

COMMONWEALTH OF KENTUCKY  
MORGAN CIRCUIT COURT  
C.A. NO. 2023-CI-\_\_\_\_\_  
*(Filed electronically)*

BASILL RAY PEYTON, Individually, And as  
Administrator of the Estate of  
NATHAN DEAN PEYTON

PLAINTIFF

VS.

RAYMOND VANCLEAVE, Individually, and  
In His Official Capacity as Former  
Morgan County Coroner  
Serve: [REDACTED]

DEFENDANT

And

JOHN W. STACY, Individually, and In His Official Capacity  
As Former Morgan County Judge Executive  
Serve: [REDACTED]

DEFENDANT

And

BRANDON EVANS, Individually, and in His Official  
Capacity as Morgan County Magistrate  
Serve: [REDACTED]

DEFENDANT

And

CARTER BOLIN, Individually, and in His Official  
Capacity as Former Morgan County Magistrate  
Serve: [REDACTED]

DEFENDANT

And

DONNIE KEETON, Individually, and in His Official  
Capacity as Morgan County Magistrate  
Serve: [REDACTED]

DEFENDANT

And

DARRELL PATRICK, Individually, and in His Official  
Capacity as Former Morgan County Magistrate

DEFENDANT

Serve: [REDACTED]

And

LEROY PHIPPS, Individually, and in His Official  
Capacity as Morgan County Magistrate

DEFENDANT

Serve: [REDACTED]

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**COMPLAINT WITH JURY DEMAND**

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Comes now Basill Ray Peyton, Individually and as Administrator of the Estate of  
Nathan Dean Peyton, by counsel, and for his cause of action against the Defendants  
named herein, states as follows:

**PARTIES**

1. Basill Ray Peyton is a resident of [REDACTED] Salyersville, Kentucky  
[REDACTED]
2. On December 30, 2022, Nathan Dean Peyton was a resident of [REDACTED]  
[REDACTED] Grassy Creek, KY [REDACTED] at the time of his death.
3. Basill Ray Peyton was appointed as the Administrator of the Estate of Nathan  
Dean Peyton, by Court Order dated January 3, 2023, Case Number 23-P-  
00001, Morgan District Court.

- 4. At the above time, Raymond Vancleave, Individually and in his Official Capacity as Morgan County Coroner, had an address of [REDACTED], West Liberty, KY [REDACTED]
- 5. At the above time, John W. Stacy, Individually and in his Official Capacity, was Former Morgan County Judge Executive, had an address of [REDACTED] [REDACTED] West Liberty, Kentucky [REDACTED]
- 6. At the above time, Raymond Vancleave, Individually and in his Official Capacity, was Morgan County Coroner, with an address of [REDACTED] [REDACTED] West Liberty, KY [REDACTED]
- 7. At the above time, Brandon Evans, Carter Bolin, Donnie Keeton, Darrell Patrick, and Leroy Phipps, Individually, and in their Official Capacities as Morgan County Magistrates, maintained addresses in Morgan County, Kentucky, as listed in the heading above.

**VENUE AND JURISDICTION**

- 8. Venue and jurisdiction are proper in Morgan Circuit Court as this cause of action stems from the alleged abuse of a corpse namely, Nathan Dean Peyton, who died a resident of Morgan County, Kentucky, with said alleged abuse occurring in Morgan County, Kentucky and with all Defendants being residents of Morgan County, Kentucky.

**ALLEGATIONS OF FACT**

- 9. Nathan Dean Peyton passed away on December 30, 2022, a resident of Morgan County, Kentucky.

10. The body of Nathan Dean Peyton was eventually retrieved by the former Morgan County Coroner, Raymon Vancleave on the morning of December 30, 2022.
11. December 30, 2022, was an unseasonably warm day.
12. On December 30, 2022, instead of transporting the corpse of Nathan Dean Peyton to the State Medical Examiner’s Office in Frankfort, Kentucky or storing the body of Nathan Dean Peyton in an appropriate refrigerated or otherwise cooled facility, Coroner Vancleave kept possession of the body of Nathan Peyton who was located in a sealed black body bag inside Coroner Vancleave’s SUV vehicle that was parked and remained during the afternoon and overnight at the home of then coroner Vancleave.
13. It is alleged that then Morgan County Coroner, Raymond Vancleave did not have morgue, freezer or cooling system privileges at any local hospital or other appropriate facility with said privileges being suspended due to a failure to timely retrieve bodies.
14. On December 30, 2022, the body of Nathan Dean Peyton rapidly decomposed while sealed within the body bag that was left inside of Raymond Vancleave’s hot motor vehicle.
15. On December 31, 2022, then Morgan County Coroner Vancleave transported the remains of Nathan Peyton to the State Medical Examiner’s Office in Frankfort, Kentucky for an autopsy that was not requested by the family.

16. Sarah Maines, MD, of the Office of the State Medical Examiner photographed the body of Nathan Peyton and noted it was moderately decomposed when she performed an examination on him on January 1, 2023 and she indicated that after her examination, the clothing, personal effects and body of Nathan Dean Peyton were returned and sealed in the original body bag that had been sealed and used to transport his body.
17. On January 1, 2023, Paul Burchell, the owner, and operator of Magoffin County Funeral Home, retrieved the body of Nathan Dean Peyton.
18. The body of Nathan Dean Peyton was decomposed so badly due to mishandling by then Morgan County Coroner, Raymond Vancleave, that the smell emanating from the body bag was pungent and putrid.
19. The body of Nathan Dean Peyton could not be embalmed due to the almost complete decomposition of his body and sadly, his body would have to be left sealed inside of the body bag and placed inside a coffin for burial.
20. The funeral of Nathan Dean Peyton took place on January 6, 2023, at 2:00 p.m. at the Magoffin County Funeral Home.
21. The funeral service had to be conducted with a closed casket due to the unbearable smell that emanated from the casket that was occupied by the body of Nathan Dean Peyton.
22. Multiple pall bearers, visitors and funeral home staff vomited and became ill because of the foul and pungent odor coming from Mr. Peyton's coffin.

23. The family and loved ones of Nathan Dean Peyton were not able to properly say goodbye to him at a normal funeral due to the reckless and negligent treatment of his corpse by the Defendants named herein.

**CAUSES OF ACTION – CLAIMS FOR DAMAGES**

24. The former Morgan County Coroner Raymond Vancleave mishandled and abused the corpse of Nathan Dean Peyton by his reckless, negligent, and careless, behavior as described herein above.

25. John W. Stacy, Former Morgan County Judge Executive, Individually and in his Official Capacity, and Brandon Evans, Donnie Keeton, Darrell Patrick, Carter Bolin and Leroy Phipps, Morgan County Magistrates, Individually and in their Official Capacities were negligent, careless and reckless in that they either knew or should have known and failed to discover with reasonable, due diligence the reckless, careless, and negligent behavior exhibited by then Morgan County Coroner, Raymond Vancleave in mishandling deceased bodies in Morgan County, in this case namely that of Nathan Dean Peyton.

26. Basill Ray Peyton, Individually and as Administrator of the Estate of Nathan Dean Peyton, has suffered extreme emotional distress and mental anguish that has been negligently, recklessly, and carelessly inflicted upon him by the mishandling and abuse of his brother Nathan Dean Peyton’s corpse, by the Defendants listed herein, jointly, and severally, both individually and in their official capacities.

27. Basill Ray Peyton, Individually and as Administrator of the Estate of Nathan Dean Peyton, asserts a claim for Punitive Damages, pursuant to KRS 411.184 for the oppression and malice shown by Defendants, jointly and severally, both individually and in their official capacities, as evidenced by the flagrant indifference and cruel and unjust treatment with subjective awareness that such negligent, reckless, and careless conduct would result in the abuse of the corpse of Nathan Dean Peyton.
28. Because of the above-described conduct of the Defendants, jointly and severally, individually and in their official capacities, the Plaintiff, Basill Ray Peyton received severe and permanent injuries and damages.
29. That as a direct and proximate result of the carelessness, negligence and recklessness of the Defendants, jointly and severally, individually and in their official capacities, as addressed above, the Plaintiff Basill Ray Peyton, Individually and as Administrator of the Estate of Nathan Dean Peyton, has sustained and endured great and severe mental and physical pain and suffering, including a loss of enjoyment of life and will continue to do so in the future; has incurred medical and hospital expenses for his mental health treatment and will continue to do so in the future; and is entitled to an award of punitive damages due to the egregious behavior of the Defendants, jointly and severally, individually and in their respective official capacities, with all his damages collectively totaling amounts in excess of minimum jurisdictional requirements of this Court.

**WHEREFORE**, the Plaintiff, Basill Ray Peyton respectfully demands the following:

1. That the Clerk of the Court issue Summons to Defendants, by certified mail, return receipt requested.
2. Judgment against the Defendants, jointly and severally, individually and in their official capacities, in favor of Plaintiff, Basill Peyton, in amounts more than the jurisdictional limits of the Court, said amounts to be that which is determined as being fair and reasonable by all the evidence, for the following elements of damages:
  - a. Past mental and physical pain, suffering and inconvenience;
  - b. Future mental and physical pain, suffering and inconvenience;
  - c. Future hospital and medical expenses and past hospital and medical expenses;
  - d. Punitive damages; and
  - e. Miscellaneous expenses incurred by the Plaintiff, including but not limited to travel expenses necessitated by the negligent, grossly negligent and/or reckless acts of the Defendants;
3. Pre-Judgment and post-judgment interest.
4. Plaintiff's costs expended herein.
5. Trial by jury.
6. All other relief to which Plaintiff, Basill Ray Peyton, Individually and as Administrator of the Estate of Nathan Dean Peyton, may be entitled.



This the 12<sup>th</sup> day of September, 2023.

Respectfully submitted,

*/s/Donald W. McFarland*

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Presiding Judge: HON. REBECCA K. PHILLIPS (637246)

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