The video was only 2.2 seconds and clearly shows that the Plaintiff did not commit a sexual act and the hostess told the Plaintiff and his guests, "Thank you, come back" or words to that effect. Remember, that the hostess never filed the complaint until 4 or 5 days later. Plaintiff will not know until he can review and copy his police file as to the events that destroyed his life and that of his family.

(15) The Plaintiff and his family have suffered emotionally and financially. The only way for the Plaintiff to save his reputation is to view said file and expose what was an obvious political set-up by the Plaintiff's political enemies ("enemies").

(16) Based on information independently obtained, these enemies were working in a company to destroy the Plaintiff for his published letters and support as Alabama Coordinator for President Donald Trump (“Trump”).

(17) When the Montgomery County District Attorney realized the accuser would not pursue the matter, then the DA had no choice. Said accuser has had a troubled past and when her mother found out what happened she told the Plaintiff that, “her daughter had been used.” The accuser and her mother informed the DA’s office that she did not wish to proceed in this matter against the Plaintiff, Hooper. The DA could not move forward in this matter.

(18) Based on information and belief, Detective Gozo or someone in the Montgomery Police Department went before the Montgomery County Grand Jury and lied about the facts. Based on information and belief, this individual was instructed to do so by the Defendant, Albert.

(19) This false testimony led to the Plaintiff being wrongfully indicted.

(20) After the accuser informed the DA that she would not move forward with the case, the DA correctly filed a Motion to Nolle Pros the Plaintiff’s case CC-22-001177-JRG on December 5, 2022, and on December 6, 2022 it was ordered closed. (Exhibit “B”)

(21) When the case against Plaintiff Hooper ended in his favor, the Plaintiff by and through his attorney filed a legal compliant request for the Plaintiff to be allowed to view and make copies of his police record, including but not limited to, the video recording of the alleged sexual harassment. This was done under the Alabama Open Records Act and other applicable laws and constitutional violations. These were the Plaintiff’s personal records and not those of any other individuals. First, the Defendants claim that Hooper, nor his lawyer, were allowed to view those records because the matter was under investigation. The Defendants knew or should have known that the investigation had ended and the case was dismissed weeks before the

request was filed on December 30, 2022. Then, when the Defendants realized the above fact, they cited Alabama Code §12-21-3.1 (c), that states as follows: "Under no circumstances may a party to a civil or administrative proceeding which is not authorized discoverable by a Defendant in a criminal matter. Noncriminal parties may upon proper motion and from and or photographs, documents and tangible evidence for examination and copying only by order of a court imposing such conditions and qualifications as may be necessary to protect the prosecutors,' law enforcement officers' or investigators' work product; or to prevent the loss or destruction of documents, objects, or evidence. Such discovery order may be issued a court of record upon proof by substantial evidence, that the moving party will suffer undue hardship and that the records, photographs or witnesses are unavailable from other reasonable sources." The Defendants have totally misconstrued the above stated statute as follows:

(a) The above cited statute is not even close to being on point in the Plaintiff's case at bar;

(b) There is NO civil, administrative or criminal proceedings pending;

(c) If in fact, hypothetically, a criminal proceeding in criminal court was pending then Hooper would be entitled to view and copy his police records and the video described herein under over 100 years of criminal case proceedings; and

(d) The intent of the above stated statute was in no way intended to prevent (after the charges are dismissed) to deprive a citizen the right to view and copy his PERSONAL records and to do so would be to violate his constitutional due process rights under the law.

(22) The only way to discover the truth behind what the Plaintiff believes was a political set-up and not accuse innocent parties is to obtain the actual facts from the main source,

which are the Defendants. Not doing so is an obstruction of justice and would allow governmental “cover-up” of a serious matter that has destroyed the life of an innocent individual.

(23) The Defendants case cited Alabama Statutes case law and other legal theories in which have nothing to do with a case that is finalized, and a citizen is seeking his/her own personal police file. Without exception, the U.S. Constitution and the Alabama Constitution in matters similar to Plaintiff Hooper, clearly provides the right of a citizen to have due process under the law and which Plaintiff will prove upon being allowed to view this file that he was denied the right.

(24) The Defendant cites the recent Alabama Supreme Court case *Something Extra Publishing, Inc., v. Mack*. This case had to do with a newspaper attempting to obtain criminal records in an ongoing murder case. The Court did rule under those circumstances, Police records were protected but also stated, “...but we can all agree that something needs to temporarily be off-limits as law enforcement tries to figure out what happened. As previously stated, ad nauseum, this request of Plaintiff Hooper’s, (a) personal police records file; (b) The case as stated is over and no investigation is ongoing; and this matter at Bar is totally different; and (c) therefore, there is nothing to protect the file other than to protect themselves and others for their conspiracy as described herein.

(25) If a citizen is charged and goes to trial – are the Defendants stating that a person cannot obtain their personal police-record to use as a defense or pursue a wrong committed against him? Certainly not! This is true under the criminal laws of the State of Alabama and to deny said right is an indefensible denial of Due Process under both state and federal law.

(26) The Defendant states that the Plaintiff should subpoena the records but fails to explain how when there is no civil or criminal cases are pending. Plaintiff assumes that the

Plaintiff should just guess at what happened and what his personal police record contains and just sue anybody and everybody who may have been involved. That is one of the primary reasons for the Alabama Open Records Act and the Due Process Clause under the Alabama and U.S. Constitution to avoid filing lawsuits against innocent individuals and ruin these individual's lives as they have Plaintiff Hooper.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff Hooper asks the Honorable Court:

- (i) assume jurisdiction over this action;
- (ii) rule that the Plaintiff complied with the Alabama Open Records Act;
- (iii) enter a Declaratory Judgment action that the Defendants have violated the Alabama Open Records Act and denied the Plaintiff his "Due Process" under the law;
- (iv) enter an injunction against the Defendants to fully comply with the Alabama Open Records Act, the "Due Process" clause of the Alabama and U.S. Constitution and order the Defendants to allow the Plaintiff to review and copy his records (Plaintiff will pay the cost);
- (v) award Plaintiff reasonable attorney fees and costs; and
- (vi) award such other relief the Court considers appropriate.

/s/ Thomas T. Gallion, III  
Thomas T. Gallion, III (GAL010)  
Attorney for the Plaintiff

**OF COUNSEL:**  
**GALLION & GALLION, LLC**  
One Commerce St., Suite 700  
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Ph: (334) 265-8573  
[ttg@hsg-law.com](mailto:ttg@hsg-law.com)

/s/ Melissa Isaak  
Melissa Isaak (ISA007)  
Attorney for the Plaintiff.

**CO-COUNSEL:**

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**melissa@protectingmen.com**

**TO BE SERVED VIA CERTIFIED MAIL BY CLERK:**

Stacy Bellinger,  
City Attorney, City of Montgomery  
103 N. Perry Street  
Montgomery, AL 36104

Darryl J. Albert  
Chief of Police  
Montgomery Police Department  
103 N. Perry Street  
Montgomery, AL 36104



Contribute

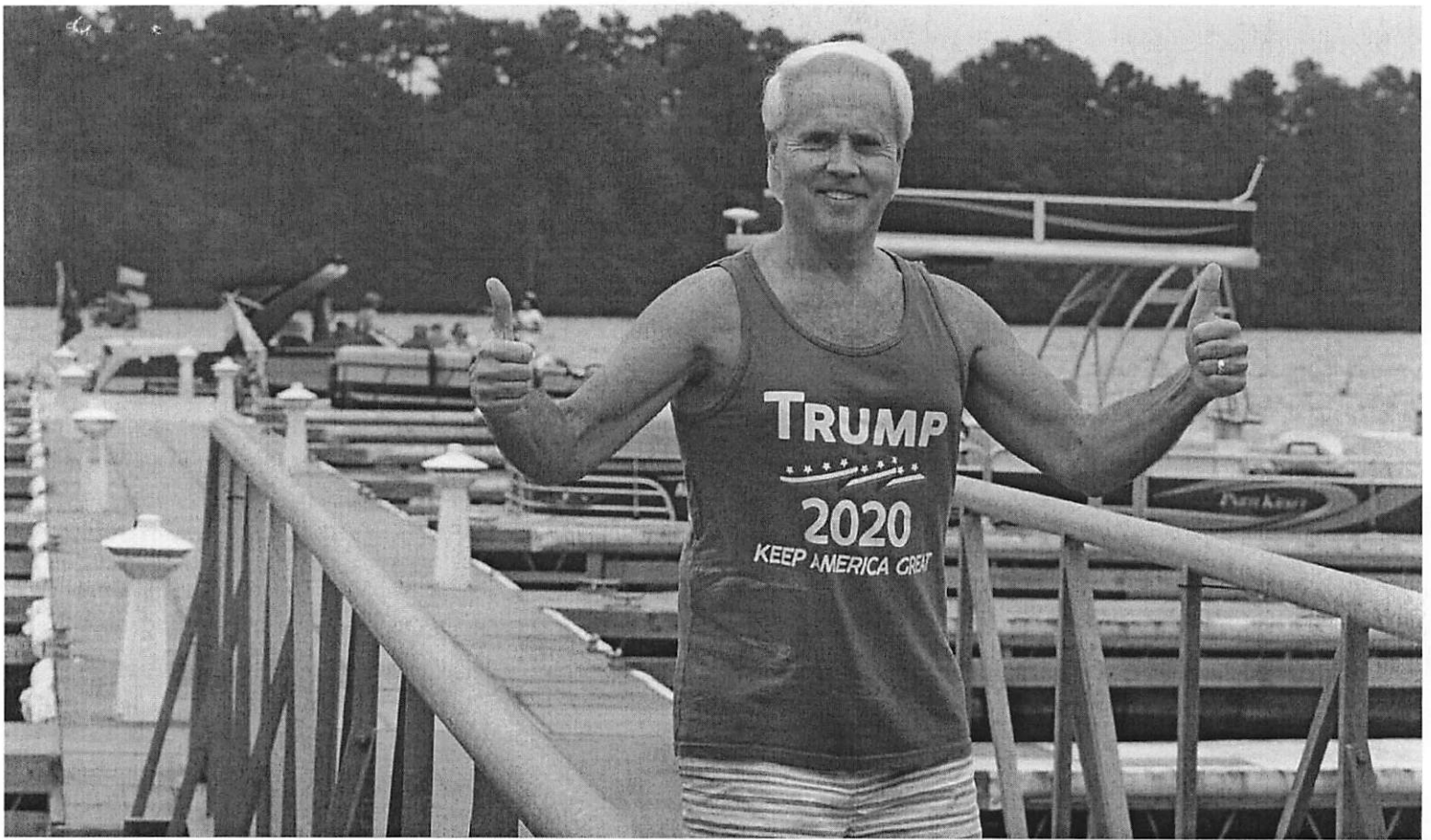
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News

# Perry Hooper Jr., former Alabama lawmaker, charged with sex abuse in Montgomery

Updated: Aug. 23, 2022, 3:44 p.m. | Published: Aug. 23, 2022, 2:05 p.m.





Perry Hooper Jr., a member of the National Trump Campaign Victory Committee gives two thumbs up before the parade. Hundreds of boats loaded with supporters of President Donald Trump took part in a Trump Boat Parade on Lake Martin Saturday September 19, 2020. (Joe Songer | jsonger@al.com)

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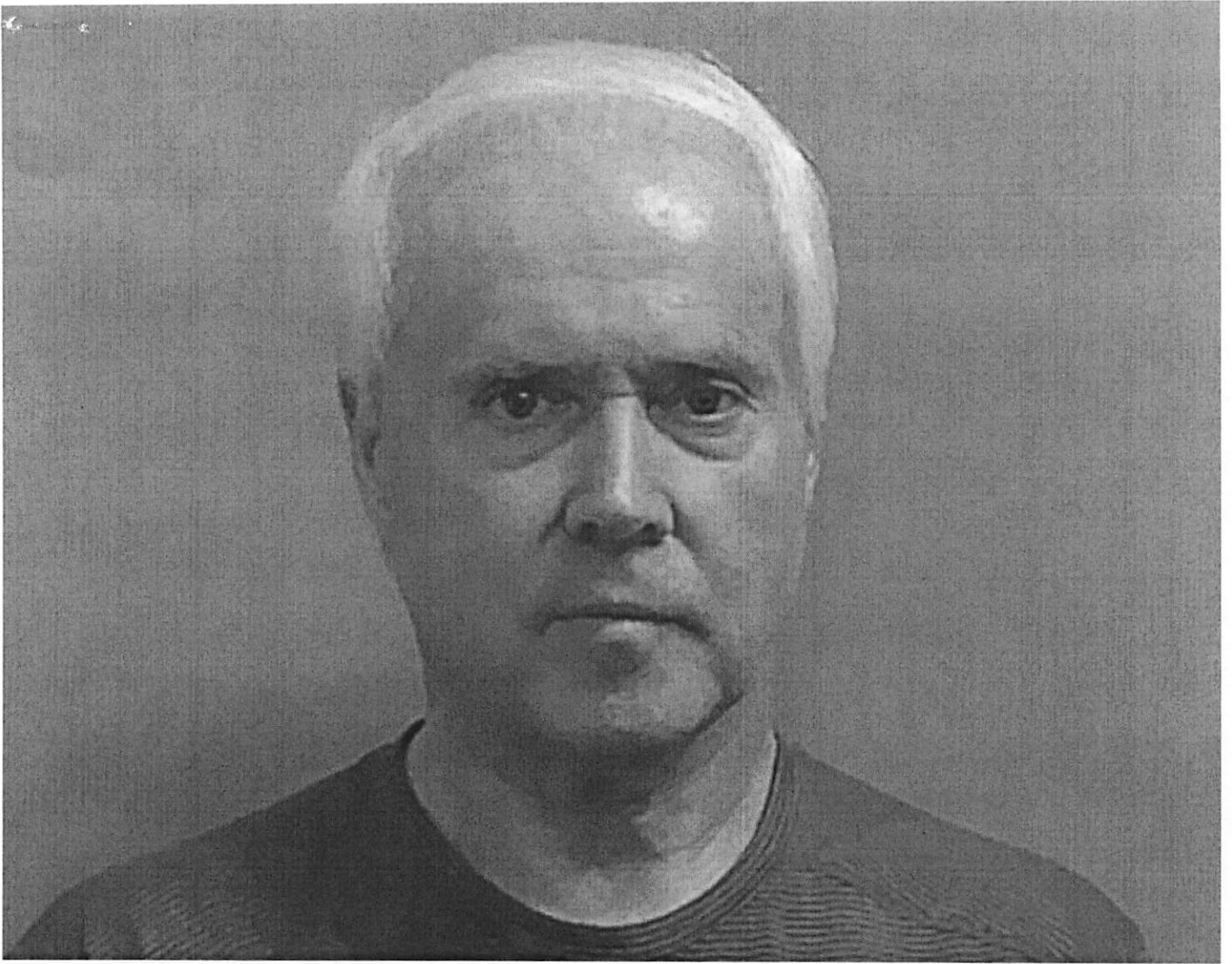
By [Carol Robinson | crobinson@al.com](#)

A former state legislator is facing a felony sex charge.

Perry Oliver Hooper Jr., 67, is charged with first-degree sex abuse, Montgomery police Capt. Saba Coleman confirmed Tuesday.

Details of the allegations against Hooper have not been disclosed and records on the case are not yet listed in Alabama's online court system. Coleman said the alleged incident happened about 8 p.m. Aug. 16, 2022, in the 100 block of Commerce Street.

Hooper was taken into custody Tuesday by U.S. Marshals. He was booked into the Montgomery County Detention Facility at 11:56 a.m. with bond set at \$15,000.



Perry Hooper Jr. (Montgomery County Detention Facility)

Hooper Jr., a Republican, served in the Alabama House of Representatives from District 73 until 2003, and remains active in the GOP.

“The Alabama Republican Party strongly condemns all forms sexual abuse and sexual assault,” the state GOP said in a statement.

“We are committed to personal rights and public safety. We will be monitoring this situation closely it makes its way through the judicial process.”

He was the co-chair of the Donald Trump 2016 presidential campaign in Alabama.

He is the son of Perry Hooper Sr. who served as Chief Justice of the Alabama Supreme Court from 1995 to 2001.

*Mike Cason contributed to this report.*

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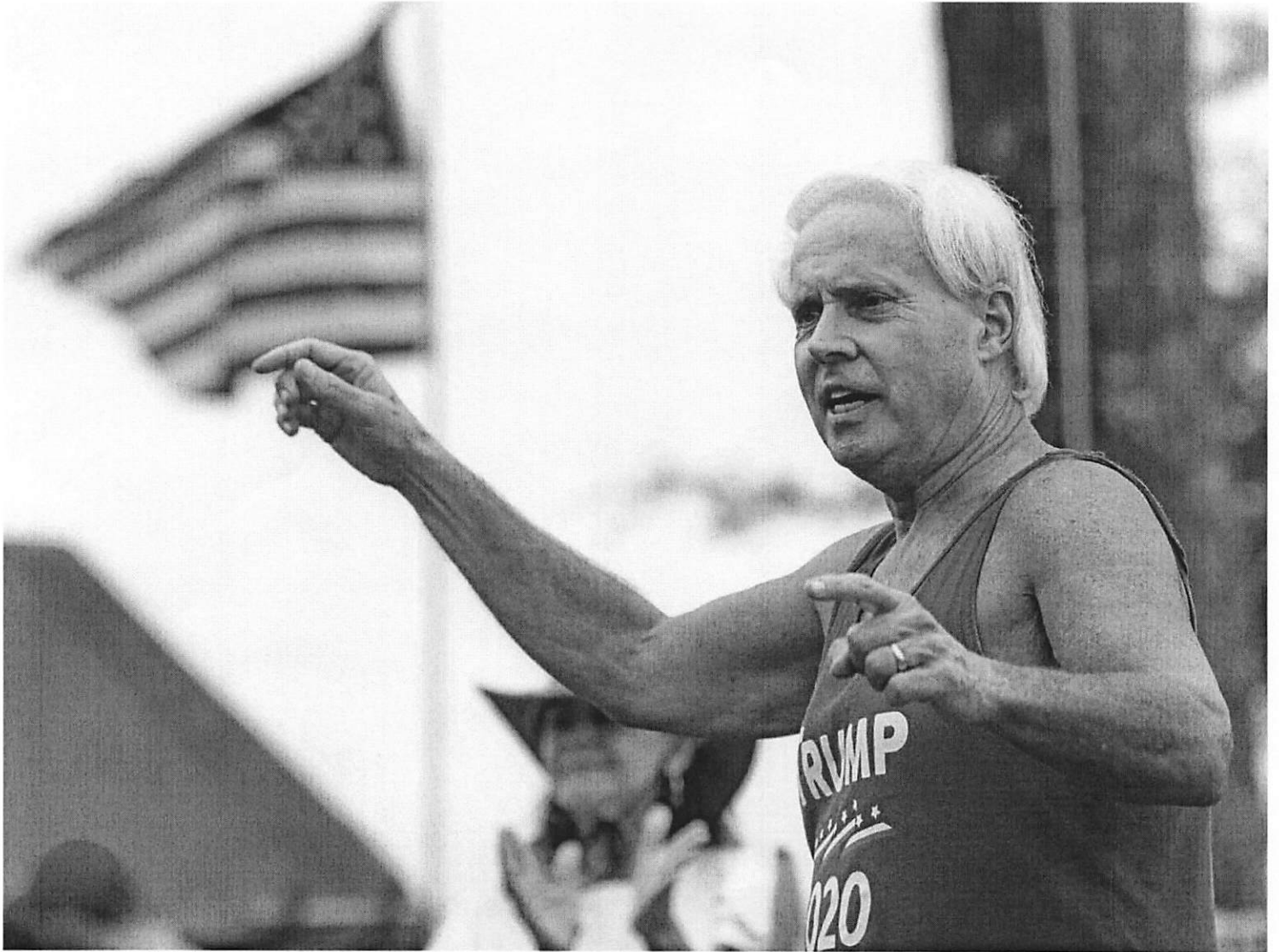
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U.S. NEWS

# Former Trump campaign co-chair in Alabama is charged with sex abuse

Perry Hooper Jr. is a former state legislator and currently sits on the state Republican Party's Executive Committee.



— Perry Hooper Jr. at a Trump rally in Montgomery, Ala., on Sept. 19, 2020.

Mickey Welsh / USA Today Network

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1/19/23, 2:19 PM

Aug. 24, 2022, 10:31 AM CDT

**By Corky Siemaszko**

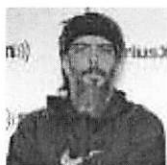
A former Alabama legislator who served as a co-chair of Donald Trump's 2016 presidential campaign in the state has been arrested and charged with first-degree sex abuse, police confirmed Wednesday.

The incident that Perry Hooper Jr. is charged with happened on Aug. 16 in the 100 block of Commerce St., which is the address of the Hampton Inn & Suites Montgomery-Downtown.

Hooper, 67, was arrested Tuesday, said Capt. Saba Coleman, a spokeswoman for the Montgomery Police Department. He was booked into the Montgomery County Detention Facility and his bond set at \$15,000. But there were no details about what Hooper is alleged to have done posted on the jail website.

Also, there appeared to be some confusion about which agency actually arrested Hooper.

Coleman said Hooper was "taken into custody" by the U.S. Marshals Task Force. But Dante Gordon, the chief deputy U.S. Marshal in Montgomery, said they weren't involved in Hooper's arrest.

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U.S. NEWS

**Former pro wrestler Jay Briscoe killed in crash on Delaware highway while taking daughters to cheerleading practice**

CULTURE MATTERS

**Alec Baldwin to be charged with manslaughter in fatal shooting on the set of 'Rust,' DA says**

Asked to clarify, Coleman said in an email: "The US Marshals are our partnering agency and receive all our violent crime warrants. Charges that Hooper is facing fits the criteria as such."

Hooper, who is a Republican, served in the Alabama House of Representatives from 1984 to 2003. He is the son of a former Alabama chief justice, Perry Hooper Sr., who served from 1995 to

2001.

“The Alabama Republican Party strongly condemns all forms sexual abuse and sexual assault,” the state GOP said in a statement released after Hooper’s arrest. “We are committed to personal rights and public safety. We will be monitoring this situation closely it makes its way through the judicial process.”



Corky Siemaszko

Corky Siemaszko is a senior reporter for NBC News Digital.

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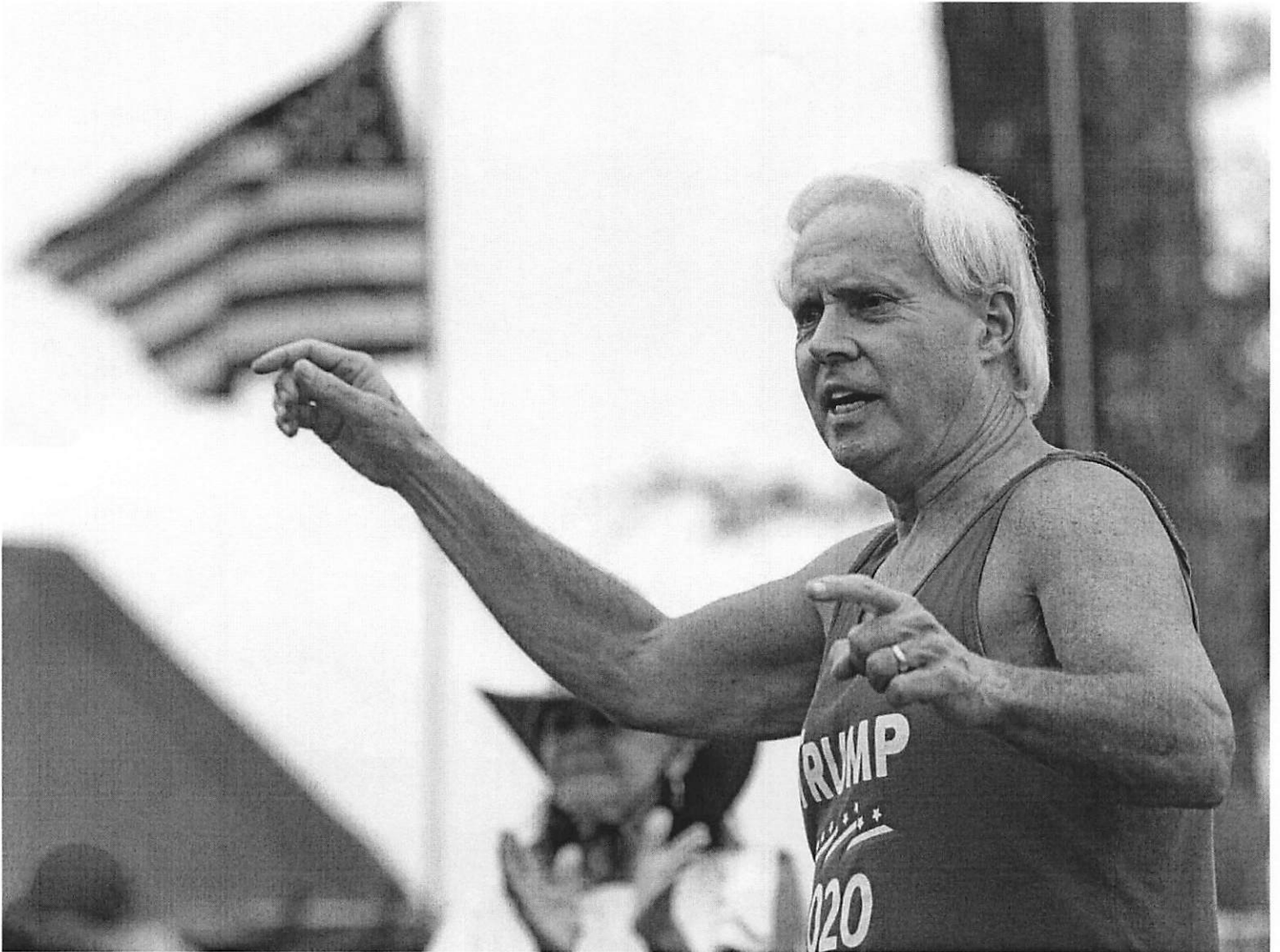
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Mickey Welsh / USA Today Network

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03-CC-2022-001177.00  
CIRCUIT COURT OF  
MONTGOMERY COUNTY, ALABAMA  
GINA J. ISHMAN, CLERK

**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

STATE OF ALABAMA

)

V.

)

) Case No.: CC-2022-001177.00

)

HOOPER PERRY JR  
Defendant.

)

)

**ORDER**

MOTION TO NOLLE PROSSE filed by STATE OF ALABAMA is hereby GRANTED. The above styled case is nolle prossed.

**DONE this 6<sup>th</sup> day of December, 2022.**

/s/ J. R. GAINES  
CIRCUIT JUDGE