

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Christopher Neal,

Plaintiff,

AMENDED COMPLAINT

-AGAINST-

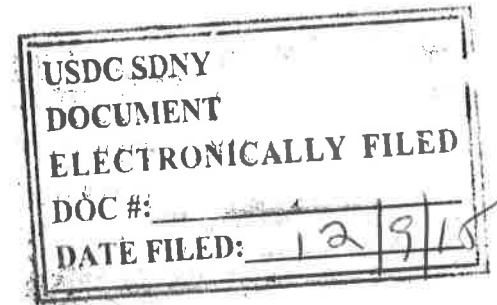
Romaine Wilson, Police Officer
; Osvaldo Maldonado,
Police Officer; Coty Green,
Police Officer; Baudilo
Garciarivas, Police Officer;
Angel Bones, Police Sergeant;
David Camhi, Police Lieutenant;
Jose Marrero, Detective and
John Scollo, Detective,
Defendant(s).

42 U.S.C. § 1983

Neal vs Wilson, et. al.,

15-cv-2822 (RA) (FM)

Jury Trial: DEMANDED



1.

PARTIES

A. Plaintiff: Christopher Neal 14R1420
112 Scotch Settlement Road
Gouverneur, N.Y. 13642-0370

- B. Defendant(s):
1. Police Officer, R. Wilson Shield No. 910
40th Precinct
257 Alexander Avenue
Bronx, N.Y. 10454
 2. Juan Rodriguez, Police Officer Shield No. 14964
43rd Precinct
900 Fteley Avenue
Bronx, N.Y. 10473
 3. Osvaldo Maldonado, Police Officer Shield No. 15051
40th Precinct
257 Alexander Avenue
Bronx, N.Y. 10454
 4. Coty Green, Police Officer Shield No. 14012
40th Precinct
257 Alexander Avenue
Bronx, N.Y. 10454
 5. Baudilo Garciarivas, Police Officer
40th Precinct Shield No. 10251
257 Alexander Avenue
Bronx, N.Y. 10454
 6. Angel Bones, Police Sergeant (RETIRED)
One Police Plaza
New York, N.Y. 10007
 7. David Camhi, Police Lieutenant*
NARCOTICS BOROUGH BRONX
One Police Plaza
New York, N.Y. 10007

*(At the time in question in the complaint he was a Sergeant)

- 8 Jose Marrero, Detective Shield No.3452
NARCOTICS BOROUGH BRONX
One Police Plaza
New York, N.Y. 10007
- 9 John Scollo, Detective Shield No.5391
NARCOTICS BOROUGH BRONX
One Police Plaza
New York, N.Y. 10007

2. STATEMENT OF CLAIM(S)

A. Defendants: Wilson, Rodriguez, Maldonado, Green, Garciarivas, Sgt. Bones, Lt. Camhi, Detective Marrero and Detective Scollo acting under the color of state law knowingly, wickedly, intelligently, intentionally and deceitfully violated plaintiff's First, third, fourth, fifth, Sixth, and Eighth Constitutional Rights of the United States of America To Wit:

1. On or about 11/23/12 at approximately 2:10 am plaintiff was tending to his wound in his place of residency at 805 East 156th street, Bronx, N.Y. 10455, when Police Officers J. Rodriguez, O. Maldonado, R. Wilson, C. Green, B. Garciarivas, Lt. Camhi and Sgt Bones unlawfully entered apartment No. 3 without said permission to do so.

2. At this time Police Officer(J. Rodriguez or O. Maldonado) looked at the plaintiff and told plaintiff to come with them. The plaintiff clearly stated to these officers, that he was not coming with them and that , he had no reason to go with them. At that time, plaintiff then presented his New York State identification to the officers. Police Officer J. Rodriguez or O. Maldonado then became very aggressive and forcefully grabbed the plaintiff by the left arm trying and arm bar, with the assistance of the other officer(O. Maldonado or J. Rodriguez), an another officer(C. Green or B. Garciarivas).

3. Lieutenant D. Camhi(then Sgt.), strated screaming " STOP RESISTING " when the plaintiff was not resisting at all. At this particular time Lieutenant(Lt.) Camhi took out a tasser-gun and began tassing plaintiff all over his body, back area and left hip are. While other Police Officers all found this amusing and began yelling "HIT HIM AGAIN, HIT HIM AGAIN". At this time more officers came and most of the officers began to physically punch and shove plaintiff while he was bleeding from a head wound, (he) plaintiff didn't understand WHY these officers were literally Assaulting him, when he the plaintiff did nothing at all to provoke such Assault.

4. Shortly after being tassed multiple times and punched by officers. Plaintiff was then thrown into a room doorby (C.Green, B. Garciarivas, R. Wilson, J. Rodriguez, O. Maldonado, and Sgt. A. Bones) when he suddenly experienced severe lower back spasm/ pain.

5. Plaintiff was thrown towards a downward fall by the defendant defendants and landed on a bed. Plaintiff in fear looking around saw R. Wilson pull out a retractable BATON which he (R. Wilson) then beat the plaintiff with several strikes. After several of these strikes the plaintiff then stated: " YO! WILSON YOU WANT TO STOP FUCKING HITTING ME!!!" Being suprised that the plaintiff knew his name he stopped and stepped to the otherside of the room. During the beating with the BATON plaintiff was held down by the rest of the defendants(J. Rodriguez, Maldonado, Green, Bones, Garciarivas).

6. Plaintiff was handcuffed taken tout of his place of residence and put in a patrol van, which took him to Lincoln Hospital. While on his way to the hospital plaintiff kept repeating that he wanted to file assualt charges because he was assualted with a bottle, and nothing was done about it. Plaintiff refused stitches at the hospital and was arrested at the 40th Precinct. J. Rodriguez or O. Maldonado was in the van to the hospital. Plaintiff was finger printed and taken before a Judge later that night. The Judge gave plaintiff a R.O.R.(Release on Recognises), during his arrignment of the following charges: Assualt in the Third Degree; Resisting Arrest; Menacing in the Third Degree and Harassment in the Second Degree. These bogus charges were finally DISMISSED on April 18, 2013, and sealed on May 3, 2013.

B. On or about 8/20/12 at approximately 3:05pm plaintiff was taking his 2 year old daughter and nephew to the conner store at 756 East 156th Street, when an officer(Detective J.Marrero) asked plaintiff was his name "CUBA". At the time the detective never stated he was an officer, this detective bandished his weapon, inwhich plaintiff then proceeded to push his daughter and nephew into the store. Plaintiff's daughter then strated screaming and crying. The detective then proceeded to handcuff the plaintiff and walk him across the street.

1. The plaintiff's daughter was brought out the store and crossed the street with her mother(Audrey Barnes) sister, and 2 cousins when she attempted to go to her father(plaintiff). The Detectives Marrero & Scollo stepped in and so did her mother. At this time she started once again screaming and crying because she was being denied her father. She was then pulled around the cornner by her mother screaming and crying.

2. Plaintiff was then told he was being arrested, and was taken to the 40th Precinct. Plaintiff was taken before a Judge later that night after he was friger printed. The Judge gave the plaintiff R.O.R.(Release on Recognises) during his arrignment of the following Charges: Criminal Sale of a Controlled Substance in the Third Degree; Criminal Possession of a Controlled Substance in the Thrird Degree with Intent to Sell and Criminal Possession of a Controlled Substance in the Seventh Degree. These bogus charges were DISMISSED also.

C. Breach of Duty to Protect

Defendant(s) Rodriguez, Maldonado, Green, Garciarivas, Wilson, Camhi and Bones exercised deliberate indifference to plaintiff's health and safety by allowing the others to physically Assault the plaintiff although the plaintiff was already bleeding from a severe head wound.

1. Defendant Wilson exercised deliberate indifference to plaintiff's health and safety by administrating Corpol punishment to the plaintiff while he was held down by defendant's Green, Garciarivas, Rodriguez, Maldonado, and Bones by beating plaintiff with a retractable baton.

2. Defendant Camhi exercised deliberate indifference to plaintiff health and safety by TASSERING plaintiff numerous times ALL over his hipps and Back while he had a head injury the was bleeding and he was being acosted by defendants Maldonado and Rodriguez

3. Defendants Marrero and Scollo exercised deliberate indifference by unlawfully charging plaintiff with bogus charges and submitting lying statements to support those charges.

4. Defendant Bones exercised deliberate indifference by authorizing the arrest of the plaintiff through this false statement when there was no supporting evidence.

D. Defendants Bones, Marrero, and Scollo exercised deliberate indifference to plaintiff's safety by subjecting him to Malicious Prosecution.

1. Defendants Rodriguez, Maldonado, Green, Garciarivas, Bones, Camhi, and Wilson exercised deliberate indifference to plaintiff's safety by not arresting the person whom plaintiff told defendants hit him in the head with a bottle.

E. Excessive Force Usage

Defendants Wilson, Camhi, Green, Garciarivas, Maldonado, Bones, and Rodriguez unnecessarily usage of punches, baton, tasser, and other thing exercised deliberate indifference to plaintiff's health and safety due using extreme force for no reason on the plaintiff when he had a severe Head Injury other than plaintiff STATING he did not wish to leave his residency.

INJURIES

As a result of being tassed and beat with the retractable baton, the plaintiff had little holes in his back and hipps area from the tasser prongs, and lower back pain/spasm, (2) plaintiff also had to report to see his Parole Officer on a WEEKLY basis when he had earned his way to reporting on a monthly basis and had to walk to his Parole meetings and Court dates because he did not have funds for his transportation.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

Plaintiff filed a complaint with the Civilian Complaint Review Board with an Inspector Gonzalez and was given a complaint number of 201411561. Inspector Gonzalez then stated that he was forwarding the complaint to I.A.D. and that plaintiff should contact them if I wished to keep an update on the complaint.

RELIEF

A. Plaintiff request for Compensatory Damages the amount of \$2,300,000.00 dollars, and

B. Punative Damages plaintiff request \$2,000.000.00 dollars each defendant.

C. Plaintiff's Compensatory Damage request is based upon the defendants ASSUALT of the plaintiff by BOTH physically beating plaintiff when he had a severe head injury, and the warantless shooting plaintiff with a stun gun (tasser) over 5 times.

D. Plaintiff Punative Damages request is based upon each defendant refused to stop the other from their ACTIONS although they knew it was wrong, and they choose NOT to administer their CIVIL DUTY to PROTECT THE INNOCENT.

PREVIOUS LAWSUITS

A. Plaintiff is not filing this lawsuit for any wrong doing while incarcerated, nor does any facts deal with the plaintiff being in jail.

B. Plaintiff has had a previous lawsuit Neal vs Bryne, et. al. docket # number 00-cv-323, the case was settled in favor of the plaintiff. Plaintiff can not remeber any other cases or their docket numbers.

I declare under the penal of perjury that the foregoing is True and CORRECT.

Sign This 5th day of December 2015.

Signature of Plaintiff: Christopher Neal

Inmate Numbers: 14R1420

Institutionion Address: Gouvernuer Corr. Facility
112 Scotch Settlement Road
GOUVERNEUR, N.Y. 13642-0370

I declare under the penalty of perjury that on this 5th day of December 2015, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of United States District Court for the Southern District of New York.

x Christopher Neal

Christopher Neal #14R1420
112 Scotch Settlement Road
GOUVERNEUR, N.Y. 13642-0570

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SDNY PRO SE OFFICE
2015 DEC 9 PM 2:40

Re: Neal vs Wilson, et. al.,
15-CV-2822 (RA)(FM)
Submission of AMENDED
COMPLAINT WITH NAMED
JOHN DOES

Pro Se Office
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

Dear Sir/Madam

IN ACCORDANCE to the Courts ruling of
the Honorable Magistrate FRANK MAAS plaintiff
is hereby submitting the herein Amended Complaint
within 30 days of recieving the John Doe names
in the ORIGINAL Complaint.

Thank You!

cc: Katherine Byrns
100 Church Street
New York, N.Y. 10007

Yours,
x Christopher Neal

I declare under the penalty of perjury that on 5th of
December 2015, I placed in a official United States Mail Box, this
letter with the Amended complaint to be mailed to Katherine
Byrne, 100 Church Street, N.Y., N.Y. 10007.

x Christopher Neal

cc: C. Neal
files

GOUVERNEUR CORRECTIONAL FACILITY

P.O. BOX 480

GOUVERNEUR, NEW YORK 13642-0370

NAME: Mr. Christopher Neal DIN#: 14R1420

Gouverneur



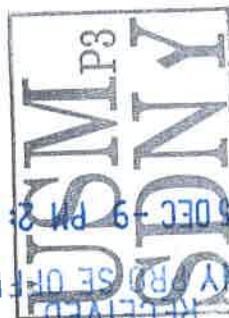
Correctional Facility

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Pro Se Office
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Southern District of New York
500 Pearl Street
New York, N.Y. 10007

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NAME: Mr. C. Neal DIN: 14R1420

NEW YORK STATE
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
OFFENDER CORRESPONDENCE PROGRAM