

ORIGINAL

COGAN, J.

Anthony Harry

Plaintiff

- against -

Police Officer Domenick Lagomarsine

Sergeant Donald Kipp

Defendant

COMPLAINT PURSUANT TO:

TITLE 42 U.S.C. SECTION 1983

JURY TRIAL DEMANDED

CV18-1822

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

MAR 19 2018

I. COMPLAINT

Plaintiff Anthony Harry, for his Complaint against defendant Police Officer Domenick Lagomarsine, and Sergeant Donald Kipp, state as follows:

II. JURISDICTION AND VENUE

1. This Court has jurisdiction over this action under 28 U.S.C. 1331 and 1343(3) and 1343(4). The matters in controversy arise under 42 U.S.C Section 1983.

2. Venue properly lies in this District pursuant to 28 U.S.C Section 1391(b) because the events giving rise to this cause of action occurred on July 15, 2015, between 185 Street to 195 Street on Jamaica Avenue, Jamaica, NY, within the Eastern District Of New York.

III. PARTIES - PLAINTIFF INFORMATION

3. Anthony Harry
#441-18-01417
Vernon C. Bain Center
1 Halleck Street
Bronx, NY, 10474

IV. PARTIES - DEFENDANT'S INFORMATION

4. Domenick Lagomarsine
Police Officer
168-02 91 Avenue, 103 Police Precinct
Jamaica, NY, 11432

5. Donald Kipp
Sergeant
168-02 91 Avenue, 103 Police Precinct
Jamaica, NY, 11432

BROOKLYN OFFICE

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

2018 MAR 19 PM 3:22

FILED
CLERK

V. STATEMENT OF CLAIM

6. At all relevant times herein, Police Officer Domenick Lagomarsine, and Sergeant Donald Kipp, were "persons" for purposes of 42 U.S.C. Section 1983 and acted under color of law to deprive me of my constitutional rights.

VI. STATEMENT OF FACTS

7. On July 15, 2015, between 185 Street to 195 Street on Jamaica Avenue, around 12:00 AM to 2:30 AM, while I was walking, going home, an unmarked vehicle drove up to me, and stopped right next to me. This incident occurred in front of a car wash business. Police Officer Domenick Lagomarsine, and Sergeant Donald Kipp, came out of the unmarked vehicle, where they both approached me.

8. They were both wearing regular clothing, and both of these defendants never identified themselves by providing their names, or shield numbers, however their identities was discovered after this incident was reported to the Civilian Complaint Review Board. The Civilian Complaint Review Board substantiated my allegation that Police Officer Domenick Lagomarsine, and Sergeant Donald Kipp, illegally stopped me, and my allegation that Sergeant Donald Kipp illegally pat frisked me was also substantiated, by the Civilian Complaint Review Board.

9. When both of these defendants approached me, both defendants started to interrogate me, while illegally pat frisking me, and illegally searching me, by putting their hands inside all of my pants pockets.

10. While both of the defendants was interrogating me, they was using foul language towards me. After they illegally searched me, both of the defendants was saying that a lady was robbed and her purse was taken, and that the incident was on surveillance video. Both defendants refused to tell me what the problem was until they finished illegally searching all my pockets.

11. I told both of the defendants that I do not know anything about a lady being robbed, where they continued to use foul language towards me. One of the defendant's than instructed me to sit on the sidewalk, where he than kicked my feet, and told me to cross my legs. Every several minutes a police vehicle would come to the scene, and flash the beam light that is connected to their vehicle, towards my face, where they stayed at the scene for several minutes and than left. I was sitting on the floor with my legs crossed for about 25 minutes.

12. After 25 minutes passed, and all of the police vehicles left, the defendant that went on the radio transmission before all those police vehicles came to the scene, walked up to the other defendant that instructed me to sit on the sidewalk, and said not one single warrant. This same defendant than said stand the fuck up, turn the fuck around, and keep walking. Stay on the Francis Lewis side. If I see your fuckin face again, am going to fuckin lock your fuckin ass up. When I was about to start talking, this same defendant started screaming saying did you hear what the fuck I just said. Turn the fuck around, and keep walking, or else I am going to fuckin lock your ass up.

13. As a result of the misconduct by the aforementioned defendants, I suffered deprivation of my liberty, and emotional distress.

VII. RELIEF

I would like compensation against both defendants for violating my 4th Amendment Rights, including monetary damages for the emotional distress I sustained from both of the defendants. I would also like punitive damages against both defendants because their misconduct against me was willfull, intentional, and deliberate.

The date on which I am delivering this complaint to prison authorities for mailing is March 14, 2018. I declare under the penalty of perjury that the foregoing is true and correct.
 Dated: 3/14/18. Anthony Harvey
 Signature