

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EV16-0406-ENV-RML

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ELLIOT PAYNE, DAVID PAYNE
PATRICIA ATKINS-PAYNE

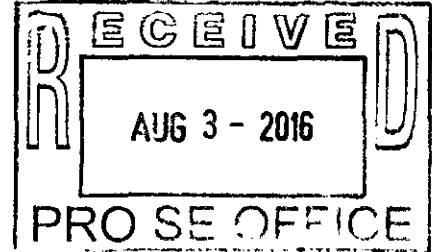
AMENDED COMPLAINT

Plaintiffs,

- against -

New York City Police Department,
67th Precinct, Lieutenant Edwards,
Kings County Criminal Court,

John Doe from #1 — John Doe #6



Defendants.

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I Parties:

Plaintiff ELLIOT PAYNE, resides at 861 E 46 street BMApt, Brooklyn, NY 11203.

Plaintiff DAVID PAYNE, resides at 861 E 46 Street 1st fl, Brooklyn, NY 11203.

Plaintiff PATRICIA A. PAYNE, resides at 861 E 46 Street, Brooklyn, NY 11203.

Defendants NYC POLICE DEPT, resides at N01 Police Plaza, New York, NY

Defendant 67th PCT, resides at N01 Police Plaza, New York, NY

Defendant LIEUTENANT EDWARDS, resides at N01 Police Plaza, New York, NY

Defendant KINGS COUNTY, resides at 120 Schermerhorn Legal Dept, New York, NY
CRIMINAL COURT

II The jurisdiction of the court is invoked pursuant to violation of Federal Law. 28 U.S.C. § 1331. 42 U.S.C. § 1983.

III STATEMENT OF FACTS

On the night of October 22, 2014, Plaintiff Patricia Atkins-Payne saw six New York City Police officers entering her residence, 861 E 46 Street, Private House, Brooklyn, New York 11203 through her basement entrance.

Ms. Payne is Sole Owner of the residence.

The six New York City Police officers did not present or offer any Search or arrest Warrant.

The Police officers questioned Mr. David Payne and Ms. Payne's son, Plaintiff Elliot Payne, who lives in the Basement of the residence, including asking him whether he had a knife.

Elliot told the officers that he did not have a knife.

The Police officers searched the entire basement including Elliot's bedroom, kitchen and utility room. They opened the dryer door, open Elliot's bedroom dresser and searched the drawers, and open Elliot's closet and searched inside the closet.

The Police officers questioned Plaintiff Elliot's father - David Payne, asking him if Elliot had a knife.

David Payne, Plaintiff told the Police officers that Elliot did not have a knife.

The Police officers questioned Elliot's mother Ms. Payne Plaintiff, if she saw Elliot with a knife. She ~~said~~^{told} the police officers that Elliot did not have a knife.

The Police officers searched for approximately twenty minutes and did not find a knife.

Ms. Payne asked the Police officers what they would do since they did not find any knife, and the police officers informed Ms. Payne that they would call their Lieutenant.

Some of the police officers left the basement to call their Lieutenant.

Another police officer entered the basement approximately one half hour later and identified himself as Lieutenant - Edwards. He also did not have a Warrant.

Lieutenant Edwards then searched the basement himself specifically, he went inside Elliot's bedroom, pulled the closet door open, and searched through Elliot's clothing. He open up the dresser drawers and rifled through the drawers.

Lieutenant Edwards also did not find any knife.

Ms. Payne then asked the Police officers what they would do, now no knife was found. She explained that the Police officers were causing a tremendous amount of stress to Elliot's father, David Payne who witness the searches and had suffered a Traumatic Brain injury in the past, from his last place of Employment that also caused his permanent Disability at the age of 33 years in May 8, 1987, Mr. Payne have not work since.

Lieutenant Edwards looked at Elliot's father with Total - Disrespect, as he stated that he was going to arrest Elliot and "Let the Judge decide what to do with [Elliot]"

Parents of Elliot Payne - David & Patricia Payne Plaintiffs, begged Lieutenant Edwards Not to arrest their Son.

Lieutenant Edwards then told the two Police Officers to arrest Elliot.

The two Police officers put Elliot in handcuffs and took him to the 67th Police Precinct. The other four Police officers left ~~with~~ ^{about the time} the officers that arrested Elliot.

Then after Lieutenant Edwards being more disrespectful to plaintiffs that he ^{have} never met before, Decided to [torture] Plaintiffs some more, Saw Mr. Payne standing by The bottom of the stairs in the Basement holding on the rails for dear life, Squeezed past him without asking for an excuse. Heading up to the 1st floor through the Back door by the Basement.

Ms. Payne asked him not to go through her Home, he gave her some bad looks still heading towards her ^{1st floor} kitchen. She asked him Not to walked through her house, He asked if he can't walked through her house?, She said No and advised him to go back through the Basement door where he came from.

Lieutenant Edwards ignored Ms. Payne and went upstairs to her 1st floor, through her kitchen door. He was smiling while taking his time looking into every Room to see how her house was situated.

AS Lieutenant Edwards was leaving going back through Ms. Payne's kitchen He said to her Raymond Kelley resigned in 2014 He is no long The Police Commissioner and he would arrest ^{Basement} my kids but not ANTHONY DAVID as he went through the ↑ door.

His statements tells me that this case is base from police Conspiracy towards Plaintiffs entire family members.

Elliot Stayed in jail over night and was arraigned the next day.

At no point did the Police officers or Lieutenant Edwards Show or mentioned any WARRANT for ARREST or for SEARCH.

The Police officers and Lieutenant Edwards did not have probable Cause to search the Basement apartment where Elliot lives, and pays rent, or to arrest Elliot. No knife was ever found in Elliot's apartment or ^{at} Mr. Payne 1st floor living Quarters that was ^{made} P.P because of his work Disability or on the 1st floor where Mr. Payne P.P lives and pay rent.

WHEREFORE, Plaintiffs request a finding that their rights were all violated and an award of damages for loss of liberty and emotional distress caused by the arrest [ELLIOT], and for loss of liberty caused by the Search of the premises and embarrassment of their residence without Probable Cause in violation of plaintiffs fourth - Amendment. Rights - David Payne, Patricia Atkins - Payne and Elliot Payne, damages in the sum amount of \$4.5 Million Dollars, with Cost and Disbursements of this Action together with any other relief that this Court finds to be just and Proper.

Dated: August 3, 2016

David Payne
Patricia Atkins - Payne
Elliot Payne
347-442-0663