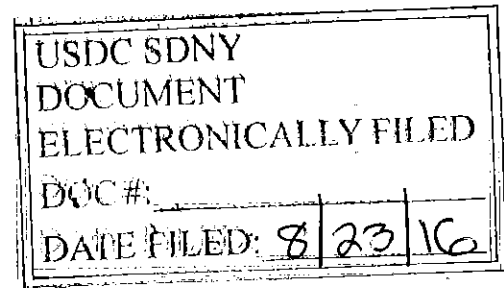


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



CHIDI DAVID ACHEZARA

Plaintiff

AMENDED COMPLAINT

JURY TRIAL DEMANDED

16 CV 0631 (GHW)

Against-

CITY OF NEW YORK, NYPD P.O. Marcién Steckiewicz #17677

Defendants

Plaintiff, Chidi David Achezara, acting on his own terms alleges as follows

1. INTRODUCTION

This is an action pursuant to 42 U.S.C Section 1983 to vindicate the civil rights of Chidi David Achezara, a black male. Chidi contends defendant

Maliciously abused process against him and falsely strip searched and maliciously prosecuted him. Defendant was acting under the color of stated law and pursuant to municipal customs, practices and policies when he undertook the aforementioned acts against plaintiff

11 JURISDICTION

2. This court has jurisdiction over this action under 42 U.S.C Sections 1983, and the 4th, 5th and 14th amendments of the constitution of the United States. Venue is proper, as the operative events occurred within this judicial district and plaintiff resides within the judicial district

111 PARTIES

Chidi David Achezara is a black male. He resides in Bronx County and he sues on his own behalf

4 Defendant, City of New York is a municipality that is incorporated under the laws of the state of New York. Its principal place of business is located in New York, New York. Its actions, and those of its agents, must conform to the dictates of the constitution of the United States. It may sue and be sued, and at all relevant times herein, acted under color of state law and pursuant to its own policies, practices and customs

5 Defendant, at all relevant times, was employed by the city of New York as a Police officer. His actions must conform to the dictates of the Constitution of the United States of America. He is sued in his individual capacity for violating plaintiff's civil rights while acting under the color of State law and /or acting pursuant to policies, practices and customs of the City of New York

1V FACTUAL AVERMENTS

6 Defendant, who was acting under color of state law and pursuant to policies, practices and customs of the City of New York, violated plaintiffs' civil rights in the following ways:

a) On or about May 10, 2015, police officer Marcién Steckiewicz #17677 of the New York City Police Department pulled over Plaintiff's car in the Bronx with a siren and approached Plaintiff and

began to question him amongst other things

b) The officer questioned Plaintiff about who owned the car and who owned the bag in his backseat

c) The officer dragged Plaintiff out of the car and proceeded to search the car

d) The officer asked why plaintiff was out of the house at that time of the night and who plaintiff's parole officer was

e) The officer after humiliating Plaintiff tossed three summonses at Plaintiff.

f) Plaintiff at no time gave defendant any permission to search his car

h) Defendant did not have probable cause to pull Plaintiff's car over

l) Plaintiff found the process degrading, dehumanizing and oppressive

j) Plaintiff did not need any trip itinerary nor was Plaintiff required to have Trip Itinerary

k) Plaintiff did not have any drugs on him

l) Between May 10, 2015 and Sept 08 2015, Plaintiff made numerous appearances in court to hear the charges. Plaintiff found this process expensive, time consuming and embarrassing

m) On or about Sept 08, 2015, the aforementioned criminal proceedings terminated in plaintiffs favor, as it was dismissed and sealed

o) On information and belief, defendants knew or had reason to know that Plaintiff was not a taxi driver, did not and wasn't required have a taxi sticker, did not and wasn't required to have a trip sheet.

Rather, defendant merely sought to justify his false detention and strip search of Plaintiff, and to prevent his access to courts should plaintiff become desirous of taking legal action

p) There was no articulate justification for plaintiff's strip search pursuant to plaintiff's cab driving and trip sheet allegations

7) Defendant actions against plaintiff were undertaken pursuant to municipal policies, practices and customs of New York City

8) Moreover, plaintiff's right to be free of a false detention, malicious prosecution, strip searches and malicious abuse of process are clearly

established and reasonable persons employed by municipality of New York City are aware or have reasons to be aware of this

9) As a proximate result of defendant illegal acts towards plaintiff, plaintiff has suffered and continues to suffer substantial losses

10) As a further proximate result of defendant actions towards plaintiff, plaintiff has suffered and continues to suffer impairment and damage to his good name and reputation

12) As a further proximate result of defendants' actions, Plaintiff has suffered and continues to suffer severe and lasting embarrassment, humiliation and anguish,

and other incidental and consequential damages and expenses

13) The conduct of defendants in maliciously abusing process against plaintiff, and in false arresting, in maliciously prosecuting

and in strip searching plaintiff was outrageous and was done with reckless indifference to plaintiff's protected civil rights, entitling plaintiff to an

award of punitive damages as against the individual defendants

FIRST CAUSE OF ACTION

14) Plaintiff hereby repeats and realleges each and every paragraph above

15) By falsely detaining and questioning plaintiff without probable cause, defendants violated the 4th, 5TH AND 14th amendments of the United States Constitution

as secured by 42 USC Section 1983

SECOND CAUSE OF ACTION

18) Plaintiff hereby repeats and relleges each and every paragraph above

19) By strip searching plaintiff for a nonviolent infraction, defendants violated the 4th, 5th and 14th amendments of the United States Constitution as secured by 42 U.S.C Section 1983

THIRD CAUSE OF ACTION

20) Plaintiff hereby repeats and realleges each and every paragraph above

21) By maliciously prosecuting plaintiff for allegedly operating a taxi without probable cause and solely to prevent his access to the courts, defendants

violated the 4th, 5th and 14th Amendments of the United States Constitution as secured by 42 U.S.C Section 1983

FOURTH CAUSE OF ACTION

22) Plaintiff hereby repeats and realigns each and every paragraph above

23) By prosecuting plaintiff for driving without a trip sheet, defendants violated Plaintiffs right to his personal property.

V1 PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this court grant judgment to him containing the following relief

- a) An award of Plaintiff's actual damages in an amount to be determined at trial

- b) An award of compensatory damages to compensate plaintiff for mental anguish, humiliation, embarrassment, and emotional injury

- d) An award of punitive damages as against the individual defendants

- e) An order enjoining defendants from engaging in the wrongful practices alleged herein

- f) An award of reasonable personal fees and the costs of this action

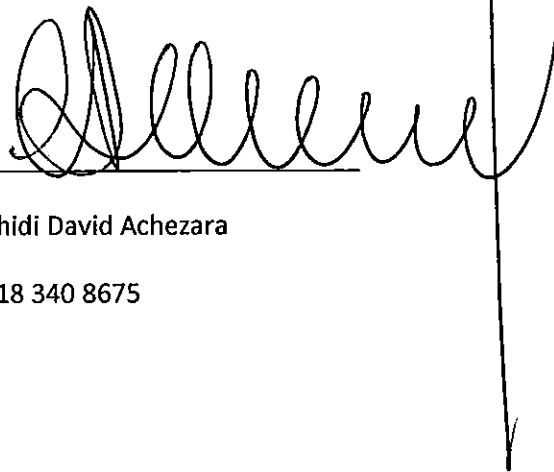
- l) Such Other and further relief as this court may deem just and proper

Dated: New York, New York

August 15, 2016

Respectfully Submitted;

By

A handwritten signature in black ink, consisting of a series of loops and a long vertical stroke extending downwards.

Chidi David Achezara

718 340 8675

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

CERTIFICATE OF DISPOSITION
NUMBER:20639

THE PEOPLE OF THE STATE OF NEW YORK
VS.

NO FEE

DAVID, CHIPIA
DEFENDANT

02/28/1974
DATE OF BIRTH

35 MANITOU TRL
ADDRESS

WHITE PLAINS NY 10603-3021
CITY STATE ZIP

05/10/2015
ISSUE DATE

DOCKET NUMBER: 2015SX028325

SUMMONS NUMBER: 4421202304

AC 19-506(b) UM
ARRAIGNMENT CHARGES

CASE DISPOSITION INFORMATION:

DATE COURT ACTION
09/08/2015 ACQUITTED AFTER TRIAL

JUDGE PART
QUATTROCHI,V SAP2

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.


COURT OFFICIAL SIGNATURE AND SEAL

12/01/2015
DATE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE
COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

CERTIFICATE OF DISPOSITION
NUMBER:20641

THE PEOPLE OF THE STATE OF NEW YORK
VS.

NO FEE

DAVID, CHIPIA
DEFENDANT

02/28/1974
DATE OF BIRTH

35 MANITOU TRL
ADDRESS

WHITE PLAINS NY 10603-3021
CITY STATE ZIP

05/10/2015
ISSUE DATE

DOCKET NUMBER: 2015SX028328

SUMMONS NUMBER: 4421202349


AC 19-506(d) UM

ARRAIGNMENT CHARGES

CASE DISPOSITION INFORMATION:

DATE	COURT ACTION	JUDGE	PART
09/08/2015	ACQUITTED AFTER TRIAL	QUATTROCHI,V	SAP2

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.



COURT OFFICIAL SIGNATURE AND SEAL

12/01/2015

DATE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

JUDICIAL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

CERTIFICATE OF DISPOSITION
NUMBER: 20640

THE PEOPLE OF THE STATE OF NEW YORK
VS.

NO FEE

DAVID, CHIPIA

02/28/1974

DEFENDANT

DATE OF BIRTH

35 MANITOU TRL.

ADDRESS

WHITE PLAINS NY 10603-3021
CITY STATE ZIP

05/10/2015

ISSUE DATE

DOCKET NUMBER: 2015SX028326

SUMMONS NUMBER: 4421202321

AC 19-506(b) UM

ARRAIGNMENT CHARGES

CASE DISPOSITION INFORMATION:

DATE	COURT ACTION	JUDGE	PART
09/08/2015	ACQUITTED AFTER TRIAL	QUATTROCHI, V	SAP2

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN THIS COURT.


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