

WHEREFORE, plaintiff demands judgment against defendants jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

**COUNT 127**

**State Law – Common Law Negligent Infliction of Emotional Distress**

1. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

2. The aforesaid actions of defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) have negligently inflicted emotional distress on plaintiff.

WHEREFORE, plaintiff demands judgment against defendants jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

**COUNT 128**

**State Law – Common Law Theft and Conversion**

1. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

2. The aforesaid actions of defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) constitute common law theft and conversion.

WHEREFORE, plaintiff demands judgment against defendants jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

**COUNT 129**

**PLAINTIFF ROBERT HENDERSON**

**(7/24/06 Arrest)**

1. Plaintiff is adult individual and a citizen of the State of New York residing at 804 Milton Avenue, Syracuse, New York.

2. On or about July 24, 2006, plaintiff was located at or near Broadway and Ferry Street in the City and County of Camden.

3. At the same time and place as aforesaid, defendants Parry, Bayard, Figueroa, Stetser, and Morris were on duty in their capacities as police officers for the City of Camden Police Department. Morris was the sergeant responsible for supervising Parry, Bayard, Figueroa, and Stetser.

4. Defendant Stetser approached plaintiff and demanded that plaintiff tell them where they could find individuals selling controlled dangerous substances or locations of controlled dangerous substances.

5. After plaintiff responded that he did not know where the drugs could be found, Stetser pulled a bag of what plaintiff believed to be cocaine from his pocket, showed it to plaintiff, and again demanded that plaintiff tell him where the drugs were or he would be charged with possessing and possessing with intent to distribute the bag of cocaine Stetser possessed.

6. Plaintiff again told him he did not know anything and without probable cause, plaintiff was handcuffed, arrested, placed in the patrol car and transported to the Camden County Jail.

7. Plaintiff was charged with Possession of a Controlled Dangerous Substance in violation of N.J.S.A. 2C:35-10a; Possession with Intent to Distribute a Controlled Dangerous Substance in violation of N.J.S.A. 2C:35-5B(3); Possession With Intent to Distribute a Controlled Dangerous Substance Within 1000 feet of a School in violation of 2C:35-7.

8. Plaintiff was detained in the Camden County Jail and subsequently indicted under Indictment number 3491-10-06 based on the perjured testimony and untrue allegations of defendants Parry and/or Bayard and/or Figueroa and/or Stetser.

9. At the time the Complaints were signed, defendant Stetser, John Does (1-10) knew the following:

(a) that plaintiff had not possessed, possessed with intent to distribute, possessed with intent to distribute within 1000 feet of a school cocaine;

(b) that probable cause did not exist for the arrest, charge, detention, and prosecution of plaintiff.

10. When faced with the threat of the defendant Stetser falsifying evidence and misrepresenting facts in court, and after being held in the Camden County Jail for approximately 11 months on the unfounded charges, on or about June 18, 2007, plaintiff was forced and coerced to plead guilty to the charge of Possession With Intent to Distribute a Controlled Dangerous in violation of N.J.S.A. 2C:35-5.

11. On or about August 10, 2007, defendant was sentenced by the Court to a term of non-custodial probation and released.

12. Upon application of the Camden County Prosecutor's Office, or about December 18, 2009, the Court vacated the conviction under Indictment number 3491-10-06 and dismissed the Indictment.

13. Plaintiff did not commit the crimes charged and was caused by the illegal arrest to be detained in the Camden County Jail for this arrest for approximately 11 months.

**(11/2/07 Arrest)**

14. On or about November 2, 2007, plaintiff was located at a residence at or near Broadway and Filmore Street in the City and County of Camden.

15. At the same time and place as aforesaid, defendants Parry, Bayard, Figueroa, Stetser, and Morris were on duty in their capacities as police officers for the City of Camden Police Department. Morris was the sergeant responsible for supervising Parry, Bayard, Figueroa, and Stetser.

16. Defendant Stetser approached plaintiff and demanded that plaintiff tell them where they could find individuals selling controlled dangerous substances or locations of controlled dangerous substances.

17. After plaintiff responded that he did not know where the drugs could be found, Stetser pulled a Mike and Ike candy box containing what plaintiff believed to be cocaine out of his pocket showed it to plaintiff, and again demanded that plaintiff tell him where the drugs were or he would be charged with possessing and possessing with intent to distribute the cocaine Stetser possessed.

18. Plaintiff again told him he did not know anything and without probable cause, plaintiff was handcuffed, arrested, placed in the patrol car and transported to the Camden County Jail.

19. Plaintiff was charged with Possession of a Controlled Dangerous Substance in violation of N.J.S.A. 2C:35-10a; Possession with Intent to Distribute a Controlled Dangerous Substance in violation of N.J.S.A. 2C:35-5B(3); Possession With Intent to Distribute a Controlled Dangerous Substance Within 1000 feet of a School in violation of 2C:35-7.

20. Plaintiff was detained in the Camden County Jail and subsequently indicted under Indictment number 3741-01-08 based on the perjured testimony and untrue allegations of defendants Parry and/or Bayard and/or Figueroa and/or Stetser.

21. At the time the Complaints were signed, defendant Stetser, and/or Figueroa and/or Parry and/or Bayard knew the following:

(a) that plaintiff had not possessed, possessed with intent to distribute, possessed with intent to distribute within 1000 feet of a school cocaine;

(b) that probable cause did not exist for the arrest, charge, detention, and prosecution of plaintiff.

22. When faced with the threat of the defendant Stetser falsifying evidence and misrepresenting facts in court again as he did in the earlier July 24, 2006 arrest, and after being held in the Camden County Jail again for approximately 7 more months on the unfounded charges, on or about May 16, 2008, plaintiff was forced and coerced to plead guilty to the charge of Conspiracy to Possess CDS in violation of N.J.S.A. 2C:5-2.

23. On or about June 20, 2008, defendant was sentenced by the Court to another term of non-custodial probation and released.

24. Upon application of the Camden County Prosecutor's Office, or about December 18, 2009, the Court vacated the conviction under Indictment number 3741-01-08 and dismissed the Indictment.

25. Plaintiff did not commit the crimes charged and was caused by the illegal arrest to be detained in the Camden County Jail for this arrest for approximately 7 more months.

**(8/9/08 Arrest)**

26. On or about August 9, 2008, plaintiff was located at or near Broadway and Ferry Avenue in the City and County of Camden.

27. At the same time and place as aforesaid, defendants Parry, Bayard, Figueroa, Stetser, and Morris were on duty in their capacities as police officers for the City of Camden Police Department. Morris was the sergeant responsible for supervising Parry, Bayard, Figueroa, and Stetser.

28. Defendants Stetser and/or Parry and/or Bayard and/or Figueroa approached plaintiff and demanded that plaintiff tell them where they could find individuals selling controlled dangerous substances or locations of controlled dangerous substances.

29. Plaintiff again told him he did not know anything and without probable cause, plaintiff was handcuffed, arrested, placed in the patrol car and transported to the Camden County Jail.

30. Plaintiff was charged with Possession of a Controlled Dangerous Substance in violation of N.J.S.A. 2C:35-10a; Possession with Intent to Distribute a Controlled Dangerous

Substance in violation of N.J.S.A. 2C:35-5B(3); Possession With Intent to Distribute a Controlled Dangerous Substance Within 1000 feet of a School in violation of 2C:35-7.

31. Plaintiff was detained in the Camden County Jail and subsequently indicted under Indictment number 1115-03-09 based on the perjured testimony and untrue allegations of defendants Parry and/or Bayard and/or Figueroa and/or Stetser.

32. At the time the Complaints were signed, defendants Stetser and/or Figueroa and/or Parry and/or Bayard and/or John Does (1-10) knew the following:

(a) that plaintiff had not possessed, possessed with intent to distribute, possessed with intent to distribute within 1000 feet of a school cocaine;

(b) that probable cause did not exist for the arrest, charge, detention, and prosecution of plaintiff.

33. When faced with the threat of the defendants Stetser, and/or Parry and/or Figueroa and/or Bayard falsifying evidence and misrepresenting facts in court again as they did in the earlier arrests, and after being held in the Camden County Jail again for approximately 13 more months on the unfounded charges, plaintiff was forced and coerced to plead guilty to the charge of Possession with Intent to Distribute CDS in violation of N.J.S.A 2C:35-5.

34. On or about October 30, 2009, defendant was sentenced by the Court to a term of three years New Jersey State Prison with 27 months parole ineligibility.

35. Upon application of the Camden County Prosecutor's Office, or about March 10, 2010, the Court vacated the conviction under Indictment number Indictment number 1115-03-09 and dismissed the Indictment.

36. On March 19, 2010, plaintiff was released from State Prison. Plaintiff did not commit the crimes charged and was caused by the illegal arrest to be detained in the Camden County Jail and New Jersey State Prison for this arrest for approximately 19 more months.

37. Based on the three illegal arrests, and conduct of the defendant officers, plaintiff was caused to be incarcerated for approximately 37 months.

38. At all times relevant to this cause of action, defendants City of Camden, City of Camden Police Department, Camden County, Camden County Prosecutor's Office, and/or the State of New Jersey Office of the Attorney General supervised, controlled, managed and/or were responsible for the operations of the Camden City Police Department and that entities employees/police officers including Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10).

39. The aforesaid actions of defendants' violated the constitutional rights of plaintiff in that he was illegally arrested, searched, seized, and detained, without probable cause in contravention to the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, Article 1, paragraph 7 of the New Jersey Constitution and 42 U.S.C. sec. 1983.

WHEREFORE, plaintiff demands judgment against all defendants jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees pursuant to 42 U.S.C. sec. 1988 (b), costs of suit, and any other such relief that the court may deem just and equitable.

### **COUNT 130**

#### **42 U.S.C. 1983 Malicious Prosecution**

1. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

2. The above-described actions by each defendant named in this complaint were done maliciously (including with a lack of belief by each defendant named herein in the propriety of the prosecution of the then defendant, now plaintiff), and for an extraneous improper purpose other than bringing now then plaintiff to justice.

3. The aforesaid actions of defendants' constitute malicious prosecution and violated the constitutional rights of plaintiff in that he was illegally arrested, searched, seized, detained and prosecuted without probable cause in contravention to the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, Article 1, paragraph 7 of the New Jersey Constitution and 42 U.S.C. sec. 1983.

WHEREFORE, plaintiff demands judgment against defendants jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees pursuant to 42 U.S.C. sec. 1988 (b), costs of suit, and any other such relief that the court may deem just and equitable.

### **COUNT 131**

#### **42 U.S.C. 1983 Malicious Abuse of Process**

1. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

2. Each of the defendants had an ulterior purpose as described more fully elsewhere in this complaint, in approving, issuing and pursuing the charges against plaintiff.

3. The aforesaid actions of defendants' constitute abuse of process and violated the constitutional rights of plaintiff in that he was illegally arrested, searched, seized, detained, incarcerated, and prosecuted without probable cause in contravention to the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, Article 1, paragraph 7 of the New Jersey Constitution and 42 U.S.C. sec. 1983.

WHEREFORE, plaintiff demands judgment against defendants jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees pursuant to 42 U.S.C. sec. 1988 (b), costs of suit, and any other such relief that the court may deem just and equitable.

### **COUNT 132**

#### **42 U.S.C. 1985 Conspiracy to Violate Civil Rights**

1. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

2. Defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) conspired with each other to violate plaintiff's civil rights in contravention of 42 U.S.C. sec. 1985.

WHEREFORE, plaintiff demands judgment against defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees pursuant to 42 U.S.C. sec. 1988 (b), costs of suit, and any other such relief that the court may deem just and equitable.

### **COUNT 133**

#### **42 U.S.C. 1983 Monell Claim – Custom and Practice**

1. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

2. At all times relevant to this complaint, defendants City of Camden, City of Camden Police Department, Camden County, Camden County Prosecutor's Office, State of New Jersey Office of the Attorney General were aware of, condoned, encouraged, and failed to deter or to stop, the above-described pattern, history and custom of defendants Parry, Bayard, Figueroa, Stetser, Morris, and John Does (1-10) violating the civil rights of individuals within the boundaries of the City of Camden.

3. Defendants City of Camden, City of Camden Police Department, Camden County, Camden County Prosecutor's Office, State of New Jersey Office of the Attorney

General through its agents/employees John Does (1-10) intentionally, recklessly and/or negligently as a matter of policy and practice, failed to properly supervise, discipline, train, or otherwise sanction police officers/sergeants/lieutenants who violated the rights of individuals, including the rights of plaintiff, thus encouraging, acquiescing the defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) to engage in the unlawful and actionable conduct described above. Defendants had an official custom of deliberate indifference that caused the constitutional violations.

4. Defendants City of Camden, City of Camden Police Department, Camden County, Camden County Prosecutor's Office, State of New Jersey Office of the Attorney General, as a further matter of public policy and practice failed to properly train its police officers, including defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) with respect to the constitutional, statutory and departmental limits of their authority.

5. At all times herein mentioned, defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) were acting as the agents, servants, and/or employees of the defendants City of Camden and/or City of Camden Police Department, which was under the supervision, management or control of defendants Camden County, Camden County Prosecutor's Office, and/ or State of New Jersey Office of the Attorney General and therefore their acts are attributable to each defendant.

6. Defendants, City of Camden, City of Camden Police Department, Camden County, Camden County Prosecutor's Office and/or State of New Jersey Office of the Attorney General were on actual notice of the need to train, supervise, discipline or terminate its defendant officers prior to the incident in question as other similar incidents may have occurred in the past.

WHEREFORE, plaintiff demands judgment against defendants City of Camden, City of Camden City Police Department, Camden County, Camden County Prosecutor's Office, State of New Jersey Office of the Attorney General, and John Does (1-10), jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees pursuant to 42 U.S.C. sec. 1988 (b), costs of suit, and any other such relief that the court may deem just and equitable.

**COUNT 134**

**State Law – Common Law Negligent Failure to Train, Supervise, Discipline, or Assign Law Enforcement Officers**

1. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

2. At all times relevant to this complaint, defendants City of Camden, City of Camden Police Department, Camden County, Camden County Prosecutor's Office were aware of, condoned, encouraged, and failed to deter or to stop, the above-described pattern, history and custom of defendants Parry, Bayard, Figueroa, Stetser, Morris, and John Does (1-10) violating the civil rights of citizens within the boundaries of the City of Camden.

3. Defendants City of Camden, City of Camden Police Department, Camden County, Camden County Prosecutor's Office, State of New Jersey Office of the Attorney General through its agents/employees John Does (1-10) negligently failed to properly supervise, discipline, train, or otherwise sanction police officers/sergeants/lieutenants who violated the rights of citizens, including the rights of plaintiff, thus encouraging, acquiescing the defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) to engage in the unlawful and actionable conduct described above. Defendants had an official custom of deliberate indifference that caused the constitutional violations.

4. Defendants City of Camden, City of Camden Police Department, Camden County, Camden County Prosecutor's Office, State of New Jersey Office of the Attorney General, as a further matter of public policy and practice failed to properly train its police officers, including defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) with respect to the constitutional, statutory and departmental limits of their authority.

5. At all times herein mentioned, defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) were acting as the agents, servants, and/or employees of the defendants City of Camden and/or City of Camden Police Department, which was under the supervision, management or control of defendants Camden County, Camden County Prosecutor's Office, and/ or State of New Jersey Office of the Attorney General and therefore their acts are attributable to each defendant.

6. Defendants, City of Camden, City of Camden Police Department, Camden County, Camden County Prosecutor's Office and/or State of New Jersey Office of the Attorney

General were on actual notice of the need to train, supervise, discipline or terminate its defendant officers prior to the incident in question as other similar incidents may have occurred in the past.

WHEREFORE, plaintiff demands judgment against defendants City of Camden, City of Camden City Police Department, Camden County, Camden County Prosecutor's Office, State of New Jersey Office of the Attorney General, and John Does (1-10), jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

### **COUNT 135**

#### **State Law – Common Law False Arrest and Imprisonment**

1. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

2. All actions of defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) in arresting, searching, seizing, detaining, and prosecuting plaintiff were carried out unlawfully, intentionally, and maliciously, without just or probable cause. Such actions constitute false arrest and false imprisonment.

WHEREFORE, plaintiff demands judgment against defendants jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees pursuant costs of suit, and any other such relief that the court may deem just and equitable.

### **COUNT 136**

#### **State Law – Common Law Malicious Prosecution**

1. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

2. The above-described actions by each defendant named in this complaint were done maliciously (including with a lack of belief by each defendant named herein in the propriety of the prosecution of the then defendant, now plaintiff), and for an extraneous improper purpose other than bringing now then plaintiff to justice.

3. The aforesaid actions of defendants' constitute malicious prosecution and violated the rights of plaintiff in that he was illegally arrested, searched, seized, detained, and prosecuted without probable cause.

WHEREFORE, plaintiff demands judgment against defendants jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

**COUNT 137**

**State Law – Common Law Malicious Abuse of Process**

1. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

2. Each of the defendants had an ulterior purpose as described more fully elsewhere in this complaint, in approving, issuing and pursuing the charges against plaintiff. Such other purpose included but was not limited to the purpose of stealing and converting for their own use, plaintiff's personal property, including approximately \$1200.00 belonging to plaintiff.

3. The aforesaid actions of defendants' constitute abuse of process and violated the rights of plaintiff in that he was illegally arrested, searched, seized, detained, incarcerated, and prosecuted without probable cause.

WHEREFORE, plaintiff demands judgment against defendants jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

**COUNT 138**

**State Law – Common Law Intention Infliction of Emotional Distress**

1. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

2. Defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) have intentionally inflicted emotional distress on plaintiff.

WHEREFORE, plaintiff demands judgment against defendants jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

**COUNT 139**

**State Law – Common Law Negligent Infliction of Emotional Distress**

1. The above paragraphs are repeated and incorporated herein by reference as if set forth in full.

2. The aforesaid actions of defendants Parry, Bayard, Figueroa, Stetser, Morris and John Does (1-10) have negligently inflicted emotional distress on plaintiff.

WHEREFORE, plaintiff demands judgment against defendants jointly, severally and/or in the alternative for compensatory damages, punitive damages, interest, attorney fees, costs of suit, and any other such relief that the court may deem just and equitable.

**JURY DEMAND**

Plaintiff hereby demands trial by jury as to all issues so triable.

**LAW OFFICES OF KENNETH D. AITA**

/s/ Kenneth D. Aita  
Kenneth D. Aita, Esquire

Dated: December 3, 2010

**CERTIFICATION PURSUANT TO CIVIL PRACTICE R: 5-1**

Pursuant to the provisions of R:5-1, the undersigned attorney hereby certifies to the best of his knowledge information and belief that:

1. These matters are the subject of the Camden City Police matters that are currently consolidated by the Court;
2. There are no other actions or arbitration contemplated;
3. There are no other parties who should be joined in the matter in controversy.

I certify that the foregoing statements made by me are true and correct and to the best of my knowledge, information and belief.

**LAW OFFICES OF KENNETH D. AITA**

/s/ Kenneth D. Aita  
Kenneth D. Aita, Esquire

Dated: December 3, 2010