

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JEFFREY BROWN,

Plaintiff,

COMPLAINT

-against-

JURY TRIAL DEMANDED

THE CITY OF NEW YORK, and NEW YORK CITY
POLICE OFFICERS: P.O. EDWIN ESPINAL
SERGEANT RYAN GILLIS, P.O. ERIC HEALY, and
LIEUTENANT JEREMY SCHEUBLIN, in Their Official
Capacities and Individually,

Defendants.
-----X

Plaintiff, JEFFREY BROWN, complaining of the Defendants, respectfully
alleges as follows:

PRELIMINARY STATEMENT

1. Plaintiff brings this action for compensatory damages, punitive damages and attorney's fees pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988 for violations of his civil rights, secured by the said statutes and the Constitutions of the State of New York and of the United States.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988. Jurisdiction is founded upon 28 U.S.C. §§ 1331, 1343 and 1367.

VENUE

3. Venue is properly laid in the Southern District of New York under 28 U.S.C. § 1391(b), as the District in which the claims arose.

JURY DEMAND

4. Plaintiffs respectfully demand a trial by jury of all issues in this matter pursuant to Fed. R. Civ. P. 38(b).

PARTIES

5. Plaintiff was a resident of the City of Islip and and the State of New York.

6. Defendant, THE CITY OF NEW YORK, was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York, and maintains the New York City Police Department, a duly authorized Public Authority and Police Department, authorized to perform all functions of a police department as per the applicable sections of the New York State Criminal Procedure Law, acting under the direction and supervision of the aforementioned municipal corporation, THE CITY OF NEW YORK.

7. At all times hereinafter mentioned, the individually named defendants: P.O. EDWIN ESPINAL, SERGEANT RYAN GILLIS, P.O. ERIC HEALY, and LIEUTENANT JEREMY SCHEUBLIN were duly sworn police officers of the New York City Police Department and were acting under the supervision of the said department and in accordance with their official duties, and individually.

8. At all times hereinafter mentioned, all of the Defendants, either personally, individually or through their employees, were acting under color of state law and in compliance with the official rules, regulations, laws, statutes, customs, usages and/or practices of the State of New York and the City of New York.

9. Each of the alleged acts of the said Defendant police officers of the New York City Police Department were done by said Defendants while acting within the scope of their employment

by Defendant, THE CITY OF NEW YORK and while acting in furtherance of their employment by Defendant, THE CITY OF NEW YORK.

10. All of the Defendant police officers are being charged and sued herein in both their individual and official capacities.

FACTS

11. On or about April 10, 2014 at about 9:28 PM, Plaintiff was walking on a public sidewalk called St. Raymonds Avenue in the County of the Bronx, City of New York and was not engaged in any illegal activity, by himself or in conjunction with any other person, nor in possession, custody or control of any weapon.

12. At the aforesaid date and approximate time, large numbers of officers of the New York City Police Department arrived at the aforesaid location, and proceeded to stop, handcuff, search put me and other persons present on the street down on the pavement. Participating in the aforesaid actions were defendant Police officers P.O. EDWIN ESPINAL, SERGEANT RYAN GILLIS, and defendant, P.O. ERIC HEALY.

13. Defendant LIEUTENANT JEREMY SCHEUBLIN, came to the aforesaid location inspected the scene, and conferred with supervisory New York City Police Officer Sergeant RYAN GILLIS and police Officer EDWIN ESPINAL and in conjunction with them decided to have me arrested and charged me with possession of 2 guns which I never possessed in any respect.

14. I was placed together with other people on the said street who were all including myself, african-americans in a police van wherein we were chained, and transported to the 43rd precinct of the New York Police Department where we were put into cells and further imprisoned, and thereafter transported as prisoners to another location and put into other cells in an area known

as Central Booking in the County of Bronx, where we were further imprisoned.

15. These persons including myself were all charged with possession of the same 2 weapons which were allegedly found on the ground at locations where I could not have exercised custody and control over said weapons, and did not exercise custody and control over said weapons.

16. At the 43rd precinct in the County of the Bronx, I was fingerprinted had my picture taken, held in a cell while arrest records were created by the police officers of the New York City Police Department.

17. At the 43rd precinct, my Arrest Reports and Arrest Records were prepared by Defendant police officer ERIC HEALY, and reviewed and approved by supervisory officer, Defendant, Sergeant RYAN GILLIS, which reports falsely charged me with possession of 2 dangerous weapons, and filed and submitted these false reports to prosecutors in the New York City, Bronx County District Attorney's office.

18. At no time did any of the defendants have probable cause to seize, detain or arrest me, nor was it reasonable for the defendants to believe that such cause existed, and defendants arrested me with the intent to confine me, and I never I consented to be confined and my arrest was not otherwise privileged.

19. The District attorney of Bronx County did not charge me or prosecute me for possession of the aforesaid 2 weapons or any other crime for which I was unlawfully detained.

20. As a result of the foregoing, I sustained, *inter alia*, loss of liberty, fear, emotional distress, mental anguish and humiliation, injury, and the deprivation of my constitutional rights.

FIRST CLAIM FOR RELIEF
FALSE ARREST UNDER 42 U.S.C. § 1983

21. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs numbered 1 through 20 with the same force and effect as if fully set forth herein.

22. All of the aforementioned acts of the Individual Defendants, their agents, servants and employees were carried out under color of law.

23. The acts complained of were carried out by the aforementioned individual defendants in their individual capacity and in their capacities as New York City police officers, with all the actual and apparent authority attendant thereto.

24. As a result of the defendants' aforementioned conduct, plaintiff was subject to an illegal and improper false arrest by the defendants and taken into custody to be falsely imprisoned, detained, confined, incarcerated without probable cause, privilege or consent.

25. As a result of the foregoing, the Plaintiff's liberty was restricted for an extended period of time, and he was put in fear for his safety, and subjected to handcuffing, and other physical restraints, loss of liberty, emotional distress, mental anguish, shock, fright, apprehension, embarrassment and humiliation, and the deprivation of his constitutional rights, without probable cause.

WHEREFORE, as a result of all the foregoing, Plaintiff, is entitled to compensatory damages in the sum of ten million dollars (\$10,000,000.00) and punitive damages against the individual defendants in the sum of ten million dollars (\$10,000,000.00) and demands judgment against each of the Defendants in the sum of ten million dollars (\$10,000,000.00) in compensatory damages, ten million dollars (\$10,000,000.00) in punitive damages, and the costs and

disbursements of this action.

Dated: New York, New York
April 3, 2017

A handwritten signature in black ink, appearing to read "Daniel Crupain", with a long horizontal flourish extending to the right.

DANIEL CRUPAIN, ESQ.
Attorney for Plaintiff
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