

Gary S. Fish, Esq. (GSF 6551)
Attorney for the Plaintiff
15 Maiden Lane, Suite 2000
New York, New York 10038
(212) 964-5100

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X CASE NO.:

GEORGE BESHARA,

PLAINTIFF'S COMPLAINT

PLAINTIFF,

-against-

(Plaintiff Demands a Trial by
(Jury of all issues herein)

THE CITY OF NEW YORK; POLICE OFFICER AIDA
DEJESUS, "JOHN DOE" AND "RICHARD ROE"

DEFENDANTS.

-----X

The plaintiff, by and through his attorney Gary S. Fish, Esq., sets forth the following as his Complaint against defendants herein.

I. PARTIES AND JURISDICTION

1. On or about March 14, 2016, and at all times relevant herein, the plaintiff, a US citizen, resided and resides at 450 95th Street, Brooklyn, New York.
2. On or about March 14, 2016, and at all times relevant herein, on information and belief, defendant The City of New York, was and is a municipal corporation lawfully organized and existing under the laws of the State of New York, and on said date and all times relevant herein, said defendant had and has a principal place of business located at 530 Municipal Building, NY, NY 10007.

3. On or about March 14, 2016, and at all times relevant herein, on information and belief defendant Police Officer Aida DeJesus was a police officer assigned to the 68th Precinct, Brooklyn, New York, and on said date and at all times relevant herein, each act of wrongdoing herein after alleged to have been committed by this defendant was committed within the scope of her agency and/or authority and/or employment on behalf of defendant The City of New York.

4. On or about March 14, 2016, and at all times relevant herein, defendants “John Doe” and “Richard Roe” whose true identities are presently unascertained, were and are police officers assigned to the 68th Precinct, Brooklyn, New York, and each act of wrongdoing herein after alleged to have been committed by said defendants was committed within the scope of their agency and/or authority and/or employment on behalf of the defendant The City of New York.

5. Pursuant to 28 U.S.C. Section 1343(a) (3), the Federal Court herein has original jurisdiction to redress the deprivation of civil rights under color of any law, statute, ordinance of any right, privilege, or immunity secured by the U.S. Constitution, providing for equal rights of citizens or of all persons within U.S. jurisdiction, and jurisdiction exists under the alleged below stated Fourth Amendment violation and/or Fourteenth Amendment violations herein.

6. Pursuant to 28 U.S.C. Section 1391(b) in a case where jurisdiction is not solely founded on diversity jurisdiction, such as the present case, venue is proper where the defendant resides or a judicial district where a substantial part of the events giving rise to the claim occurred, and venue is proper therefor in the United States District Court, Eastern District of New York.

COUNT I
(VIOLATION OF FOURTH AMENDMENT)

7. On or about March 14, 2016, at approximately 800PM, while the plaintiff was lawfully traversing on or near 82nd and 5th Avenue, Brooklyn, New York the defendants without probable cause and without a warrant, arrested him, for, inter alia, for attempted assault.

8. The unlawful search and unlawful seizure in violation of the Fourth Amendment to the U.S. Constitution, was wrongful, intentional, without justification and/or probable cause, and denied the plaintiff equal rights, protection and privileges under law, in one or more of the following ways, in that: (a) police documentation prepared by defendant DeJesus, The Complaint Room Screening Sheet, plaintiff Exhibit "1" shows that plaintiff was attacked by an autistic 7 year old boy (Maxim Shermata (sic)), who punched him in the stomach, and that plaintiff who was taken to Lutheran Hospital for chest pains, was the real victim, and not one Sagarashvilli (sic) who refused medical treatment; (b) the defendants selectively arrested plaintiff for alleged assault, whereas the assaulting individual, Sagarashvilli, was not so charged; ©) The Prisoner Movement slip generated by defendant DeJesus, plaintiff Exhibit "2", shows a diamond shaped laceration to the right side of plaintiff's face, whereas the EDP sheet, plaintiff Exhibit "3" generated by defendant DeJesus states that complaining victim sustained no visible injury and refused medical treatment on the scene and refused medical treatment at the 68th Precinct.; (d) The 3-15-16 Property Clerk Invoice, plaintiff Exhibit "4" generated by defendant DeJesus shows that an undamaged blue umbrella was then invoiced by defendant DeJesus, whereas the subject complaint, plaintiff Exhibit "5" signed by defendant DeJesus on April 4, 2016 approximately 21 days following the subject 3-14-16 incident expressly

states that the subject umbrella was destroyed, and that complaining victim Sagarashvilli (sic) sustained substantial injury on 3-14-16; (e) any damage occurring on or about 4-4-16 to the subject blue umbrella which was taken into police invoice on or about 3-15-16, plaintiff Exhibit "4" constituted destruction of evidence by defendant DeJesus, defendants "John Doe" and "Richard Roe" the 68th Precinct, Brooklyn, New York and defendant The City of New York in an attempt to create false evidence and/or charges against plaintiff; and (f) The 4-4-16 criminal complaint sworn to under oath by defendant DeJesus falsely, deliberately, maliciously, and perjurally concocted four (4) personal injury related crimes and three (3) property damage crimes against plaintiff.

9. As a result of the subject Fourth Amendment violations, the plaintiff sustained loss of liberty.

10. As a result of defendants' violations of the Fourth Amendment, the plaintiff was caused to incur and will incur reasonable attorney fees and costs.

11. As a result of defendants' violations of the Fourth Amendment, plaintiff was caused to incur and will incur emotional pain and suffering, including anxiety, distress, humiliation and sadness.

12. As a result of defendants' violations of the Fourth Amendment, a criminal complaint Docket #2016KNO20608, was brought against plaintiff, which complaint was dismissed on or about November 18, 2016, Criminal Court of City of New York, County of Kings, 120 Schermerhorn Street, Brooklyn, NY 11201.

COUNT II
(DENIAL OF EQUAL PROTECTION AND DUE PROCESS
IN VIOLATION OF FOURTEENTH AMENDMENT)

13. Plaintiff herewith repeats, restates and realleges Paragraphs 1-12 herein above.
14. The aforesaid deliberate and/or unlawful and/or unconstitutional practices by defendants violated plaintiff's Fourteenth Amendment rights to equal protection and/or due process of law, and plaintiff thereby sustained the above injuries and damages.

COUNT III
(MALICIOUS PROSECUTION-ANCILLARY JURISDICTION)

15. Plaintiff herewith repeats, restates and realleges Paragraphs 1-14 herein above.
16. The subject state malicious prosecution claim arises out of the same factual particulars as pertains to the subject 3-14-16 Fourth Amendment and Fourteenth Amendment violations herein, and the Court has ancillary jurisdiction over the malicious prosecution claim.
17. The criminal prosecution of plaintiff was done intentionally, maliciously, without probable cause, was dismissed on or about 11-18-16 by the Court, because the People could not prove their case beyond a reasonable doubt and was thereby favorably terminated; Certificate of Disposition, plaintiff Exhibit "6". The CPL Section 160.50 unsealing authorization duly executed and notarized is hereby attached as plaintiff Exhibit "7".
18. The criminal prosecution of plaintiff was done egregiously, heinously, opprobriously, in a manner calculated to and that did damage plaintiff's liberty rights, and defendants are liable for punitive and exemplary damages as a result thereof.
19. On or about December 19, 2016, Claim #2016PI029781, plaintiff timely and properly served

by way of certified mail/return receipt an amended notice of claim herein.

20. On January 23, 2017, a 50-h hearing of plaintiff (then claimant) was held and completed at Law Office of Jeffrey Samel, 150 Broadway, NY, NY, and plaintiff has fulfilled any conditions precedent herein to filing the subject state claim sounding in malicious prosecution.

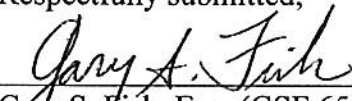
WHEREFORE, plaintiff prays for relief as follows:

AS AND FOR EACH OF THE FIRST, SECOND AND THIRD COUNTS:

1. For general damages in the amount of Twenty Five Million Dollars and Zero Cents (\$25,000,000.00);
2. For punitive and exemplary damages in the amount of One Hundred Million Dollars and Zero Cents (\$100,000,000.00);
3. For reasonable attorney fees and costs;
4. For disbursements; and
5. For any other just relief deemed proper by the Court.

DATED: NEW YORK, NEW YORK
JANUARY 31, 2017

Respectfully submitted,



Gary S. Fish, Esq. (GSF 6551)
Attorney for the Plaintiff
15 Maiden Lane, Suite 2000
NY, NY 10038; (212) 964-5100



OFFICE OF THE DISTRICT ATTORNEY, KINGS COUNTY
 RENAISSANCE PLAZA at 350 JAY STREET
 BROOKLYN, N.Y. 11201-2908
 (718) 250-2000

KENNETH P. THOMPSON
 District Attorney

Complaint Room Screening Sheet

FOOP -
 DNA sample offense

Screening date: April 04, 2016
 180.80 Date:
 GJ Date:

Bureau: Trial Bureau 2 - Blue

Narcotics:

[Handwritten mark]

Defendants

Name - Last, First	Arrest Number	Sex	DOB	Age	Complaint/DP	Class
BESHARA, GEORGE	K16618770	M	05/08/46	069	1	Misdemeanor

Gang member NON Grand Jury

TPOs

Date/Time	Place	PCT	Near School (if narcotics sale)
1 03/14/16 19:30 to:	5 AVENUE AND 82 STREET	089	<input type="checkbox"/>

Arrests

Defendant	Date/Time	Place
BESHARA, GEORGE	03/14/16 20:26	5 AVENUE 82 STREET

Circumstances:
 Arrest Charges: PL 1200001 PL 1460001

Complaint Charges

BESHARA, GEORGE TPO 1 PL 165.40, PL 120.16, PL 145.00(1), PL 155.26, PL 240.26(1), PL 110/120.00(1), PL 260.10(1)

DAT // DEF. TOOK CW-1'S (7 YEAR OLD CHILD) UMBRELLA AND PUSHED CW-2

TPO IS A PUBLIC STREET.
 CW-1 IS AN ADULTISTIC CHILD (7 YEARS OLD).
 EW IS CW-1'S MOTHER.
 CW-2 IS EW'S FRIEND.
 CW-1, CW-2, AND EW ARE STRANGERS TO DEF.

AT TPO, CW-1 STRUCK DEF. ABOUT THE STOMACH.
 DEF. SHOUTED AT CW-1.
 CW-2 AND DEF. HAD A VERBAL ARGUMENT.
 MULTIPLE BYSTANDERS CALLED 911.
 DEF. TOOK CW-1'S UMBRELLA FROM CW-1'S HAND.
 DEF. BROKE SAID UMBRELLA ON DEF.'S LEG.
 DEF. THEN PUSHED CW-2, CAUSING CW-2 TO FALL AND STRIKE CW-2'S HEAD ON THE SIDEWALK.
 AD ARRIVED

ANOTHER PD UNIT WAS ALREADY ON SCENE.
 DEF. MADE NO STATEMENTS TO AO.
 AD ARRESTED DEF.

DEF. COMPLAINED OF CHEST PAIN, TRANSPORTED TO LUTHERAN HOSPITAL (TREATED AND RELEASED).
 CW COMPLAINED OF PAIN AND RMA.

CW-1'S DATE OF BIRTH [REDACTED]

Witnesses

Name	Age/Gender	Defendant	Relationship to Defendant
LORETTA ANSBRO-SAGHIR		GEORGE BESHARA	Stranger
MAXIM SHEREMETA		GEORGE BESHARA	Stranger
ORRYSLVA MUDRA		GEORGE BESHARA	Stranger

Injuries

LORETTA ANSBRO-SAGHIRASHVILI

Description of Injuries: PAIN TO HEAD

Medical Treatment Date: 00/00/00 Hospital:

Medical Treatment Description:

Photo taken

Identifications

Defendant	TPO	Witness Type	Date/Time	Place	Police Officer Present
BESHARA, GEORGE	1	Victim/Eyewitness	3/14/16 20:10	5 AVENUE AND 82 ST AIDA DE JESUS, shield:27135, CMD:088	
Type of ID Procedure: Point-Out					
Outcome: Positive Identification					
BESHARA, GEORGE	1	Victim/Eyewitness	3/14/16 20:10	5 AVENUE AND 82 ST AIDA DE JESUS, shield:27135, CMD:088	
Type of ID Procedure: Point-Out					
Outcome: Positive Identification					

Arrest Number: K16618770
 Filed: 4/4/2016

Plaintiff Exhibit "1"


PRISONER MOVEMENT SLIP

Arresting Officer

A/O Name: DEJESUS
 Arrest PCT: 68TH PRECINCT Possible DAT?: YES NO
 CELL #: Fax #:
 Defendant:
BESHARA, GEORGE
 Sex: MALE Race: WHITE DOB: 05/08/1946 Age: 69
 Major Charges:
 PL 1200001: ASLT W/INT CAUSES PHYS INJURY
 PL 1450001: CRIM MIS:INTENT DAMAGE PROPRTY
 Co-Defendants: YES NO
 Preferred Name:

K16619770K
Date/Time: 03/14/2016 20:26:00



Criminal Justice Agency

Warrant name check by (ind): Warrant: YES NO Warr/Dckt #:
 CJA Interview Required?: YES NO CJA Interview Time:

Booking Supervisor

DAT Issued?: YES NO DAT Serial #:
 Arresting Officer excused?: YES NO Return Date:
 Prints Needed: YES NO Printed?: YES NO REFUSED
 Searched:

Detention Alert

Prisoner has attempted escape: YES NO
 Prisoner has attempted suicide?: YES NO
 Prisoner has assaulted member of the service?: YES NO
 Others (EXPLAIN):

Plandiff Exhibit 121



NYPDPETS PROPERTY and EVIDENCE TRACKING SYSTEM
Property Clerk Invoice
 PO 521-141 (Rev. 11/09)



Invoice No. 3000638576

Invoicing Command: **68TH PCT.** Invoice Status: **OPEN**

Invoice Date: **03/15/2016** Property Type: **GENERAL PROPERTY** Property Category: **ARREST EVIDENCE**

Officers	Rank	Name	Tax No.	Command	OCME, EU No.
Invoicing	POF	DEJESUS, AIDA	[REDACTED]	68TH PRECINCT	
Arresting	POF	DEJESUS, AIDA	[REDACTED]	68TH PRECINCT	
Investigating	N/A				OCME, FBI No.
Det Squad Supervisor	N/A				Police Lab Evid. Cnt. No.
CSU/ECT Processing	N/A				Det Sqd. Case No. N/A
					CSU/ECT Rtn No. N/A

Item	Total QTY	Article(s)	PETS No.	Plat. QTY	Disposition
1	1	UMBRELLA COLOR: BLUE	1300348518	1	

REMARKS:
 948217 03/15/2016 02:43 : VOUCHERED AS ARREST EVIDENCE

Date Of Incident	Penal Code/Description	Crime Classification	Related To	Receipt
03/14/2016	12000/ASSAULT	MISDEMEANOR	N/A	REFUSED

Prisoner(s) Name	D.O.B	Age	Address	Arrest No./Summons No.	NYSD No.
1 BESHARA, GEORGE	05/08/1946	69	450 95 STREET, CS, BROOKLYN, NY	K16518770	03825942P

Finder(s)	Name	Tax No.	Address	Phone No.
Owner(s)	ANSBRO-SAGHIRASHVILI, LORETTA		1850 80 STREET, 2, BROOKLYN, NY- 11214	347-587-1599
Complainant(s)	ANSBRO-SAGHIRASHVILI, LORETTA		1850 80 STREET, 2, BROOKLYN, NY- 11214	347-587-1599

Complaint No. 2016-068-01345
 Related Comp No.(s) N/A
 Aided/Accident No.(s) N/A
 Related Invoice(s) N/A

Approvals	Rank	Name	Tax No.	Command	Date	Time
Entered By	POF	DEJESUS, AIDA	[REDACTED]	68TH PRECINCT	03/15/2016	02:41
Invoicing Officer	POF	DEJESUS, AIDA	[REDACTED]	68TH PRECINCT	03/15/2016	02:46
Approved By	SGT	ROSA, ANGEL	[REDACTED]	68TH PRECINCT	03/15/2016	02:46



Invoice No. 3000638576

ADA Copy
 printed: 03/15/2016 02:46

PCD Storage No. —

Page No. 1 of 2

Plaintiff Exhibit "4"

CRIMINAL COURT OF THE CITY OF NEW YORK
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK
COUNTY OF KINGS

V

GEORGE BESHARA

POLICE OFFICER AIDA DEJESUS, SHIELD NO. 27135, OF 066 COMMAND, SAYS THAT ON OR ABOUT ~~MARCH 14, 2016~~ AT APPROXIMATELY 07:30 PM AT 5 AVENUE AND 82 STREET COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

- PL 145.00(1) CRIMINAL MISCHIEF IN THE FOURTH DEGREE
- PL 155.25 PETIT LARCENY (DQO)
- PL 165.40 CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIFTH DEGREE
- PL 260.10(1) ENDANGERING THE WELFARE OF A CHILD (DQO)
- PL 110/120.00(1) ATTEMPTED ASSAULT IN THE THIRD DEGREE (DQO)
- PL 120.15 MENACING IN THE THIRD DEGREE (DQO)
- PL 240.26(1) HARASSMENT IN THE SECOND DEGREE

IN THAT THE DEFENDANT DID:

WITH INTENT TO CAUSE PHYSICAL INJURY TO ANOTHER PERSON, ATTEMPT TO CAUSE SUCH INJURY TO SUCH PERSON OR TO A THIRD PERSON; BY PHYSICAL MENACE, INTENTIONALLY PLACE OR ATTEMPT TO PLACE ANOTHER PERSON IN FEAR OF DEATH, IMMINENT SERIOUS PHYSICAL INJURY OR PHYSICAL INJURY; HAVING NO RIGHT TO DO SO NOR ANY REASONABLE GROUND TO BELIEVE THAT THE DEFENDANT HAD SUCH RIGHT, INTENTIONALLY DAMAGE PROPERTY OF ANOTHER PERSON; STEAL PROPERTY; KNOWINGLY POSSESS STOLEN PROPERTY WITH THE INTENT TO BENEFIT THE DEFENDANT OR A PERSON OTHER THAN AN OWNER THEREOF OR TO IMPEDE THE RECOVERY BY AN OWNER THEREOF; WITH INTENT TO HARASS, ANNOY OR ALARM ANOTHER PERSON, STRIKE, SHOVE, KICK OR OTHERWISE SUBJECT SUCH OTHER PERSON TO PHYSICAL CONTACT, OR ATTEMPT OR THREATEN TO DO THE SAME; KNOWINGLY ACT IN A MANNER LIKELY TO BE INJURIOUS TO THE PHYSICAL, MENTAL OR MORAL WELFARE OF A CHILD LESS THAN SEVENTEEN YEARS OLD OR DIRECT OR AUTHORIZE SUCH CHILD TO ENGAGE IN AN OCCUPATION INVOLVING A SUBSTANTIAL RISK OF DANGER TO HIS OR HER LIFE OR HEALTH.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

DEPONENT IS INFORMED BY LORETTA ANSBRO-SAGHIRASHVILI THAT, AT THE ABOVE TIME AND PLACE, THE INFORMANT OBSERVED DEFENDANT TAKE THE UMBRELLA OF MAXIM SHEREMETA, BREAK SAID UMBRELLA OVER DEFENDANT'S LEG, AND PUSHED INFORMANT CAUSING INFORMANT TO STRIKE INFORMANT'S HEAD ON THE GROUND.

DEPONENT IS FURTHER INFORMED BY THE INFORMANT THAT THE ABOVE DESCRIBED ACTIONS CAUSED INFORMANT TO SUFFER SUBSTANTIAL PAIN, TO FEAR FURTHER PHYSICAL INJURY, AND TO BECOME ALARMED AND ANNOYED.

DEPONENT IS INFORMED BY ORRYSLVA MUDRA THAT INFORMANT IS THE MOTHER OF MAXIM SHEREMETA, AND THAT MAXIM SHEREMETA'S DATE OF BIRTH IS 01/24/2009.

THE DEPONENT IS FURTHER INFORMED BY INFORMANT ORRYSLVA MUDRA THAT INFORMANT IS THE CUSTODIAN OF THE ABOVE-DESCRIBED UMBRELLA AND DEFENDANT HAD NEITHER PERMISSION NOR AUTHORITY TO DAMAGE THAT PROPERTY, AND THAT THE DEFENDANT HAD NEITHER PERMISSION NOR AUTHORITY TO TAKE, USE, OR OTHERWISE EXERCISE DOMINION OR CONTROL OVER SAID UMBRELLA.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210-45 OF THE PENAL LAW.

DATE 02/13/17 SIGNATURE [Signature]

Plaintiff Exhibit "5"

Case # 2016 PE02998

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

CERTIFICATE OF DISPOSITION
NUMBER: 58477

THE PEOPLE OF THE STATE OF NEW YORK
VS

BESHARA, GEORGE
Defendant

05/08/1946
Date of Birth

450 95TH STREET
Address

3828942P
NYSID Number

BROOKLYN NY
City State Zip

03/14/2016
Date of Arrest/Issue

Docket Number: 2016KN020608

Summons No:

145.00 155.25 165.40 260.10 110-120.00 120.15 240.26
Arraignment Charges

Case Disposition Information:

11/18/2016 DISMISSED - MOTION OF DA

GERSTEIN, M
Judge

TRIAL1
Part

SEALED

pursuant to Section 160.50 of the CPL

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.

KUSHNIR J
COURT OFFICIAL SIGNATURE AND SEAL

01/25/2017
DATE

FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

Plaintiff Exhibit "6"

**CONSENT AND AUTHORIZATION FOR RELEASE OF RECORDS SEALED BY LAW,
INCLUDING RECORDS SEALED PURSUANT TO CRIMINAL PROCEDURE LAW § 160.50**

Whereas, I, George Beshara residing at 141 Livingston St, Brooklyn, NY 11201,
date of birth, 5/08/46, Social Security number X069-36-9717, NYSID # _____,

having caused a Notice of Claim to be served upon The City of New York, demanding money damages
for false arrest, false imprisonment, malicious prosecution, assault and battery, and/or other allegations, I
hereby waive my statutory rights, for purposes of this claim, to keep sealed the records of my arrest on or
about 3-14-16, including all records maintained by law enforcement agencies,
criminal courts, and/or district attorney's office. If my case proceeded in the criminal courts, the docket #

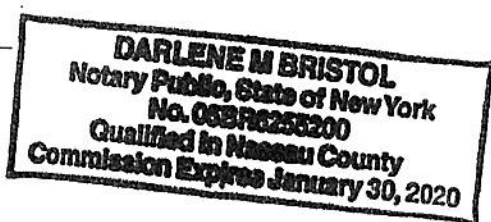
was # 2016KNO20608, and the case was dismissed on
November 18, 2016, Brooklyn Criminal Court, City of New York, 100 Schermerhorn
St, Brooklyn, NY 11201

Whereas, it is necessary for The City of New York, to have access to the aforementioned
records of my arrest and any related criminal proceedings and incarceration in order to evaluate and
review my claim, and prepare its defense thereto, I hereby authorize any and all governmental agencies,
bodies and employees having custody of such records to release such records to the Office of the
Comptroller or the Office of the Corporation Counsel of the City of New York, or its authorized agent or
employee. I specifically authorize the New York City Police Department; Kings County District
Attorney's Office; New York State Supreme Court, Kings County, Criminal Term; and New York
City Criminal Court to disclose any and all records in their possession relating to the aforementioned
arrest and docket number to the Office of the Corporation Counsel of the City of New York, or its
authorized agent or employee.

[Signature]
PLAINTIFF/CLAIMANT
George Beshara

Sworn to before me this 14th day of December 2016

[Signature]
NOTARY PUBLIC



Plaintiff Exhibit "D"