

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jose David Quezada

RECEIVED
SDNY PRO SE OFFICE

2015 DEC 29 AM 9:01

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

-against-

DET. KRESHNIK BAKRAQI of NARCB BX. Shield# 1547

PO. THOMAS DEMKIW of NARCB BX. Shield# 025767

DET. KELVIN GLOVER of NARCB BX. Shield# 1988

46th pct. County of Bronx

State of New York

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No

(check one)

15 CV 10105

(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.)

I. Parties in this complaint:

- A. List your name, 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 Jose David Quezada

ID # 15A2285

Current Institution Franklin Correction Facility

Address 62 Bare Hill Road P.O. Box 10 Malone, NY 12953

- B. List all defendants' names, positions, places of employment, and 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. KRESHNIK BAKRAQI of NARCB BX. Shield # 1547
Where Currently Employed POLICE DEPARTMENT CITY of NEW YORK
Address 46th pct. County of the Bronx, State of New York

Defendant No. 2 Name PO. THOMAS DEMKIW of NARCB BX. Shield # 025767
Where Currently Employed POLICE DEPARTMENT CITY of NEW YORK
Address 46th pct. County of the Bronx State of New York

Defendant No. 3 Name DET. KELVIN GLOVER of NARCB BX. Shield # 1988
Where Currently Employed POLICE DEPARTMENT CITY of NEW YORK
Address 46th pct. County of the Bronx State of New York

Defendant No. Name _____ Shield # _____
Where Currently Employed _____
Address _____

II. 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. In what institution did the events giving rise to your claim(s) occur?

B. ~~Where in the institution did the events giving rise to your claim(s) occur?~~

C. What date and approximate time did the events giving rise to your claim(s) occur?

D. Facts: My Constitution Rights Were Violated. Docket# 2013BX004104 (see attached)

What
happened
to you?

Defendant No.1 DET. KRESHNIK BAKRAQI of NARCBBX Shield# 1547 Stated that on or about January 19,2013 at approximately 11:24 AM at opposite of 324 E. Tremont Avenue County of the Bronx, State of New York I the Plaintiff Jose David Quezada Committed the Offenses of: Criminal Sale Of Controlled Substance 3, Criminal Possession Of Controlled Substance 3, Criminal Possession Of Controlled Substance in the Seventh. Defendant No.2 PO. THOMAS DEMKIW of NARCBBX Shield# 025767 Stated he Observed I the Plaintiff Jose David Quezada hand Separately Apprehended William Davis (Arrest# B13604845) a Small Object.

Who did
what?

Was
anyone
else
involved?

Defendant No.3 DET. KELVIN GLOVER of NARCBBX Shield# 1988 Stated he Observed I the Plaintiff Jose David Quezada Have On His Person One(1) Orange Filmy Substance, Including in the Recognition Of Controlled Substance, and its Packaging, the Substance is Believed to be Crack/Cocaine. All in Which Lead I the Plaintiff Jose David Quezada to be Wrongfully arrested, and Deprived Of My Human and Constitutional Rights. An William Davis (Arrest# B13604845).

Who else
saw what
happened?

Jenny. At the time of this Incident Was an Girlfriend.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I the Plaintiff Jose David Quezada Sustained both Phycological and Physical Injuries as well as Deprived My Medication both at the Police Station and at county Jail. I have Suffered Great Emotionally When I Have Lost an Sick Family Member, Lost My Partnership With My Girlfriend, and Lost My Start Of an Job.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

- A. Did your claim(s) arise while you were confined in a jail, prison, other correctional facility? Yes ___ No XX

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). None. I Was Not Incarcerated.

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ____ No XX Do Not Know ____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ____ No XX Do Not Know ____

If YES, which claim(s)? NO

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ____ No XX

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ____ No XX

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? NO

1. Which claim(s) in this complaint did you grieve? NO

2. What was the result, if any? NO

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. I Was Not Incarcerated. The Incident Did Not Happen In Prison.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: The Incident Did Not Occur In Prison.

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: NO

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. This Incident Did Not Occur While I was Jail.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I the Plaintiff Jose David Quezada Am Asking the Court to Settle Monetary Compensation in the Amount Of: \$175.554 Dollors, And the Basis For Such Amount Are As Followed, 1. My 1st Amendment: Freedom Of Speech, Religion, Press, Assembly And the Right to Petition the Goverment to Correct Injustices. 2. 4th Amendment: Freedom From Unreasonable Searches Conducted Without an Warrent were Violated. 3. My 5th Amendment: Right Not to be Deprived Of Life, Liberty, Property Without Due Process Of Law Were Broken. 4. My 14 Amendment: Deny to Any Person the Equal Protection Of the Law Was Not Met.

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes No XX

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

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

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes XX No _____

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Jose David Quezada

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) United States District Court Southern District of New York

3. Docket or Index number I dont have my paperwork to provide you the cite number.

4. Name of Judge assigned to your case I dont have my paperwork to provide you cite #.

5. Approximate date of filing lawsuit I dont have my paperwork to provide you cite #

6. Is the case still pending? Yes _____ No XX

If NO, give the approximate date of disposition I dont have my paperwork for cite number.

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) The case was dismissed.

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

Signed this 15th day of December, 2015.

Signature of Plaintiff

Jose David Aguado

Inmate Number

15A2285

Institution Address

Franklin Correction Facility

62 Bare Hill Road P.O Box 10

Malone, NY 12953

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 15th day of December, 2015 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:

Jose David Aguado

Carolyn St Denis

CAROLYN ST DENIS
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN FRANKLIN COUNTY
NO. 01ST6049154
COMMISSION EXPIRES OCT. 10, 2018

Fax: 17186537373

Jan 24 2013 10:16pm P001/002

CRIMINAL COURT OF THE CITY OF NEW YORK
BRONX COUNTY

THE PEOPLE OF THE STATE OF NEW YORK

v.

STATE OF NEW YORK

COUNTY OF THE BRONX

1. DAVID QUEZADA M/33
a.k.a. DEE
Arrest# B13604851

Defendant

2013BX004104



DET KRESHNIK BAKRAQI of NARCBX, Shield# 1547, states that on or about January 19, 2013 at approximately 11:24 AM at Opposite of 324 E Tremont Avenue, County of the Bronx, State of New York,

THE DEFENDANT COMMITTED THE OFFENSES OF:

- 1 (F) P.L. 220.39(1) Criminal Sale of a Controlled Substance 3^ DQO
- 2 (F) P.L. 220.16(1) Criminal Possession of a Controlled Substance 3^ DQO
- 3 (M) P.L. 220.03 Criminal possession of a controlled substance in the seventh degree DQO

IN THAT THE DEFENDANT DID: knowingly and unlawfully sell a narcotic drug; knowingly and unlawfully possess a narcotic drug with intent to sell it and knowingly and unlawfully possesses a controlled substance.

THE GROUNDS FOR THE DEPONENT'S BELIEF ARE AS FOLLOWS:

Deponent is informed by PO THOMAS DEMKIW of NARCBX, Shield# 025767, that at the above time and place, he observed defendant hand separately apprehended WILLIAM DAVIS (Arrest # B13604854) a small object, which he further observed separately apprehended DAVIS place in his front coin pocket.

Deponent is further informed by informant that he observed separately apprehended DAVIS to have on his person, in his front coin pocket, two (2) clear plastic bags, each containing a white rock-like substance.

Deponent is informed by Det. Kelvin Glover of NARCBX, Shield # 1988, that he observed the defendant to have on his person, one (1) orange filmy substance.

Deponent states, that based upon deponent's training and experience, which



FAX SERVER

1/19/2013 10:15:15 PM

Fax: 17186537373

Jan 24 2013 10:16pm P002/002

includes training in the recognition of controlled substance, and its packaging, the aforementioned substance is alleged and believed to be CRACK/COCAINE and SUBOXONE.

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE
AS A CLASS A MISDEMEANOR PURSUANT TO P.L. 210.45

01/19/13 21:15
DATE and TIME

DET.

SIGNATURE

[Handwritten Signature]



Arrest/Charge Information

Arrest Date: January 19, 2013 11:24 am (11:24:00)

Fax Number: B3406
Place of Arrest: NYCPD 46
Arrest Type: Unknown
Date of Crime: January 19, 2013
Place of Crime: Bronx County, NY
Criminal Justice Tracking No.: 65867376J
Arresting Agency: NYCPD PCT 046
Arresting Officer ID: 938016
Arrest Number: B13604851
Arraignment: Bronx County Criminal Court

Arrest Charges:

- Criminal Sale Controlled Substance-3rd:Stimulant/Hallucinogen/LSD
PL 220.39 Sub 02 Class B Felony Degree 3 NCIC 3599
- Criminal Possession Controlled Substance- 7th Degree
PL 220.03 Class A Misdemeanor Degree 7 NCIC 3599

Court Case Information

--**Court:** Bronx County Criminal Court **Case Number:** 2013BX004104

January 20, 2013

Initial Report Of Docket Number

January 20, 2013

Arraigned

- Criminal Possession Contr Sub-3rd:Narc Drug Intent To Sell
PL 220.16 Sub 01 Class B Felony NCIC 3599
- Criminal Sale Controlled Substance-3rd:Stimulant/Hallucinogen/LSD
PL 220.39 Sub 02 Class B Felony NCIC 3599
- Criminal Possession Controlled Substance- 7th Degree
PL 220.03 Class A Misdemeanor NCIC 3599

May 01, 2013

Dismissed

- Criminal Possession Contr Sub-3rd:Narc Drug Intent To Sell
PL 220.16 Sub 01 Class B Felony NCIC 3599
- Criminal Sale Controlled Substance-3rd:Stimulant/Hallucinogen/LSD
PL 220.39 Sub 02 Class B Felony NCIC 3599
- Criminal Possession Controlled Substance- 7th Degree
PL 220.03 Class A Misdemeanor NCIC 3599

July 26, 2013

Sealed Upon Termination Of Criminal Action In Favor Of The Accused CPL160.50

✦ Cycle 30 ✦

Arrest/Charge Information

Arrest Date: December 07, 2012 05:33 pm (17:33:00)

Fax Number: Q56263
Place of Arrest: NYCPD 105
Arrest Type: Unknown
Date of Crime: December 07, 2012
Place of Crime: NYCPD 105
Criminal Justice Tracking No.: 65802162M
Arresting Agency: NYCPD PCT 105
Arresting Officer ID: 949368
Arrest Number: Q12667708
Arraignment: Queens County Criminal Court

Arrest Charges:

-- Gr Larceny-4: Anhydrous Ammonia/Liquified Ammonia Gas-Manufacture Meth.
PL 155.30 Sub 11 Class E Felony Degree 4 NCIC 2399

Court Case Information

--Court: Queens County Criminal Court Case Number: 2012QN063555

December 08, 2012

Initial Report Of Docket Number

December 08, 2012

Arraigned

-- Petit Larceny
PL 155.25 Class A Misdemeanor NCIC 2399

-- Criminal Possession Stolen Property-5th Degree
PL 165.40 Class A Misdemeanor NCIC 2804

December 08, 2012

Convicted Upon Plea Of Guilty - Conviction Date: December 08, 2012

-- Petit Larceny
PL 155.25 Class A Misdemeanor NCIC 2399

In Full Satisfaction of:

-- Criminal Possession Stolen Property-5th Degree
PL 165.40 Class A Misdemeanor NCIC 2804

DAVID GILLMAN

APPEARANCE

DEPOSIT NO.
10178004104

DEPOSITARY

MAY 1, 2011

243 East 161st Street
Bronx, New York

REPORT

RON. SPAN JURY

APPEARANCE

THE FBI PEOPLE

OFFICE OF ROBERT T. JOHNSON
District Attorney, Essex County
415 South Main Street
Essex, Massachusetts
Assistant District Attorney

PROSECUTOR

COURT OFFICER: This is case number 50 on the calendar, David Corrado.

MR. GREENMAN: Seth Greenman.

MS. FAXOS: ADA Lena Faxos for the People.

People's offer is a \$40,000 and a conditional discharge.

MR. GREENMAN: That's problematic. I informed the Court the last time that he had been arrested and was incarcerated, from what I understand, in Westchester County. The People have not filed a corroborating --

THE COURT: Yes, there is no supporting deposition. I do have that he is in Westchester.

DECLARATION

STATEMENT OF THE DEPOSEE

I, [Name], do hereby declare that I am a resident of the State of [State] and that I am the author of the foregoing statement. I am not a party to this case, but I will stay neutral for 30 days.

NO. [Number] FOUND FOR JURY.

On this day, the proceedings were concluded.

DEPOSEE

I do hereby certify that the foregoing taken at the time and place aforesaid, is a true and correct transcription of my shorthand notes.

[Signature]

VINCENT V. [Name]
OFFICIAL COURT REPORTER

of NARCB BX. Shield# 1547

PO. THOMAS DEMKIW of NARCB BX. Shield# 025767

DET. KELVIN GLOVER of NARCB BX. Shield# 1988

46th pct. County of Bronx

State of New York

AFFIDAVIT OF SERVICE

NAME OF DOCUMENT:(s) COMPLAINT under the
Civil Rights Act, 42 U.S.C §:1983

**STATE OF NEW YORK)
COUNTY OF FRANKLIN) SS.:**

I, Jose David Quezada , being duly sworn, deposes and says:

That I have on this 18th day of December, 2015 placed and submitted the
within copies of the document(s) or moving papers indicated above, to be duly mailed via the
United States Postal Service, through the institutional mail-room at Franklin Correctional
Facility, Malone, New York 12953 to be mailed to the following addresses ;

U.S District Court
Southern District N.Y
Daniel Patrick Moynihan U.S Courthouse
500 Pearl St.
N.Y, N.Y 10007-1312
Clerk of the Court

Respectfully submitted,

SWORN TO BEFORE ME THIS

18 DAY OF December, 2015

Lisa Hopkinson
NOTARY PUBLIC

LISA HOPKINSON
Notary Public, State of New York
No. 01HO6079533
Qualified in Franklin County
Commission Expires October 13, 2018

José David Quezada

Franklin Correctional Facility
62 Bare Hill Road, P.O. Box 10
Malone, New York 12953

FRANKLIN CORRECTIONAL FACILITY
P.O. BOX 10, 62 BARE HILL ROAD
MALONE, NEW YORK 12953

NAME: Jose David Quezada

DIN: 15A2285

FRANKLIN



CORRECTIONAL FACILITY

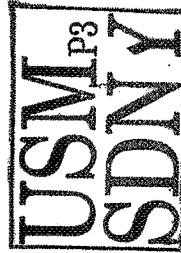
negpost
12/21/2015
US POSTAGE \$609.64
ZIP 12953
041L11251101

Pro-se
JAB
12/28/15

To: U.S District Court

Southern District N.Y

Daniel Patrick Moynihan U.S Courthouse
500 Pearl St.
N.Y , N.Y 10007-1312
Clerk of the Court



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2015 DEC 29 AM 9:02

Legal Mail

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