



McCreary Journal

50¢

FEBRUARY 12, 2025 Find us Online at www.mccrearyjournal.com, on Facebook, or in-stores locally! VOL.1 NO. 18

LAWSUIT FILED AGAINST DEPUTIES

By Eugenia Jones
eugenia@highland.net

A resident of Winfield, Tennessee, has filed a complaint in the United States District Court, Eastern District of Kentucky, London Division, against two McCreary County Deputy Sheriffs in their individual capacities. The complaint alleges the two deputies used excessive force against her.

According to the complaint filed on January 13, 2025, the Plaintiff, Shirlene Terry-Phillips, a 69-year-old caregiver, was subjected to excessive force by McCreary County Sheriff Deputies James R. Flannery and Larry Lewis.

The Plaintiff alleges that on June 2, 2024, after completing a sixteen-hour shift at Oakwood in Somerset caring for individuals with intellectual and developmental disabilities, she pulled over to rest in the Kroger (Whitley City, KY) parking lot rather than risk driving while fatigued. According to the complaint, the Plaintiff legally parked her vehicle, reclined her seat, and closed her eyes, intending to take a short nap. According to the Plaintiff, Deputy Flannery approached her vehicle and

began banging aggressively on the window, startling her awake. According to the Plaintiff, she immediately provided her motor vehicle operating license when asked to provide it. When Flannery noticed her concealed carry permit, Plaintiff said she complied with the deputy's command to raise her hands while explaining there were no weapons in the vehicle.

The Plaintiff said she complied and stepped out of her vehicle when Deputy Flannery ordered her to exit. At that point, the Plaintiff alleges her ankles were shackled, her arms placed behind her back, and her wrists secured.

In the complaint, the Plaintiff alleges Deputy Flannery forcefully shoved her to the ground, causing her to fall face-first onto the pavement. The Plaintiff alleges Deputy Larry Lewis was present and witnessed Flannery's use of excessive force but failed to intervene. The Plaintiff further alleges she was then roughly pulled to her feet, pushed into the back of the patrol car, and that Deputy Lewis tased her legs in "dry-stun" mode multiple times and once on the hip.

According to the complaint, the Plaintiff did not resist,

attempt to flee, or pose a threat. The complaint alleges, as a result of the Defendants' unconstitutional conduct, the Plaintiff suffered and continues to suffer physical injuries, including multiple taser

burns, bruising, scarring, severe emotional distress, anxiety, and ongoing trauma; medical expenses, lost wages from being unable to return to her caregiving duties; and continuing pain and suffer-

ing. In the complaint, the Plaintiff demands a jury trial seeking compensatory damages, punitive damages, reasonable attorney fees/costs, and all other relief deemed just and proper.

The Arrest Citation

An arrest citation completed by McCreary County Deputy James R. Flannery indicates that on June 2, 2024, he received a call requesting a status check on a woman who appeared to be passed out in a blue car parked in the third row of the Whitley City Kroger parking lot. The citation indicates Flannery responded and approached the car, observing what appeared to be a woman passed out. The citation further states that Flannery knocked on the car window multiple times before the woman inside the vehicle roused, appearing disoriented with bloodshot eyes and slurred speech. According to the citation, Flannery asked for identification multiple times. In the citation, Flannery states the woman was reaching around the car, refusing to comply, and refusing all of the deputy's directives to keep her hands where he could see them. Reportedly, when

Flannery asked for Terry to step out of the car multiple times, she became loud, saying that she had no reason to step outside the vehicle and that the deputy had no reason to ask her to step out. The citation indicates that when Flannery attempted to remove Terry from her vehicle, she used her other arm to grab the deputy's left wrist and pull on him. When Flannery felt Terry's fingernails going into his arm, he reportedly pulled away and called for a backup unit. According to Flannery, he continued to give orders for Ms. Terry to quit resisting and get out of the vehicle as he waited for backup. The citation states that when Deputy Lewis arrived as backup, both deputies ordered Terry to exit the vehicle; however, she refused.

The citation states both officers used the least force necessary to gain control of the situation, placing Terry on

the ground. During this time, Terry allegedly struck Deputy Lewis on the front of his lip. Once on the ground, Terry reportedly would not submit to hand restraints, keeping her arms under her body. Flannery reported that after getting hand restraints on Ms. Terry and getting her into the back of the police car, she got out of the hand restraints and then refused to submit to restraints, continuing to pull and move away from the deputies. At this point, Deputy Lewis allegedly delivered one laser dry stun. After securing hand restraints, McCreary County EMS arrived to check on Terry. She was cleared for transport to the McCreary County Sheriff's Office. Ms. Terry was then transported to the Knox County Detention Center.

Police body cam was active during arrest.

RUNAWAY LOCOMOTIVE

By Eugenia Jones
eugenia@highland.net

According to McCreary County Heritage Foundation Chairperson Ray Moncrief, the derailment of Big South Fork Scenic Railway's SW9 Engine #106 resulted from a runaway incident.

Moncrief told the McCreary Journal that the incident occurred during a routine locomotive run to Blue Heron, noting that routine runs during the off-season provide opportunities for crew members to check the track for

fallen trees, etc. Moncrief said Engine #106 was returning to Stearns and had cleared the railway tunnel when it stopped running. After unsuccessfully attempting to restart the engine, #106's crew radioed the train shop in Stearns, asking shop workers for assistance. Workers from the train shop soon arrived to transport the crew back to Stearns. Before leaving Engine #106, Moncrief said the crew followed procedures, setting hand brakes and chocking the locomotive.

When the crew arrived

back in Stearns, they boarded the recently purchased U.S. Sugar Locomotive #310 and returned to the location of Engine #106's breakdown, planning to pull the disabled locomotive back to the shop. Surprisingly, when the crew arrived to "tow" #106, the locomotive was nowhere to be seen.

Apparently, the hand brakes and chocking failed, resulting in the unmanned locomotive running away, passing through

See **TRAIN** on A8



After last week's discovery of the derailed Big South Fork Scenic Railway locomotive, the McCreary Journal went on a search for answers.

Readers to Leaders

Community Raises Funds for Storybook Trail



Photo by Eugenia Jones

The following were on hand at the McCreary County Public Library to witness the contract signing for the construction of a Readers to Leaders Storybook Trail at the McCreary County Park: Whitney Roark, Rhonda Kendziorski, Kathy Loveless, Nikki New, Kristin Whitson, Jessica Carlton, Olivia Emmett, Holly Daugherty, Grady Wilson, Bobby Strunk, Bill Taylor, Maggie Dobbs, and others. Several children were also present to enjoy one of the first steps toward getting a storybook trail in McCreary County.

By Eugenia Jones
eugenia@highland.net

McCreary County Public Library's Youth and Adult Program Coordinator, Holly Daugherty, is determined to see the construction of a Readers to Leaders Storybook Trail in the McCreary County Park. Having already received enough donations from local organizations, businesses, and individuals to officially

join the program, Daugherty and others, including Library Director Grady Wilson, are excited about their signing of the Readers to Leaders contract on Friday (2-7-25), allowing them to now receive construction blueprints, a weatherproof archway for the trail entrance, and the trail's first set of books. Additional fundraising will continue for the

See **READERS** on A8

...empowering readers while caring about McCreary County and preserving the community's history.

COMMUNITY	A2	PUBLIC RECORD	A7
REFLECTIONS	A4	SCHOOL ZONE	A9
OBITUARIES	A5	CLASSIFIEDS.....	A12

Office: (606) 376-5500
www.mccrearyjournal.com
facebook.com/mccrearyjournal

