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U.S. DISTRICT COURT E.D.N.Y.

★ JUL 01 2019 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

Shamecca Gittens

Plaintiff,

[Insert full name of plaintiff/prisoner]

CV 19 - 3967

CIVIL RIGHTS COMPLAINT

42 U.S.C. § 1983

MAUSKOPF, J.

JURY DEMAND

MANN. M.J.

YES _____ NO ☒

-against-

SGT Frank Kish (02413)

SGT Nikia Diggs (764)

P.O. Darnel White (12223)

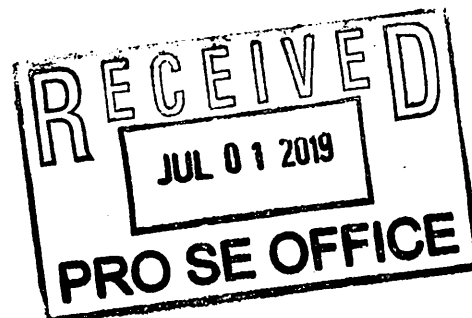
P.O. Joseph Villarreal (09081)

P.O. Michael Lipoccolo (07745)

P.O. Mariyam Maksimchak (13045)

Defendant(s).

[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]



- I. **Parties:** (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. **Name of plaintiff** Shamecca Gittens

If you are incarcerated, provide the name of the facility and address:

Bedford Hills Correctional Facility

247 Harris Road

Bedford Hills, New York 10507-2400

Prisoner ID Number: 1960272

If you are not incarcerated, provide your current address:

Telephone Number:

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

Frank Kish (02413)
Full Name
SGT N.Y. PD
Job Title
City of New York
Brooklyn, 318 Command
precinct
Address

Defendant No. 2

Mariyam Maksimchak (13045)
Full Name
P.O. N.Y. P.D.
Job Title
City of New York
Brooklyn, 60 precinct
Address

Defendant No. 3

Daniel White (12223)
Full Name
P.O. N.Y. P.D.
Job Title
City of New York

Brooklyn 60 precinct
Address

Defendant No. 4

Nikia Diggs (764)
Full Name

SGT N.Y.P.D.
Job Title

City of New York
Brooklyn, 60 precinct
Address

Defendant No. 5

Joseph Villarreal (09081)
Full Name

P.O. N.Y.P.D.
Job Title

City of New York
Brooklyn 60 precinct
Address

Defendant No. 6

II. Statement of Claim:

Michael Lipoccolo (07745)
P.O. N.Y.P.D.
City of New York

(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.)

Where did the events giving rise to your claim(s) occur? 2820 West 32nd St
Apt 8F Brooklyn N.Y 11224 (Surfside Gardens N.Y.C.H.A)

When did the events happen? (include approximate time and date) September 8, 2018
5:00 am - 5:45 am

Facts: (what happened?) I was arrested July 16, 2017 which my family posted bail of 10,000 bond, and released on July 16, 2017. On September 8, 2018 approximately 5:00 am police officers illegally entered my home forcefully. I first asked to see a search warrant SGT. Frank Kish stated that 'This isn't Law and Order we don't need a warrant'. My 2 children was home with me along with 4 other family members. All of the adults was immediately handcuffed and brought into the living room with my children. I asked several times about a warrant, and pleaded with the cops that you have the wrong apartment. I asked SGT Nikia Diggs permission to place a phone call to someone to pick my children up from my apartment. My children was crying, and hysterical because of the front door being barged in meanwhile they was sleeping. SGT Nikia Diggs instructed my 11yr old son to get my phone for me. After placing the call SGT Nikia Diggs snatches the phone out of my son hands forcefully. One of the other officers told him to gather his belongings as well as my daughter things also. SGT Nikia Diggs refused to allow my son to get his cell phone. Moments later my daughter father arrives outside my apartment door. My 3yr old daughter heard her father (see attached)

II.A. Injuries. 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?

- Due to physical assault, I suffer migraine headaches, constant swelling and inflammation in right shoulder, also with on going nerve damage in right arm and wrist. I was brought to Coney Island Hospital before going to the 60 percent. I was given a Cat-scan of my head, and also a xray of my right shoulder. Several Days later I was given an xray on my right wrist At Rose M. Singer medical Center (RMSc) on Rikers Island,

FACTS

at the door she started to run towards him. She was yanked away from the door by a white female officer which I don't have her name + shield at this time. Once again I repeated 'where is the search warrant?' The P.O. Mariyam Maksimack got highly agitated and then verbally, and physically assaulted me. I was thrown over my couch and a gang of officers were all on top of me. Meanwhile I was being pinned down on the other end of my couch. P.O. Mariyam Maksimack punched me in my face while I was handcuffed. Her and several other female cops who was present choked and pinned me down. My children were still in my living room yelling and screaming on the top of their lungs. Afterwards everyone besides me was extracted out of my apartment and brought outside of the building. While I was being brought out into the hallway outside my apartment SGT Frank Kish slammed my head; face first into the wall outside of door. I was dizzy, and had swelling to my forehead.

I screamed and cried for my neighbors to help. SGT Frank Kish stated "Shut the fuck up". "And you lucky I didn't make blood come out your mouth." P.O. Joseph Villarreal then took my arms meanwhile handcuffed from the back above my head which caused serious physical pain to my shoulder. Before entering on the elevator the officers went into my apartment to get a sheet which they used to cover my face due to the fact that I had physical wounds to my face. P.O. Michael Lipoccolo put a sheet over my head to cover the swelling on my forehead. I was escorted to a police car I can hear my family talking to me. I could not see them because of the sheet, but

I was able to tell them that the police officers brutalized me upstairs out of eye sight view. As I was telling my family about what happened P.O. Michael Lipoccolo squeezed the handcuffs on my wrists so tight that I screamed and cried even harder. Every time I attempted to state several words of who did what. He squeezed the handcuffs so that I would cry rather than speak. Meanwhile sitting in the police car the ambulance arrived to get me. I was escorted to Coney Island Hospital by one of the male officer. My family was taken to the 60 percent at that moment with P.O. Mariyam Maksimack meanwhile SGT Frank Kish and others stood behind to search my apartment. Meanwhile in the hospital after getting my x-ray, and cat-scan a TIA officer came and took my complaint about the police brutality. He asked the officer who was with me if there was any body cams, and he stated nobody had body cams on. When I got discharged

(see attached)

back into police custody, when arrived at the precinct P.O. Maryam Maksimack stated that Internal Affairs is involved so she will be pressing charges against me. I asked P.O. Maryam Maksimack about the money that was in my home if it was confiscated. She stated sarcastically that the money was no longer in my home, and she isn't the person who took it. It was over 7000 in cash removed out my home. After the search the officers gave me a key to a lock that had put on my door in order to my door close because it was broken after they ransacked it. After several hours at the precinct before leaving to Central bookings the handcuff keys had broken so I could not get uncuffed until 8hrs later. Once reaching to Central Bookings I was brought back to Coney Island hospital for more pain medicine due to the severity of my pain. I was remanded and held on bail for \$75,000 bond, and \$35,000 cash. I was on Rikers Island, and then my bail was exonerated on my other case due to the fact that I was arrested. The case was settled on June 20, 2019 with a misdemeanor plea because the next step was trial. My lawyer stated after the plea that it was a illegal search which P.O. Maryam Maksimack didn't follow the proper protocol to execute the search warrant. My landlord is battling me in court now to terminate my lease because of these officers actions, and my false imprisonment.

At both the hospital, and Rikers Island Clinic I was giving pain medicine and instructions on how to exercise my muscle to relieve some of the pain.

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

- Lost of Liberty, Life, and Limb - 1.5 million
- Parental Rights - \$ 500,000
- Pain and Suffering - 1 million (Separation Trauma/Children)
- Emotional Distress - \$ 500,000
- Residence - \$ 500,000
- Expunge Misdemeanor Plea on Indictment 6714/2018 in Kings County

I declare under penalty of perjury that on 6-25-2019, I delivered this complaint to prison authorities at Rikers Island (RMSC) to be mailed to the United States District Court for the Eastern District of New York.
(date)
(name of prison)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 25, 2019

Shamecca Little
Signature of Plaintiff

Bedford Hills Facility
Name of Prison Facility or Address if not incarcerated

247 Harris Road
Bedford Hills, New York

10507-2400
Address

19G0272
Prisoner ID#