

15CV1396

Section 50E Notice of Claim

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In The Matter Of The Claim Of

Ursula Washington & Ziare Cook

2015 FEB 24 P 2:47

-against-

The New York City Police Department  
(88th Precinct/Psa3 Detective Islund)

TO: Ruby J. Krajick  
Clerk of Court

United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

PLEASE TAKE NOTICE that the undersigned claimant hereby makes a claim and demand against you as follows:

1. Claimant[s]

\*Ursula Washington  
\*Ziare Cook

Of: 24 Monument Walk Apt# 6e  
Brooklyn NY 11205

2. Nature Of The Claim:

negligent infliction of emotional distress, intentional infliction of emotional distress, harassment, excessive force, negligence, gross negligence, reckless disregard, abuse of process, municipal liability, violation of the rights protected under the United States Constitution, violation of rights protected under the Constitution Of The State Of New York, violation of civil rights under 42 USC Section 1983.

3. the time when, the place where and the manner in which the claim arose:

on the date of thursday november 20th 2014, at 5am nypd detective officers islund and others (psa3/88th pct brooklyn ny) broke ursula washington's apartment entrance door knocker and flashed an light through the hole while banging. as ms washington proceeded to open the door for the detectives, who brushed passed her searching for jamar cook, whom doesnt have any involvement with ms washington since 2012. the said officers in questioned proceeded to search all the bed rooms and behind the sofa and closets. ms washington ask the detectives did they have an search warrant and was shown none. then detective islund asked ms washington who was she/ and who is the head of household. ms washington gave them her name and they arrested her for an bench warrant that was issued mid aug-2014 for an open container.

the officers in question used the bench warrant to search the apartment in hopes of finding someone whom ms washington have not been in contact with and or involved within the last 2 years.

the said officers in questioned opened the said mentioned apartment door on november 19,2014 around 9:30am looking for jamar cook, questioning ms washington's daughter (ziare cook) and not showing her an apartment search warrant. the said same officers searched the house and questioned ziare cook about her fathers whereabouts.

4. Search and arrest -4th Amendment-

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

NYPD detective officer islund and others displayed lack of professionalism, lack of character, along with abusive behavior and total disregard to civilian rights.

Section 50E Notice of claim

5. Rights retained by the People -9th Amendment-

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

NYPD officer detective islund and others revoked this right, and other Amendments set fourth under The Constitution Of america.

6. Civil rights -14th Amendment-

Section 1.

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

both ursula washington and ziare cook are natural legalized citizens of The United States Of America living under the jurisdiction of brooklyn NY county of kings in New York State.

7. States' rights -10th Amendment-

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

NYPD officer detective islund and others is in complete violation of the rights protected under the United States Constitution and violation of rights protected under the Constitution Of The State Of New York, along with being in violation of the civil rights under 42 USC Section 1983.

committing such said crimes as:

8. N.Y. PEN. LAW § 240.26 : NY Code - Section 240.26: Harassment in the second degree

A person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person: 1. He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same; or 2. He or she follows a person in or about a public place or places; or 3. He or she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose. Subdivisions two and three of this section shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended. Harassment in the second degree is a violation.

§ 140.25 Burglary in the second degree.

A person is guilty of burglary in the second degree when he knowingly enters or remains unlawfully in a building with intent to commit a crime therein, and when:

1. In effecting entry or while in the building or in immediate flight therefrom, he or another participant in the crime:

- (a) Is armed with explosives or a deadly weapon; or
  - (b) Causes physical injury to any person who is not a participant in the crime; or
  - (c) Uses or threatens the immediate use of a dangerous instrument; or
  - (d) Displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or
2. The building is a dwelling.

§ 140.10 Criminal trespass in the third degree.

A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in a building or upon real property

- (a) which is fenced or otherwise enclosed in a manner designed to exclude intruders; or
- (b) where the building is utilized as an elementary or secondary school or a children's overnight camp as defined in section one thousand three hundred ninety-two of the public health law or a summer day camp as defined in section one thousand three hundred ninety-two of the public health law in violation of conspicuously posted rules or regulations governing entry and use thereof; or
- (c) located within a city with a population in excess of one million and where the building or real property is utilized as an elementary or secondary school in violation of a personally communicated request to leave the premises from a principal, custodian or other person in charge thereof; or
- (d) located outside of a city with a population in excess of one million and where the building or real property is utilized as an elementary or secondary school in violation of a personally communicated

Section 50E Notice of claim request to leave the premises from a principal, custodian, school board member or trustee, or other person in charge thereof; or (e) where the building is used as a public housing project in violation of conspicuously posted rules or regulations governing entry and use thereof; or (f) where a building is used as a public housing project in violation of a personally communicated request to leave the premises from a housing police officer or other person in charge thereof; or (g) where the property consists of a right-of-way or yard of a railroad or rapid transit railroad which has been designated and conspicuously posted as a no-trespass railroad zone. Criminal trespass in the third degree is a class B misdemeanor.

N.Y. PEN. LAW § 120.25 : NY Code - Section 120.25: Reckless endangerment in the first degree

A person is guilty of reckless endangerment in the first degree when, under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person. Reckless endangerment in the first degree is a class D felony.

§ 145.00 Criminal mischief in the fourth degree.

A person is guilty of criminal mischief in the fourth degree when, having no right to do so nor any reasonable ground to believe that he or she has such right, he or she:

- 1. Intentionally damages property of another person; or
- 2. Intentionally participates in the destruction of an abandoned building as defined in section one thousand nine hundred seventy-one-a of the real property actions and proceedings law; or
- 3. Recklessly damages property of another person in an amount exceeding two hundred fifty dollars; or
- 4. With intent to prevent a person from communicating a request for emergency assistance, intentionally disables or removes telephonic, TTY or similar communication sending equipment while that person: (a) is attempting to seek or is engaged in the process of seeking emergency assistance from police, law enforcement, fire or emergency medical services personnel; or (b) is attempting to seek or is engaged in the process of seeking emergency assistance from another person or entity in order to protect himself, herself or a third person from imminent physical injury. The fact that the defendant has an ownership interest in such equipment shall not be a defense to a charge pursuant to this subdivision.

9. ms washington filed a complaint on Sunday, November 23, 2014 at 12:09:26 with the ccrb and was given a case claim number: 201411897

10. The Items Of Damage Or Injuries Claimed Are:

the claimant suffered shame, humiliation, emotional distress, damage to door, mental anguish, and incurred monetary costs and other damages. claim exceeds \$200,000.00(USD) in damages, including, but not necessarily limited to, compensatory damages, punitive damages, general damages, special damages, damages under 42 USC Section 1983, and attorney fees. claimant also seeks permanent injunctive relief against the respondent(s) related to their conduct.

The undersigned claimant therefore presents this claim for adjustment and payment. you are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: \_\_\_\_\_

X \_\_\_\_\_  
Claimant

Sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_

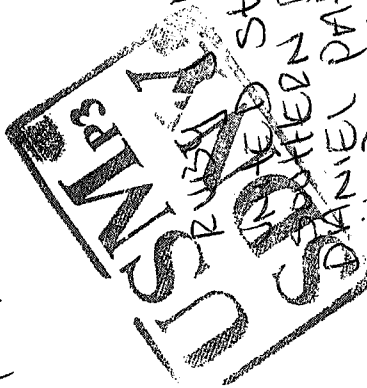
\_\_\_\_\_  
NOTARY PUBLIC

URSULA WASHINGTON  
24 MONUMENT WALK 6E  
BROOKLYN NY 11205

NEW YORK NY 100  
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KRAJICK  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
DANIEL PATRICK MOYNIHAN  
UNITED STATES COURT HOUSE  
500 PEARL STREET

NEW YORK NY 10007