



6TH JUDICIAL DISTRICT • KNOX COUNTY, TENNESSEE

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April 8, 2016

Club Dejavu Closed as Public Nuisance

Prosecutors in DA Charme Allen's Felony Drug Unit and investigators with KPD's Organized Crime Unit closed a local nightclub under the state nuisance law. Club Dejavu, located at 2619 Chapman Highway, was closed by order of Judge Steve Sword based on gang activity, shootings, and extremely violent behavior occurring at the club.

According to a petition filed by General Allen, Club Dejavu has been the scene of repeated shootings and other violent altercations over the past year. Most recently, officers responded to a shooting at the club on March 26 where a gang-related fight inside Club Dejavu spilled into the parking lot and windows were shot out at the club, the Disc Exchange, and Allen Sign Company, located across Chapman Highway from Club Dejavu. Five vehicles in the parking lot were also damaged by gunfire, and officers recovered fifty-five expended rounds throughout the parking lot. In addition to other instances of violence, illegal drug use and alcohol violations commonly occur in the club. Known gang members frequent the club, often wearing gang colors and flashing gang signs. In short, Club Dejavu operates as a haven for criminal activity, is known in the area as such, and is a continued threat to this community. Club Dejavu is a menace to the community particularly due to the violence that is occurring both inside and outside of the business.

"We will use every resource and law available to combat gang violence in our community," said DA Charme Allen. "When gangs are allowed to thrive in a location like this, we will step in and close that property in order to make the community safe."

This nuisance injunction marks the forty-seventh closure by the District Attorney's Office and Knoxville Police Department in their ongoing collaboration to make neighborhoods safer from the activities that affect the safety and quality of life of residents in this community.

If you have any questions, please contact Sean McDermott at 865-215-2515 or sean.mcdermott@knoxcounty.org. For more information about the District Attorney's Office, visit our website at www.knoxcounty.org/dag and follow us on Facebook and Twitter.

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IN THE CRIMINAL COURT FOR KNOX COUNTY, TENNESSEE
DIVISION I

**STATE OF TENNESSEE, ex rel.
CHARME P. ALLEN
DISTRICT ATTORNEY GENERAL,
Petitioner,**

VS.

NO. _____

**CLUB DEJAVU ENTERTAINMENT AND SPORTS
2619 CHAPMAN HIGHWAY
KNOXVILLE, TENNESSEE 37924,**

**KEVIN D. CHERRY AND KENNETH J. RAY
BUSINESS OWNERS
2619 CHAPMAN HIGHWAY
KNOXVILLE, TENNESSEE 37924,**

AND

**CHU BROTHERS PARTNERSHIP
PROPERTY OWNER
9312 SARASOTA DRIVE
KNOXVILLE, TENNESSEE 37923,
Respondents.**

VERIFIED PETITION FOR ABATEMENT OF NUISANCE

Comes now the State of Tennessee, ex rel. Charme P. Allen, District Attorney General for the Sixth Judicial District of Tennessee, and files this Verified Petition for Abatement of Nuisance, and for its cause of action would state the following:

1. This cause of action is commenced pursuant to Tenn. Code Ann. § 29-3-101, *et seq.*, which provides, in part, for the abatement of any nuisance. A nuisance is defined, in relevant part as:

Nuisance means . . . [a]ny place in or upon which lewdness, prostitution, promotion of prostitution, patronizing prostitution, unlawful sale of intoxicating liquors, unlawful sale of any regulated legend drug, narcotic, other controlled substance or controlled substance analogue, any sale or possession with intent to sell of drug paraphernalia . . . , unlawful gambling, any sale, exhibition or possession of any material determined to be obscene or pornographic with intent to exhibit, sell, deliver or distribute matter or materials. . . , quarreling, drunkenness, fighting, breaches of the peace are carried on or permitted, and personal property, contents, furniture, fixtures, equipment and stock used in or in connection with the conducting and maintaining any such place for any such purposes

2. This Court has jurisdiction over the matter as provided in Tenn. Code Ann. § 29-3-102, which extends jurisdiction to “chancery, circuit, or criminal courts and any courts designated as an environmental court pursuant to Chapter 426 of the Public Acts of 1991.”

3. Knox County, Tennessee, is the proper venue for this action. The relevant statute provides that the District Attorney General “shall bring the action in the county where the public nuisance is kept, maintained, carried on, or exists.” Tenn. Code Ann. § 29-3-103.

4. The nuisance is a parcel of real property with its appurtenances and attachments, municipally known as 2619 Chapman Highway, Knoxville, Knox County, Tennessee, which while operating as a lounge, tavern, and bar named Club

Dejavu Entertainment and Sports (hereafter known as “Club Dejavu”) is a business where illegal drug use, alcohol violations, criminal activity, and extremely violent behaviors are rampant. Criminal street gangs are openly displaying gang colors and showing gang signs at Club Dejavu. Respondents Kevin D. Cherry and Kenneth J. Ray are the business owners of Club Dejavu. Respondent Chu Brothers Partnership is the property owner of 2619 Chapman Highway.

5. This Petition follows an investigation by Knoxville Police Department Organized Crime Unit Investigator Terry Pate into the criminal activity at the business. His investigation has shown an open atmosphere for illegal activity that puts the direct neighbors of the business as well as the community in general in danger as a result of Club Dejavu’s existence.

On March 26, 2016, KPD officers responded to a shooting at Club Dejavu. Once on scene, officers found a large number of people in the parking lot who were evacuating the club. Windows at both Club Dejavu and the business next door, the Disc Exchange, had been shot out. Five vehicles in the parking lot were also hit by gunfire. Officers recovered fifty-five (55) expended rounds scattered around the parking lot. Witnesses stated that a gang-related fight inside Club Dejavu spilled into the parking lot where the shots were fired. The following Monday, officers also responded to Allen Sign Company, a business across Chapman Highway from Club Dejavu, after the owner of that business discovered a window of his business had been shot out over the weekend.

On February 20, 2016, undercover officers were conducting surveillance of Club Dejavu when they observed Trey Blevins in the parking lot of the club. Blevins brandished a firearm from the window of his vehicle then fire a shot outside Club Dejavu. Blevins then sped away from the club, but was stopped by officers and found to be in possession of a firearm and marijuana.

On December 20, 2015, KPD officers heard eight to ten shots fired from the parking lot of Club Dejavu. Officers recovered eight shell casings.

On November 1, 2015, KPD officers responded to a vandalism at Club Dejavu. Witnesses stated that following an argument inside Club Dejavu, the victim's vehicle was vandalized in the parking lot of the club. The suspect had fled the scene by the time officers arrived.

On October 18, 2015, KPD officers responded to a fight at Club Dejavu. Upon arrival, witnesses told officers that two females fought each other inside the club with one of the females sustaining a laceration to her head.

On July 28, 2015, an individual went to the Family Justice Center to report an assault that occurred at Club Dejavu. The individual stated that while at the club, she was strangled by an individual on the dance floor who flashed gang signs before the assault occurred.

On April 12, 2015, KPD officers responded to a fight at Club Dejavu. Once on scene, officers heard gunshots coming from behind the club and saw an individual leaving that area at a high rate of speed. Officers detained that individual who stated that while talking to a female inside the club, he was stuck in the head

with an object, possibly a bottle. He stated he fled the area because he was scared due to the gunshots.

On January 27, 2015, officers received a report of an assault inside Club Dejavu. The victim stated she was waiting at the bar to order a drink when she was struck in the face by an unknown female. The victim was treated at Fort Sanders Medical Center for a busted lip.

On January 1, 2015, officers received a report of an assault inside Club Dejavu. The victim stated that she was on the dance floor when she was struck in the face by Ebony Burris. Later in the night when the club was closing, the victim was again assaulted by Ebony Burris in the parking lot of the club.

On November 3, 2014, officers received a complaint of an assault that occurred inside Club Dejavu. The complainant and a friend were assaulted by Brian Tate inside the club when Tate shoved one victim in the face with an open palm and struck another victim in the face with a closed fist.

Inv. Pate also obtained photographs of known gang members gathering inside Club Dejavu. Multiple photographs depict gang members flashing gang signs and wearing their gang colors. Other photographs show violations of state liquor laws. Additionally, photographs show known juveniles inside the club. A neighboring business owner also complained that when they open their business the morning after Club Dejavu is open, their business smells of marijuana because of the drug use that takes place inside Club Dejavu.

In short, Club Dejavu is a business that thrives on allowing and encouraging illegal drug use, gang activity, alcohol violations, and violent activity to take place,

both inside and spilling over to the parking lot. It is a location where multiple shootings have taken place in just over the last year, placing the entire community in danger because of the activity that the owners allow to occur and promote at the business. Other nuisance activity at the location includes thefts, drunkenness, overserving of alcohol leading to persons driving under the influence, and breaches of the peace. The ownership is not only failing to take steps to stop the nuisance behavior, but is encouraging the activities.

6. All in all, the investigation shows that Club Dejavu operates as a haven for criminal activity, is known in the area as such, and is a continued threat to this community. Club Dejavu is a menace to the community particularly due to the violence that is occurring both inside and outside of the business.

Wherefore, the State of Tennessee prays that the Court would grant a temporary writ of injunction; that notice be given to all parties to appear and show cause why the State's further application for a permanent injunction should not be granted; and, upon hearing the proof in this cause, that a judgment be entered declaring Club Dejavu 2619 Chapman Highway, Knoxville, Tennessee, a public nuisance pursuant to the laws of this State. This is the first application for extraordinary process in this cause.

Respectfully submitted,

CHARME P. ALLEN by
CHARME P. ALLEN
DISTRICT ATTORNEY GENERAL

Walter H. Allen

VERIFICATION

I have read the foregoing and participated in the investigation referenced above. To the best of my information, knowledge, and belief, I do attest, under penalty of perjury, that the foregoing is true and accurate.

Signature: *Terry Pate* Date: 040716
Investigator Terry Pate, Knoxville Police Department
Organized Crime Unit

Notary: *Tracee D. Smith*

My Commission Expires: 6-6-2016

Date: 4-7-2016



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**CHU BROTHERS PARTNERSHIP
PROPERTY OWNER
9312 SARASOTA DRIVE
KNOXVILLE, TENNESSEE 37923,
Respondents.**

TEMPORARY INJUNCTION/RESTRAINING ORDER

The District Attorney for the Sixth Judicial District has filed a Verified Petition alleging that a nuisance exists at Club Dejavu Entertainment and Sports, 2619 Chapman Highway, Knoxville, Knox County, Tennessee. It appearing to the satisfaction of the Court by evidence in the form of the Verified Petition, which is incorporated herein by reference, that there is sufficient evidence to believe that the averments of the petition are true, that the aforementioned property constitutes a PUBLIC NUISANCE pursuant to the provisions of Tenn. Code Ann. § 29-3-101, and that probable cause exists to believe

evidence of criminal activity will be found on the said premises, a temporary injunction/restraining order shall be GRANTED.

It is therefore ORDERED, ADJUDGED, AND DECREED that any peace officer in this County may make entry into the premises, may search and secure the premises, may lock the premises so as to disallow entry, and may post visible signage and notice that the property is closed in all respects. The property listed above shall cease its operation in all respects, and no person, without the approval of this Court or peace officers seeking to enforce this Order, shall go onto the premises.

This Order shall be posted at all entrances and any person violating the provisions of this Order shall be subject to punishment for Contempt of this Court to include imprisonment in the county jail or workhouse for a period of not more than thirty (30) days and a fine not to exceed fifty dollars (\$50) pursuant to the provisions of Tenn. Code Ann. § 29-3-111 for each violation.

This Order follows the State's first application for injunctive relief.

The Respondent and its owners are hereby ORDERED to appear before this Court on the 14th day of April, 2016, at 9:00 a.m. to show cause why a permanent injunction should not be issued.

This injunction shall remain in effect pending further Orders of this Court.

Entered this the 7th day of April, 2016.



Judge Steve W. Sword
Knox County Criminal Court
Division I