

ORIGINAL

CIVIL RIGHTS COMPLAINT  
42 U.S.C. § 1983

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ SEP 11 2017 ★  
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CV 17-5390

Richard Bacquie #16R20916  
Full name of plaintiff/prisoner ID#

Plaintiff,

JURY TRIAL DEMAND  
YES  NO

-against-

New York City, Officer Genroe O'Neill Shield# 2772,  
Officer Percival Shield# 1031, Sergeant Justin  
Simms Shield# 6730 Officer Mitchell Shield# 23950  
Enter full names of defendants  
[Make sure those listed above are  
identical to those listed in Part III.]

BRODIE, J.  
BLOOM, M.J.

Defendants.

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ( ) No (X)
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: \_\_\_\_\_  
\_\_\_\_\_

Defendants: \_\_\_\_\_  
\_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county)

\_\_\_\_\_

3. Docket Number: \_\_\_\_\_

4. Name of the Judge to whom case was assigned: \_\_\_\_\_

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)  
\_\_\_\_\_

6. Approximate date of filing lawsuit: \_\_\_\_\_

7. Approximate date of disposition: \_\_\_\_\_

II. Place of Present Confinement: Greene Correctional Facility

A. Is there a prisoner grievance procedure in this institution? Yes  No ( )

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes ( ) No

C. If your answer is YES,

1. What steps did you take? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. What was the result? \_\_\_\_\_  
\_\_\_\_\_

D. If your answer is NO, explain why not This is not a  
prison issue.

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes ( ) No ( )

F. If your answer is YES,

1. What steps did you take? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. What was the result? \_\_\_\_\_  
\_\_\_\_\_

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Richard M. Bacowie #16R20916

Address Greene Correctional Facility, P.O. Box 975,  
Coxsackie, New York 12051

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1 City of New York, Corp. of Counsel  
100 Church St. 6th Fl  
New York, New York 10007

Defendant No. 2 NYPD Officer Brenna O'Neill Shield #2772  
1000 Sutter Ave 75th Precinct  
Brooklyn, New York 11208

Defendant No. 3 NYPD Officer Mr. Perceval Shield #1031  
1000 Sutter Ave 75th Precinct  
Brooklyn, New York 11208

Defendant No. 4 NYPD Sergeant Justin Simms Shield #6720  
1000 Sutter Ave 75th Precinct  
Brooklyn, New York 11208

Defendant No. 5 NYPD Highway officer Mitchell Shield #28950  
65 6th Ave 78th Precinct  
Brooklyn, New York 11217

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Please See Attached Statement of Claim  
Pages 1-3.

Event Took place at: Highland Blvd / Vermont Ave Brooklyn  
New York, Top area of Highland park

Date and Time Approx: March 29<sup>th</sup> 2015, it was approx  
1am when I was first in contact with the officers and at  
approx 2am when I was placed under arrest.

IV. A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

STATEMENT OF CLAIM

1. On or about March 29th 2015, Mr. Richard Bacquie allowed an associate named David to drive his vehicle which was a 2007 Cadillac Model CTS, VIN:1G6DP7717062259.
2. Some time later that night Richard Bacquie was informed that said vehicle was involved in an incident requiring his presence , Mr. Bacquie was directed to the location of Highland Boulevard.
3. Arriving at the location Mr. Bacquie discovered his vehicle facing north in the south bound lane of Highland Boulevard. The front passenger wheel was removed, it could not be determined how it occur.
4. There were no injured parties or property damaged, so David left to deal with family matters. Mr. Bacquie called a towing company as the vehicle was not operable.
5. While waiting for the tow company to arrive a marked New York City Police Department vehicle approached with lights flashing, two officers exited the vechile.
6. One officer went to Mr. Bacquies vehicle the other asked Mr. Bacquie what transpired, the officer was later identified as Sergeant Justin Simms, Shield # 6720 of the 75th Precinct, his partner has not been identified as of yet.
8. Mr. Bacquie informed Sergeant Justin Simms what he was told, and was asked to wait in his vehicle, Mr. Bacquie complied.
9. Mr. Bacquie was asked for his license and documentations for the vehicle so they can all be verified, and as requested Mr. Bacquie handed them over to Sergeant Justin Simms..

10. As time passed several officers approached Mr. Bacquie, and informed him he was under arrest but never stated for what.
11. The officers that were identified were Sergeant Justin Simms, Officer Genine O'Neill Shield # 2772, Officer Perceval (unknown first name) Shield # 1031, and other unknown Officers.
12. Mr. Bacquie was taken to the 75th precinct in Kings County for processing, and later taken to the 78th precinct for testing.
13. Once at the 78th precinct officer Mitchell (unknown first name) Shield # 28950, asked Mr. Bacquie if he knew why he was under arrest, after informing officer Mitchell his version of events she stated "Your a fucking liar", and continued with other questions.
14. Mr. Bacquie refused chemical testing as he was denied a cup, or bottled water due hours with out anything to drink. Mr Bacquie however agreed to coordination testing to which he did successfully.
15. After said testing Mr. Bacquie was read his rights and the officers continued processing his arrest. Officer Perceval made a comment as to Mr. Bacquies prior arrest for a weapon charge.
16. Mr. Bacquie was transported back the 75th precinct and then to Central Booking in Kings County New York City.
17. Mr. Bacquie was charged and arraigned on VTL §§ 1192(1), and 1192(3). Mr. Bacquie was released with having to post bail as as the court was notified that there was a video proving Mr. Bacquies innocence. The District Attorneys officer damanded a bail of \$1000.00 USD.
18. Mr. Bacquies dirvers license was suspended pending a hearing and was ordered to be examined for substance abuse screening.
19. Mr. Bacquies vehicle was impounded as police evidence pending the out come of the case.

20. At the final Department of Motor Vehicles hearing, the video was presented of the dash cameras installed with in Mr. Bacquies vehicle which clearly contradicts the officers claims as to what they officially reported.
21. As a result of the video it was ordered that the officers did not have probable cause to arrest. Mr. Bacquies drivers license was restored, and complaint dismissed.
22. Mr. Bacquie continued to report at the Kings County Criminal Court for the criminal complaint filed against him. The District Attorneys Office was confident of Mr. Bacquies guilt and proceeded to move the case forward to trial.
23. While at the trial part in the Criminal Court officer Genine O'Neill honestly informed the District Attorneys office the truth, and with the surface of the dash camera video of that night clearing showing Mr. Bacquie was not in the vehicle as stated with the motor running and keys in the ignition.
24. This was a complete fabrication by all officers involved, from Sergeant Justin Simms, Officer Genine O'Neill, and others known and unknown.
25. Mr. Bacquie was falsely charged, and brought through the court process which was malicious.
26. Mr. Bacquie was forced to sign documents and pay fees to recover his vehicle which was impounded due to an illegal, fabricated arrest.
27. Mr. Bacquies vehicle was damaged due to the city failing to repair the fire hydrant and surrounding area, and was then falsely blamed for its damage.

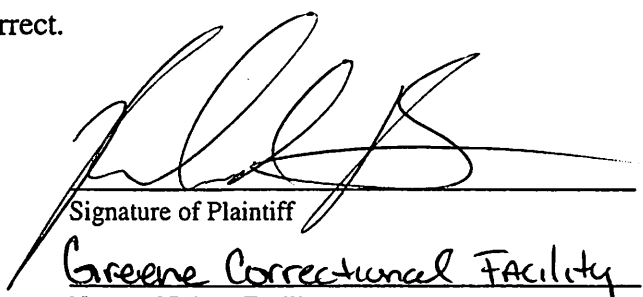
V. Relief:

State what relief you are seeking if you prevail on your complaint.

A Sum of \$3,000,000.00  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that on Sept. 6<sup>th</sup> 2017, I delivered this  
(Date)  
complaint to prison authorities to be mailed to the United States District Court for the Eastern  
District of New York.

Signed this 6<sup>th</sup> day of September, 2017. I declare under penalty of  
perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Signature of Plaintiff  
Greene Correctional Facility  
Name of Prison Facility  
P.O. Box 975  
Coxsackie, New York 12051  
\_\_\_\_\_  
Address  
16R2096  
\_\_\_\_\_  
Prisoner ID#



Sept. 6<sup>th</sup> 2017

Richard M. Bacquie # 16R2096  
Greene Correctional Facility  
P.O. Box 975  
Coxsackie, New York 12051

United States District Court  
Eastern District of New York  
225 CADMAN PLAZA EAST  
Brooklyn, New York 11201

**FILED**  
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US DISTRICT COURT E.D.N.Y.

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**BROOKLYN OFFICE**

Dear Clerk of the Court,

Enclosed you will find my submission for a 1983 Claim, Application of Counsel, and poor persons petition, I am not sure that I have done it all correctly, there isn't many people here who knows what to do or willing to help file this correctly.

If there ~~are~~ is any thing that requires my attention please inform me at your earliest convenience.

Thank you for your time.

Respectfully,

Richard Bacquie