

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RIVERA, Victor

15CV2197

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

-against-

GOULART, George (925377);

GONZALEZNOA, Rosa (930246);

JOHNSON, Richard (921444);

ORTIZ, Paul (943634);

MAHONEY, Daniel (943509);

MCHALE, Thomas (919391);

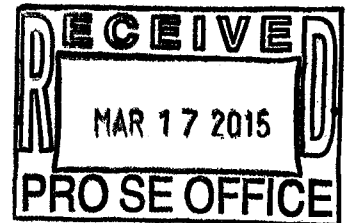
LYNCH, Sean (917115);

MAZZA, (not given) (927162);

and other Officers missing from this list who also are assigned to
NBBX working out of the 52nd Precinct.

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

Jury Trial: Yes No
(check one)



I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Victor Rivera
Street Address 2971 - 8th avenue, apt 7 C
County, City New York City,
State & Zip Code New York, 10039
Telephone Number 646 559-4480

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Det. George Goulart, Badge # 925377, working with NBBX at 52 Precinct
Street Address 1 Police Plaza Office of Organized Crime Control Bureau

County, City New York City,
State & Zip Code New York, 10038
Telephone Number 646 323-5921

Defendant No. 2 Name Det. Rosa Gonzaleznoa, #930246, North Bronx Narcotics Unit NBBX 52 Precinct
Street Address 1 Police Plaza
County, City New York City,
State & Zip Code New York, 10038
Telephone Number NA

Defendant No. 3 Name SGT. Richard Johnson, #921444, NBBX, North Bronx Narcotics Unit, 52 Precinct
Street Address 1 Police Plaza,
County, City New York City,
State & Zip Code New York, 10038
Telephone Number _____

Defendant No. 4 Name Det. Paul Ortiz, #943634, NBBX, at 52nd Precinct.
Street Address 1 Police Plaza,
County, City New York City,
State & Zip Code New York, 10038
Telephone Number NA

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (*check all that apply*)

Federal Questions Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Freedom of movement, Freedom from illegal searches and stops, arrested and charged w/o evidence to support, taking of monies without cause, Malicious encounters: stopped over and over with no cause, Officers swearing and signing documents to support arrest based on a lie.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? In the Bronx, New York City, at 206th street & Grand Concourse.

B. What date and approximate time did the events giving rise to your claim(s) occur? On May 2, 2012, in the early evening daylight hours of that day, about 7:00 PM.

C. Facts: While standing on the block of 206th street and speaking to a friend a Black Minivan pulled up to block our movements, as we were about to get into a car, out of the black minivan came out members of the North Bronx Narcotics Unit, (NBBX) First person to come up to me is a detective I believe to be SGT. Johnson, Richard, #921444, He walked up to me without saying one words and he handcuffed me and then began to search me. No drugs or anything illegal was found on me. Yet, I was charged with possession of heroin and sale. whatever little money I had was taken from me this is their usual routine. Det. Goulart, #925377, stated he saw me make a sale earlier that day on Bedford Park & Villa (same statement he used on March 19, 2012). He also when I get into the van I will see the man with the purple shirt who I sold to. of course there was no man with a purple shirt.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

The person I was with is known to me as Pauly., about forty years old or so. and we were both forced to go through the Central Booking torture system which begins in the precinct where they lock up twenty people in a four man holding cell. Your are made to be here for hours. after spending hours in the transportation van going in circles while NBBX looks for more people to arrest in order to fill up the van which is their mandatory protocol. Not one NYPD Officers and there was about six (6) of them made an objection to my arrest yet all knowing nothing illegal was found or an illegal act was committed.

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any you required and received. Today I suffer cramps in both of my hands and I do believe this may have been a result of the handcuffs placed on the wrist which are too too tight and you have to sit on your hands making the matter worst, because your hands are behind you every minute you are in the van. if you are arrested at 7PM you will ride with your hands in that position till at least 11PM but more than likely it will be midnight before you return to the precinct for processing. This is the NBBX routine. You will be forced to a strip search even when nothing was found on you to justify a strip search. The humiliation is part of the NBBX routine of punishing the people they arrest as well as being locked up in the back of the van with no air. It is not enough for them to violate your rights of association and free movement they have to implement some form of torture and discomfort by ridding around for hours with your hands handcuffed behind you and sitting on a cold steel bench while they look for others they can abuse. They made my life so bad I had to move out of the Bronx. They took away my freedom to live where I wanted to live. they made me scare to walk the streets.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

RIVERA, Victor

-against-

COMPLAINT
additional papers in
Support

Det. Goulart, George; #925377
Sgt. Johnson, Richard; #921444
And supporting team from North
Bronx Narcotics Unit, NBBX

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1. Event given rise to a claim happened on March 19, 2012; around 10:30 PM. In the location of the Bronx, NYC. Arrest number: B12623211.

On March 19, 2012 while getting out of a car on Bedford Park & Villa I saw Det. Goulart across the street and he quickly ran over to me and grabbed my left wrist and held onto me. They questioned the person that dropped me off and allowed that person to leave. I asked Det. Goulart why was he stopping me and holding onto me? Det. Goulart answer was he had been looking for me since 6:30 PM when I made a sale on 201st street & Valentine and he had been looking for me since. I told him I just got to the Bronx as he saw me getting out of the car and have not been here all day. Det. Goulart searched me and found nothing illegal. Det. Gonzaleznoa, #930246; a member of the North Bronx Narcotics Unit, NBBX, stated I was clean and had nothing and if Det. Goulart was going to allow me to go? He said no, he was going to put me through the system. He arrested me and charged me with possession of heroin and the sale of heroin, but no drugs were found. The entire NBBX team was there and the only person to have said an objection to the arrest is Det. Rosa Gonzaleznoa. Her suggestion was not taken.

Det. Goulart used the Central Booking System as a form of punishment by arresting me and putting me in their transportation van to travel around for a couple of hours until they return to the precinct to process my paperwork for court.

Around 1:00 AM, I was taken to Central Booking for processing to the court and placed in a holding cell of ten people with over fifty (50) people in it lying on the floor because there is no where else to sit, and we are kept like this until our turn comes up for court usually it will be 24 to 72 hours after getting arrested.

2. The next event took place in the D train subway station of Bedford Park Blvd. on 203rd street, in the Bronx, NYC, NY. Arrest number B12645615.

It was a rainy Tuesday night of June 12, 2012; it was about 9:30 PM.

I had gotten on the D train and sat in the second car towards the front of train in order to come out at 203rd street. As I walked out of the station I could hear and see the rain coming down hard so I opened my umbrella while walking up the steps and soon realized I was preventing someone from walking down so I closed the umbrella and walked up the stairs like everyone else. When I got to the top of the stairs the Detective asked me "where I was coming from"? I said, "I along with these people are coming from the uptown D train" he handcuffed me and began to search me. I didn't even make it to the street. The arresting officer was DT3 McHale, Thomas; #919391. He took my shopping bag of personal things and put them on the ground along with my umbrella and placed me in the transportation van.

I asked the Detective why I was being stopped and there was no response on his part. He saw me, stopped me, and arrested me. No crazy behavior on my part caused him to engage me. No explanation, no justification just an act he wanted to commit.

3. About a week or so after the above mention event, and in the same month of June 2012, during the day around 4:00 PM I had stopped on 199th street & Valentine Avenue to converse with an acquaintance and when I departed from our meeting I began to cross the Grand Concourse at 199th street when I noticed a gray colored van coming at me and it stopped in the middle road of the Grand Concourse. Four (4) Officers of the North Bronx Narcotics Unit (NBBX) came at me one grabbed my left wrist, another stood behind me, and the main Officer who spoke to me was a White-American detective who I know is a member of the NBBX team. He pad frisked me then he began to push at my buttocks with his pointed fingers while telling the other officers, "hey look how nice and tight this guy is". He began to humiliate me right there in front of the Bronx population who happen to pass by in a car or by foot. He pulled my sweatpants away from my body so he could look at my nakedness. He took a pen or pencil and used it to open up the slit in the underwear to look at my penis and testicles using the instrument to move it from side to side. I was close to tears feeling so powerless so ashamed and could not do anything for fear of their reaction. The Officer asked me "what did the guy give me"? I said "nothing", and told them I had nothing illegal on me. When they finished searching they got in the van and left me in the middle of the street.

4. This event of January 9, 2012 is to show the court that the above mentioned occurrences happened repeatedly throughout the entire year of 2012 and onward. At about 9:00 PM I was walking from 204th street toward Bedford Park Blvd. on the street named Villa, I was approached by an African-American male who goes by the street name of "Truck". He asked me a question about Mike, a mutual friend who has an apartment on this same street. I told him which building Mike lived in and he started to

walk toward it and then he turned around to tell me he was not sure. I turned back walked toward him to give him a better hint in the hope he would remember, but I was ready to walk him to the building, then all of a sudden he begins to remember and starts to walk toward 204th street and I return to my walk in the opposite direction toward Bedford Park. This is when a black van pulled up and Det. Goulart got out, grabbed a hold of me and placed me in handcuffs. This was done before any questions or any type of conversation. After the handcuffs were on me he began to ask me questions about drugs and to search my pockets. He finds no drugs yet he puts me into the Central Booking system where I have to go to court. The most significant element of this encounter was his statement when he told me, "anytime I find someone with Enterprise I am going to arrest you". I did not put any importance on this statement because it meant nothing to me. But he was a man of his word and he and the North Bronx Narcotics Unit harassed, and arrested me for over a year.

Injuries:

When the police treat you like this it works hard on your mind. It changes the way you think about things. You start to have very crazy thoughts. You start to think with all the shooting going on maybe, you never know, you can get shot. As a person that grew up in the 1960's this is not freedom. This is not liberty and having the right to pursue your happiness. This is the biggest injury it did it to my mind and how I see NYPD. For me I can only imagine what communist government that prevents freedom of movement, and freedom of associations. All these acts upon me did damage to my mind. I was really scared and moved out of the Bronx. I gave in. Better being alive and scared then brave and dead so I was thinking. I was tired of feeling like a coward, a weakling.

Relief:

Besides filing a claim for personal relief I wish and desire some form of relief which could benefit the criminal justice system in the Bronx and how it functions. The arresting Officer has to sign a statement where s/he points out the elements of the alleged crime; in my case possession of heroin. When these papers get to court the ADA from reading it knows if there is any evidence of not. An officer saying I saw a glassine bag then where is it? The officer says a sale was made then where is the buyer and the money of the sale. The ADA goes along with whatever the arresting officer says and it is not just for the defendant. To make up charges with no evidence should not weight on the ADA for s/he to go along with it when there is no evidence. North Bronx Narcotics Unit arrested me many times with no evidence and only one (1) time did the ADA dismiss the case for lack of evidence to prosecute the case, just one time. I don't know what the solution is but I do know that the lady of justice is looking at us with the patch over her eye because we get

no justice. Which makes for a very frustrated citizenship as we can all witness today. This is my main request for relief. This is worth more than millions. It is our future.

New York State Unified Court System

WebCrim

Case Details - Summary**CASE INFORMATION**

Court: **Bronx Supreme Court - Criminal Term**
 Case #: **17172C-2012**
 Defendant: **Rivera, Victor**

Defendant

Name: **Rivera, Victor**
 Birth Year: **1953**
 NYSID: **3273448R**

*Incident and Arrest***Incident**

Date: **March 19, 2012**
 CJTN: **65357099Z**

Arrest

Date & Time: **March 19, 2012 21:10**
 Arrest #: **B12623211**

Officer

Agency: **NYPD**
 Command: **52**

*Attorney Information***Defense Attorney**

Name: **Burton,**
 Type: **Legal Aid**
 Court Date: **April 25, 2012**
 Court Part: **B**
 Address: **1020 Grand Concourse, Bronx, NY 10451**
 Phone: **718 - 579 - 3000**

Assistant District Attorney

No Information on File

Next Appearance

Date: **January 2, 2013**
 Court: **Bronx Supreme Court - Criminal Term**
 Part: **CASH-SC**

Docket Sentence

Description: **CVA Fee Imposed \$25**
Probation for 3 Years
Surcharge Imposed \$175



NYPD PETS PROPERTY and EVIDENCE TRACKING SYSTEM
Property Clerk Invoice
 PD 521-141(Rev. 11/09)



Invoice No. **2000108456**

Invoicing Command
52ND PCT.

Invoice Status
OPEN

Invoice Date
06/12/2012

Property Type
CURRENCY

Property Category

ARREST EVIDENCE

Officers	Rank	Name	Tax No.	Command	
Invoicing	DT3	MAZZA, [REDACTED]	927162	NBBX	OCME. EU No.
Arresting	DT3	MCHALE, [REDACTED]	919391	NBBX	OCME. FB No.
Investigating	N/A				Police Lab Evid. Ctrl. No.
Det Squad Supervisor	N/A				Det Sqd. Case No. N/A
CSU/ECT Processing	N/A				CSU/ECT Run No. N/A

Item	Total QTY	Article(s)	Cash	PETS No.	Pkg. QTY	Disposition
1	1	CASH USC \$100 BILL	100.00	1201105286	1	
2	2	CASH USC \$50 BILL	100.00	1201105286	2	
3	5	CASH USC \$20 BILL	100.00	1201105286	5	
4	16	CASH USC \$10 BILL	160.00	1201105286	16	
5	6	CASH USC \$5 BILL	30.00	1201105286	6	
6	29	CASH USC \$1 BILL	29.00	1201105286	29	
Total Cash Value			519.00			

REMARKS:
 927162 06/12/2012 23:45 : ABOVE LISTED PROPERTY WAS TAKEN INTO CUSTODY DUE TO AN ARREST FOR 220.16 AND BELIEVED TO BE THE PROCEEDS OF DRUG TRANSACTIONS

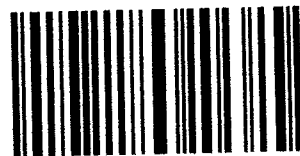
Date Of Incident	Penal Code/Description	Crime Classification	Related To	Receipt
06/12/2012	220.16/CPCS	FELONY	N/A	ACCEPTED

Prisoner(s) Name	D.O.B	Age	Address	Arrest No./Summons No.	NYSID No.
1 RIVERA, VICTOR	11/01/1953	58	2971 8 AVENUE, 7C, MANHATTAN, NY, 212-491-2655	B12645615	

Complaint No. **N/A**
 Related Comp No.(s) **N/A**
 Aided/Accident No.(s) **N/A**
 Related Invoice(s) **N/A**



NYPD PETS PROPERTY and EVIDENCE TRACKING SYSTEM
Property Clerk Invoice
 PD 521-141 (Rev. 11/09)



Invoice No. **2000096218**

Invoice Status
OPEN

Invoicing Command
52ND PCT.

Property Category
SAFEKEEPING

Invoice Date **05/03/2012** Property Type **GENERAL PROPERTY**

Officers	Rank	Name	Tax No.	Command	
Invoicing	POM	ORTIZ, PAUL	943634	NBBX	OCME. EU No.
Arresting	POM	MAHONEY, DANIEL	943509	NBBX	OCME. FB No.
Investigating	N/A				Police Lab Evid. Ctrl. No.
Det Squad Supervisor	N/A				Det Sqd. Case No. N/A
CSU/ECT Processing	N/A				CSU/ECT Run No. N/A

Item	Total QTY	Article(s)	PETS No.	Pkg. QTY	Disposition
1	1	KEYS COLOR: COPPER	1200974378	1	
2	1	CELL PHONE COLOR: BLACK MAKE: MOTOROLA	1200974378	1	
3	1	BATTERY COLOR: BLACK MAKE: MOTOROLA	1200974378	1	

REMARKS:
943634 05/03/2012 01:10 : ITEMS VOUCHERED FOR SAFEKEEPING.

Date Of Incident	Penal Code/Description	Crime Classification	Related To	Receipt
05/02/2012	PL/220.39	FELONY	N/A	ACCEPTED

Prisoner(s) Name	D.O.B	Age	Address	Arrest No./Summons No.	NYSID No.
1 RIVERA, VICTOR	11/01/1953	58	2971 8 AVENUE, 7C, MANHATTAN, NY, 212-491-2655	B12635157	03273448R

Complaint No. **N/A**
 Related Comp No.(s) **N/A**
 Aided/Accident No.(s) **N/A**
 Related Invoice(s) **N/A**

PCD Storage No. --



Invoice No. **2000096218**

Prisoner / Finder / Owner Copy

printed: 05/03/2012 01:11



NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)



Invoice No. **2000058796**

Invoicing Command
52ND PCT.

Invoice Status
OPEN

Invoice Date: **01/09/2012** Property Type: **CURRENCY** Property Category: **ARREST EVIDENCE**

Officers	Rank	Name	Tax No.	Command	
Invoicing	DT3	GOULART, GEORGE	925377	NBBX	OCME. EU No.
Arresting	DT3	GONZALEZNOA, ROSA	930246	NBBX	OCME. FB No.
Investigating	N/A				Police Lab Evid. Ctr. No.
Det Squad Supervisor	N/A				Det Sqd. Case No. N/A
CSU/ECT Processing	N/A				CSU/ECT Run No. N/A

Item	Total QTY	Article(s)	Cash	PETS No.	Pkg. QTY	Disposition
1	6	CASH USC \$20 BILL	120.00	1200911480	6	
2	9	CASH USC \$10 BILL	90.00	1200911480	9	
3	5	CASH USC \$5 BILL	25.00	1200911480	5	
4	1	CASH USC \$1 BILL	1.00	1200911480	1	
Total Cash Value			236.00			

REMARKS:
925377 01/10/2012 00:06 : ABOVE ITEMS VOUCHERED AS ARREST EVIDENCE.

Date Of Incident	Final Code/Description	Crime Classification	Related To	Receipt
01/09/2012	220.39/CSCS	FELONY	N/A	ACCEPTED

Prisoner(s) Name	D.O.B	Age	Address	Arrest No./Summons No.	NYSID No.
1 RIVERA, VICTOR	11/01/1953	58	2971 8 AVENUE, 7C, MANHATTAN, NY,212-491-2655	B12602492	

Complaint No. **N/A**
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	DT3	GOULART, GEORGE	925377	NBBX	01/09/2012	23:55
Invoicing Officer	DT3	GOULART, GEORGE	925377	NBBX	01/10/2012	00:09

[Signature]

Approved By: **SGT JOHNSON, RICHARD** Tax No. **921444** Command **NBBX** Date **01/10/2012** Time **00:09**

[Signature]

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. I am requesting compensatory damages of one million dollars (\$1,000,000), for the knowingly wrongful acts acted upon me by North Bronx Narcotics Unit and all its members who participated in over a year long campaign to harass me, humiliate me in public, put fear in my heart so I would walk the streets scared to see a member of NYPD. Who's wrongful acts were so effective I had to move out of the Bronx, for what I determined to be my health and well being, then to have to face them one more time. That their inventive act of punishment were so effective and damaging making me plea guilty in a case where there was no evidence and no reason to do so. A request for punitive damages in the same amount for their outrageous misconduct, and malice toward me, where their combined actions oppressed me and made me less than a man, turned me into a coward, scared to walk the streets, to stop and talk to people, to enjoy any kind of life in the Bronx which was their area. And if our constitution is to work in NYC then there has to be some kind of remedy to be implemented in the court system when an officer signs a document saying he saw a glassine bag and the bag is not produced then the ADA knows this is all a lie and should not further oppress the defendant by requesting bail on a poor person, and this goes on many times in one day. The people feel there is no justice and this is why they feel the court system is against them also with the police.

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

Signed this ___ day of _____, 20__.

Signature of Plaintiff



Mailing Address

Victor Rivera

2971 Frederick Douglas Blvd. apt. # 7 C

New York City, NY, 10039

Telephone Number

home: 646 559-4480 cell: 646 570-5088

Fax Number (if you have one) _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Inmate Number _____