

Lemont Love,

plaintiff

against

Case number: 3:11-cv-03765-GEA-DEA

Amended Complaint

Jury trial Demanded

South River police department (official capacity)

Mario A. pinto (individually and official capacity)

Joseph Grekoski (individually and official capacity)

Bruno Ferreira (individually and official capacity)

Andrew King (individually and official capacity)

Jonathan Minacapelli (individually and official capacity)

Wesley Sanches (individually and official capacity)

P/L. Boselli (individually and official capacity)

P/L Saucedo (individual and official capacity)

Chief J. Bouthillette (individual and official capacity)

Mark Tinitigan (individual and official capacity)

First defendant -- name: South River Police Department

Official position: Place of employment for Defendants

Place of Employment: 61 main st. South River NJ 08882

How is this person involved in this case?

Place of employment for the defendants

Second defendant -- name: Mario A. Pinto

Official position: Police officer for South River police department

Place of Employment: 61 main st. South River NJ 08882

How is this person involved in this case?

On 11/18/09 I was pulled over by this officer, he was verbally abusive and confrontational. When he approached my car he demanded the car be turned off and my keys to be handed to him. He then ordered me to step out of the car. I complied with all the orders I was given and even gave the officer my license, registration and insurance. The officer refused to tell me why I was pulled over and kept telling me to "shut the fuck up". I refused to speak to this officer but agreed to talk to Officer Berry. Officer Pinto threatened to lock me up if I didn't start answering his questions and when I didn't, he locked me up. He put the handcuffs on my wrists so tight that my wrists and hands went numb and the metal digging into my skin caused my wrists to bleed and some bruising. He then roughly stuffed me in the police car, reinjuring my shoulder and causing me extreme pain. When I tried to tell him I was disabled, he told me to "Shut the fuck", then realized he was on camera and caught himself.

When we got to the police station, he banged my head on the police car while my hands were cuffed behind my

I told this officer I needed to go to the hospital since he verbally and physically abused me the whole time I was in his custody. He responded to that by laughing at me and telling me "find your own fucking ride, you can walk for all I care". He then gave me false charges. This stop and arrest took place in East Brunswick which is out of the jurisdiction of this South River Police officer.

Third defendant: name: Joseph Grekoski

Official position: Police officer, South River police department

Place of employment: 61 main st South River NJ 08882

How is this person involved in this case?

On 10/3/09 I was a passenger in a car that my fiancée was driving. We were pulled over by several officers, I was asked for my license which I gave to the officer, I asked what I did since I was a passenger but was told by these officers to "shut up". Sgt. Grekoski was screaming at me asking me what my name was. He kept verbally abusing me, then when I protested his abuse I was attacked by him and several other officers. I was put in cuffs so tight that the circulation to my hands was cut off causing them to turn blue. The handcuffs cut into my skin causing bruising and extreme pain. When we got to the police station, this officer punched me in the back of my head causing my face to bounce off the police car which made me lip bleed. I was then pulled out of the police car by the hood of my sweater which caused my sweater to rip across my neck. I was then kicked and punched by this officer before being picked up by my ankles and handcuffs. I was screaming because I was in so much pain, I was dropped face first several times purposely as I was being carried up the stairs. I was then physically thrown in a cell where I

Fourth defendant-- name: Bruno Ferreira

Official position: Police Officer, South River police department

Place of employment: 61 main st. South River NJ 08882

How is this person involved in this case?

On 10/3/09 this defendant was present and participated in my arrest. I was assaulted by this defendant by being punched and kicked by him, he also dropped me several times on my face while carrying me up the stairs, he then threw me in a cell where I remained until the paramedics put me on a stretcher. As a result of this defendant's assault I sustained injuries to my face, back, chest, legs, arms and wrists. My body was bruised and I was prescribed pain medication for my injuries. My lip was bleeding, my shirt was ripped and my neck was scratched. My wrists and hands were numb due to the circulation being cut off from my handcuffs being too tight. My back was bruised from being punched and kicked by this defendant and my face, chest and legs were bruised from being kicked, punched, dropped face first and being thrown into a cell by this defendant. And my shoulder was reinjured.

Fifth defendant-- name: Andrew King

Official position: Police officer, South River police department

Place of employment: 61 main st. South River NJ 08882

How is this person involved in this case?

On 10/3/09 this defendant was present and participated in my arrest. I was assaulted by this defendant by being punched and kicked by him, he also dropped me several times on my face while carrying me up the stairs, he then threw me in a cell where I remained until the paramedics



was bleeding, my shirt was ripped and my neck was scratched. My shirt was ripped from me being drug from the police car by my hood, resulting in scratches on my neck. My wrists and hands were numb and swollen and the skin was broken due to my cuffs being so tight and cutting off my circulation. My back was bruised from being punched and kicked by this defendant. My face, chest and legs were bruised from being kicked, punched, dropped face first and being thrown into a cell by this defendant. And my shoulder was reinjured as a result of this defendant's conduct.

Sixth defendant-- name: Jonathan Minacapelli:

Official position: Police officer, South River police department

Place of employment: 61 main st. South River NJ 08882

How is this person involved in this case?

On 10/31/09 this defendant was present and participated in my arrest. I was assaulted by this defendant by being punched and kicked by him after I was pulled out of a police car by the hood of my sweater. Also, he dropped me several times on my face while carrying me up the stairs, he then threw me in a cell where I remained until the paramedics put me on a stretcher and took me to the hospital. As a result of this defendant's assault I sustained injuries to my face, back, chest, legs, arms and wrists. My body was bruised and I was hospitalized. I was prescribed pain medication for my injuries. My lip was bleeding, my neck was scratched from being pulled out of the police car by the hood of my sweater causing it to rip. My wrists and hands were numb and swollen and the skin was broken due to my cuffs being so tight and cutting off my circulation.

result of this defendant's conduct.

Seventh defendant -- name: Wesley Sanchez

Official position: Police officer, South River police department

Place of employment: 61 Main St. South River NJ 08882

How is this person involved in this case?

This defendant pulled my car over for no reason and was present when I was unlawfully arrested and assaulted but did nothing to stop it. I believe this defendant also kicked me several times. The injuries sustained by this defendant's actions/inactions include injuries to my face, back, chest, legs, arms, neck and shoulder and wrist. My body was bruised, I was in a lot of pain and I was hospitalized. I was prescribed pain medication for my injuries. My lip was bleeding and my neck was scratched. My wrists and hands were numb and swollen and the skin was broken due to my cuffs being so tight and cutting off my circulation. My back, face, chest, legs and shoulder were bruised from being punched and kicked and dropped.

Eighth defendant -- name: Ptl. Roselli

Official position: Police officer, South River police department

Place of employment: 61 Main St. South River NJ 08882

How is this person involved in this case?

On 8/17/09 I was a passenger in a vehicle which was pulled over by this defendant. I was harassed and issued a no seatbelt ticket by this defendant, which was dismissed. This defendant failed to intervene when his partner verbally and physically assaulted me. The injuries I sustained in the assault

Ninth defendant - name: Ptl. Saucedo

Official position: Police Officer, South River police department

place of employment: 61 main st. South River NJ 08892

How is this person involved in this case?

On 8/17/09 this defendant was present during a traffic stop of my vehicle. I was harassed by this defendant, both verbally and physically assaulted by him as well. He reached in my car window without warning and snatched my cell phone out of my hand and in the process he twisted my finger and scratched me. On 9/24/09 I was pulled over by this officer and given a bunch of unwarranted tickets by this officer and he impounded my vehicle.

The actions of defendants Pinto, Grekoshi, Ferreira, King, Minacapelli, Sanches, Boselli and Saucedo in using physical force against the plaintiff without need or provocation, or in failing to intervene to prevent the misuse of force, were done maliciously and sadistically and constituted cruel and unusual punishment in violation of the Eighth Amendment of the U.S. Constitution.

The actions of defendant Pinto in illegally searching plaintiff's car constituted an unreasonable search and seizure in violation of plaintiff's fourth Amendment of the United States Constitution.

The actions of defendants Pinto, Saucedo, and Grekoshi in illegally seizing plaintiff's car and cellphone constituted an unreasonable search and seizure in violation of plaintiff's fourth Amendment of the United States Constitution.

The actions of defendants Pinto, Grekoshi, Boselli and Saucedo

and sadistically and constituted cruel and unusual punishment in violation of the eighth Amendment of the U.S. Constitution. These acts were also committed to deprive plaintiff of life, liberty or property without due process of law in violation of plaintiff's fifth and fourteenth Amendment of the U.S. Constitution.

The actions of Pinto, Sanchez, Boselli and Saucedo in racial profiling and carrying out an unlawful stop, were done sadistically and maliciously and constituted cruel and unusual punishment in violation of the eighth Amendment to the U.S. Constitution. These acts were also committed to deprive plaintiff of life, liberty or property without due process of law in violation of the fifth and fourteenth Amendment of the U.S. Constitution.

The actions of Pinto and Grekoski in making an unlawful arrest was done maliciously and sadistically and constituted cruel and unusual punishment in violation of the 8<sup>th</sup> Amendment of the U.S. Constitution. These acts constituted an unreasonable search and seizure in violation of plaintiff's fourth Amendment of the U.S. Constitution. And these acts were also committed to deprive plaintiff of life, liberty or property without due process of law in violation of the fifth and fourteenth Amendments to the U.S. Constitution.

The actions of Pinto, Grekoski, Ferreira, King, Minacapelli, Sanchez, Boselli and Saucedo in harassing plaintiff without need or provocation, or in failing to intervene to prevent the unwarranted harassment, were done maliciously and sadistically and constituted cruel and unusual punishment in violation of



Tenth defendant-- name: Chief- John P. Bouthillette  
Official position: Chief of police, South River police department  
Place of employment: 61 main st. South River, NJ 08882

How is this person involved in this case?

Defendant John P. Bouthillette is the Chief of police for the South River Police Department and is in charge of the supervision and discipline of all police officers employed by the South River police department. Defendant J. Bouthillette has been placed on notice of the abusive conduct of defendant Saucedo by a number of complaints, but has failed to take disciplinary action or otherwise to control his behavior.

Eleventh defendant-- name: Mark Tinitigan

Official position: Chief of police, South River Police Dept.

Place of employment: 61 Main St. South River NJ 08882

How is this person involved in this case?

Defendant Tinitigan is now acting Chief of police but at the relevant time of this action he was a Lt. with the South River Police. On Aug. 17, 2009 I along with my co-defendant, Michael Saris filed a internal affairs complaint against Defendants Roselli and Saucedo. Defendant Tinitigan who was assigned to investigate that complaint, failed to properly investigate that complaint and fabricated evidence surrounding the events of said investigation. Specifically this defendant lied about an alleged conversation that took place between plaintiff, Michael Saris and Defendant Tinitigan, in which plaintiff and Michael Saris supposedly said they no longer wished to pursue the complaint.

The actions of defendant Tinitigan in fabricating evidence and falsifying reports were done maliciously and sadistically and constituted cruel and unusual punishment in violation of the eighth Amendment of the U.S. Constitution. These acts were also committed to deprive plaintiff of life, liberty or property without due process of law in violation of plaintiff's fifth and fourteenth Amendments of the U.S. Constitution.

The actions of defendants Pinto, Grekouski, Ferreira, King, Minacapelli, Sanchez and Saucedo in using physical force against the plaintiff without need or provocation, causing or attempting to cause serious bodily injury, constituted the tort of Aggravated Assault under the law of 2C:12-1b(1) New Jersey.

The actions of defendant Pinto in refusing to provide medical attention to the plaintiff after assaulting plaintiff and medical attention being requested, constitutes the tort of negligence under the law of New Jersey.

The failure of defendant J. Bouthillette to take disciplinary or other action to curb the known pattern of abuse of citizens by defendant Saucedo constituted deliberate indifference and contributed to and proximately caused the above described violation of Eighth Amendment rights and Agg. assault.

Wherefore, plaintiff requests that the court grant the following relief:

A. Issue injunctive relief, a restraining order against all of the named defendants.

B. Issue a declaratory judgment stating that:

1. The use of excessive force, illegal search and seizure, filing false charges, tickets and reports, racial profiling, unlawful stop, unlawful arrest and harassment of the plaintiff by defendants Pinto, Grekoski, Ferreira, King, Minacapelli, Sanchez, Boselli and Saucedo violated plaintiff's rights under the 5<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> amendments to the U.S. Constitution.

C. Compensatory damages

D. Punitive damages

E. Nominal damages

F. Any other relief this court deems proper.

G. Trial by Jury.