

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA**

CLARENS DESROULEAUX,

Plaintiff,

vs.

Case Number: 18-23797-CIV-DPG

JURY TRIAL DEMANDED

**THE VILLAGE OF BISCAYNE PARK,
a municipality of the State of Florida,
CHIEF RAIMUNDO ATESIANO,
OFFICER CHARLIE DAYOUB, and
OFFICER GUILLERMO RAVELO,
individually and in their official capacity.**

Defendants.

SECOND AMENDED COMPLAINT

THE PLAINTIFF, CLARENS DESROULEAUX (“DESROULEAUX”), by and through undersigned counsel, pursuant to Federal Rule of Civil Procedure 15(a) hereby files this Second Amended Complaint and sues Defendants, **THE VILLAGE OF BISCAYNE PARK,** a municipality of the State of Florida (**“BISCAYNE PARK”**), **CHIEF RAIMUNDO ATESIANO (“ATESIANO”), OFFICER CHARLIE DAYOUB (“DAYOUB”),** and **OFFICER GUILLERMO RAVELO, (“RAVELO”)** and alleges:

JURISDICTION AND VENUE

1. This action is brought pursuant to 42 U.S.C. §1983 to redress the deprivation, under color of law, of **DESROULEAUX's** rights as secured by the Constitution of the United States of America.
2. This Court has jurisdiction over this case pursuant to 28 U.S.C. §1331.

3. Venue is proper in this Honorable Court under 28 U.S.C. § 1391(b) as the events giving rise to the claims asserted herein occurred in Miami-Dade County, Florida.

THE PARTIES

4. **CLARENS DESROULEAUX** is a 41 year old former resident of Miami-Dade County, Florida, who was initially deprived of his Constitutional rights under color of law by the Defendants in this case when he was 35 years old.
5. Defendant, **THE VILLAGE OF BISCAYNE PARK**, is a municipality of the State of Florida located in Miami-Dade County, Florida that provided, among other services, a Police Department to protect its residents and visitors. Defendant, **BISCAYNE PARK**, employs or employed the Defendant police officers at all times material hereto.
6. At all times material hereto, Defendant, **ATESIANO**, was an employee of Defendant, **BISCAYNE PARK**, and was the Chief of Police of Defendant, **BISCAYNE PARK's**, Police Department.
7. In his capacity as Chief of Police of Defendant, **BISCAYNE PARK's**, Police Department, Defendant, **ATESIANO**, established policy for Defendant, **BISCAYNE PARK's**, Police Department, and was the commander of the Defendants, **DAYOUB** and **RAVELO**.
8. Defendant, **BISCAYNE PARK's**, Police Department's policy was the policy of Defendant, **BISCAYNE PARK** with regard to matters involving Defendant, **BISCAYNE PARK's**, Police Department.
9. At all times material hereto, Defendant, **DAYOUB**, was a police officer and employee of Defendant, **BISCAYNE PARK**, or Defendant, **BISCAYNE PARK's**, Police Department. As a police officer in Defendant, **BISCAYNE PARK's**, Police Department, Defendant, **DAYOUB**, was responsible for enforcing the laws of Defendant, **BISCAYNE PARK**, helping maintain public safety within the limits of Defendant, **BISCAYNE PARK**, and helping to implement the policies of Defendant, **BISCAYNE PARK**.

10. At all times material hereto, Defendant, **RAVELO**, was a police officer and an employee of Defendant, **BISCAYNE PARK**, or Defendant, **BISCAYNE PARK's**, Police Department. As a police officer in Defendant, **BISCAYNE PARK's**, Police Department, Defendant, **RAVELO**, was responsible for enforcing the laws of Defendant, **BISCAYNE PARK**, and helping maintain public safety within the limits of Defendant, **BISCAYNE PARK**, and helping to implement the policies of Defendant, **BISCAYNE PARK**.
11. **DESROULEAUX** is suing Defendants, **ATESIANO**, **DAYOUB** and **RAVELO**, in their individual capacities, as all acted under color of law and in the course and scope of their employment with Defendant, **BISCAYNE PARK**, in engaging in the actions alleged in this Second Amended Complaint.
12. **DESROULEAUX** is suing Defendant, **BISCAYNE PARK**, for its policy of violating the Constitutional rights of **DESROULEAUX**, as Defendants, **ATESIANO**, **DAYOUB** and **RAVELO**, all acted within the course and scope of their employment with Defendant, **BISCAYNE PARK**, under color of law, and pursuant to the policy of Defendant, **BISCAYNE PARK**. **DESROULEAUX** is also suing Defendant, **BISCAYNE PARK**, for its failure to undertake any actions to alleviate the continuing deprivation of **DESROULEAUX's** Constitutional rights once they were on notice of the actions of Defendants, **ATESIANO**, **DAYOUB** and **RAVELO**. Finally, **DESROULEAUX** is also suing Defendant, **BISCAYNE PARK**, for its failure properly train and/or supervise Defendants, **ATESIANO**, **DAYOUB** and **RAVELO**.

INTRODUCTION

13. In January of 2013 and continuing thereafter, Defendant, **ATESIANO**, wanted to bolster his law enforcement career and status with Defendant, **BISCAYNE PARK**, and Defendant, **BISCAYNE PARK's**, Police Department by “solving” and closing out unsolved burglary cases that occurred at homes located in Defendant, **BISCAYNE PARK**.
14. To this end, Defendant, **ATESIANO**, as the Chief of Defendant, **BISCAYNE PARK's**, Police Department devised and implemented a policy for Defendant, **BISCAYNE**

- PARK's**, Police Department of arresting black men with previous criminal records and charging them with the unsolved burglaries despite not having probable cause to arrest or charge them with these burglaries ("Policy").
15. Defendant, **ATESIANO**, ordered several members of Defendant, **BISCAYNE PARK's**, Police Department, including Defendants, **DAYOUB** and **RAVELO**, to implement the Policy.
 16. In furtherance of the Policy, in early 2013 Defendants, **DAYOUB** and **RAVELO**, without probable cause, arrested **DESROULEAUX** and charged him with committing three unsolved burglaries that occurred in Defendant, **BISCAYNE PARK's**, bounds.
 17. Defendants, **DAYOUB** and **RAVELO**, in implementing the Policy, drafted and signed fraudulent arrest affidavits through which they attested that there was probable cause to believe that **DESROULEAUX** had committed the burglaries for which they arrested him.
 18. **DESROULEAUX**, who is black, and had a criminal record prior to the illegal January 2013 arrest effectuated by Defendants, **DAYOUB** and **RAVELO**, fit the racial profile of people of to be arrested pursuant to the Policy.
 19. After the bogus arrest of **DESROULEAUX**, Defendants, **DAYOUB** and **RAVELO**, coerced **DESROULEAUX** into confessing to three unsolved burglaries that occurred in the Village of Biscayne Park.
 20. Defendants, **DAYOUB** and **RAVELO**, did not audiotape, videotape, or otherwise record or memorialize **DESROULEAUX's** confession to the three burglaries for which they arrested him.
 21. Despite not having video or audio evidence of **DESROULEAUX's** confession, Defendants, **DAYOUB** and **RAVELO**, continued to maintain that **DESROULEAUX** had confessed to the burglaries for which they illegally arrested **DESROULEAUX**.
 22. In fact, Defendants, **DAYOUB** and **RAVELO**, testified in depositions that **DESROULEAUX** had confessed to these crimes.
 23. As a result of the alleged confession, **DESROULEAUX** was told that he faced up to thirty (30) years in prison for the crimes he did not commit.

24. Facing the stark reality of thirty (30) years in prison, **DESROULEAUX** pled guilty to crimes he did not commit and, as a result of his guilty plea, **DESROULEAUX** was sentenced to a five (5) year prison term.
25. **DESROULEAUX** served the prison term for crimes he did not commit, and for which there was no probable cause to arrest him, and was released from prison in 2017 into the custody of the U.S. Immigration and Customs Enforcement agents who ultimately deported **DESROULEAUX** to Haiti.
26. **DESROULEAUX**, who is a citizen of Haiti, but was a Permanent Resident of the United States of America at the time of the bogus arrest and conviction, is still in Haiti and is not able to return to the United States of America as a result of his bogus arrest and conviction perpetrated by the Defendants pursuant to the Policy.
27. As a result of Defendant, **BISCAYNE PARK**'s, Police Department's Policy, **DESROULEAUX** spent over four (4) years in prison and lost over four (4) years of his life wrongfully incarcerated for crimes he did not commit.
28. While in prison for crimes he didn't commit, **DESROULEAUX** suffered mental anguish, humiliation, pain and suffering and loss of enjoyment of life and was unable to earn a living.
29. Since being deported to Haiti, **DESROULEAUX** has not been able to earn the same wages in Haiti that he could earn in the United States of America.
30. Despite obtaining a confession and a guilty plea from **DESROULEAUX** under false pretenses, Defendant, **ATESIANO**, pointed to his department's 100% burglary clearance rate in 2013 and 2014 to leaders of Defendant, **BISCAYNE PARK**, to demonstrate what a great job he was doing in order to further his career.
31. The Policy began to unravel shortly thereafter when a police officer, or police officers, informed Defendant, **BISCAYNE PARK**'s, Village Manager of the Policy.
32. As a result of the police officer or police officers informing Defendant, **BISCAYNE PARK**'s, of the Policy, Defendant, **BISCAYNE PARK**, knew or should have known that its employees/police officers had violated **DESROULEAUX**'s civil rights which resulted in **DESROULEAUX**'s unconstitutional incarceration.

33. Despite being on notice of the Policy and what its police officers had done to black men including **DESROULEAUX**, pursuant to the Policy, Defendant, **BISCAYNE PARK**, made no efforts to help free **DESROULEAUX** from his illegal incarceration.
34. In 2015, **DESROULEAUX** learned of the investigation into the Policy and he filed a “motion to correct illegal sentence” in the Circuit Court for Miami-Dade County, Florida.
35. On or about August 13, 2015, the Circuit Court for Miami-Dade County, Florida denied **DESROULEAUX**’s “motion to correct illegal sentence” and he served the rest of his prison term that arose from Defendants’ illegal Policy.
36. On or about August 10, 2018, Miami-Dade State Attorney’s office filed a motion to vacate the judgments and sentences of **DESROULEAUX** in which a Miami-Dade Assistant State Attorney wrote “It is this office’s position that the charges brought against Clarens Desrouleaux...cannot be substantiated and require that the judgment and sentence be vacated.”
37. The Circuit Court granted the motion to vacate the judgments and sentences on August 10, 2018, one year after **DESROULEAUX** finished serving a five (5) year sentence for crimes he didn’t commit.
38. On June 7, 2018, the United States Attorney for the Southern District of Florida filed an indictment against Defendants, **ATESIANO** and **DAYOUB**, in which he laid out the charges of the conspiracy described herein as it pertained to another individual, known in the Indictment as “T.D.” who was framed by the Defendants, **ATESIANO** and **DAYOUB**. A copy of the indictment is attached hereto as Exhibit 1.
39. Count 1, of the June 7, 2018 indictment alleged “Conspiracy Against Rights” in which the United States of America laid out the case against Defendants, **ATESIANO** and **DAYOUB**, and another co-conspirator, **RAUL FERNANDEZ** that they conspired to deprive citizens of their Constitutional rights under the color of law.
40. On or around July 27, 2018, the United States Attorney for the Southern District of Florida filed a broader indictment against Defendants, **ATESIANO** and **DAYOUB**, in which he laid out more charges of the conspiracy described herein as it pertained to another individual, known in the Indictment as “T.D.” who was framed by the Defendants, **ATESIANO** and **DAYOUB**.

41. On or about August 3, 2018, Defendant, **DAYOUB**, pled guilty to conspiracy charges contained in the indictment. A copy of Defendant, **DAYOUB**,’s guilty plea is attached hereto as Exhibit 2.
42. On or about September 14, 2018, Defendant, **ATESIANO**, pled guilty to conspiracy charges contained in the indictment. A copy of Defendant, **ATESIANO**’s guilty plea is attached hereto as Exhibit 3.

Defendants' Misconduct

43. Rather than performing the police work necessary to properly solve the burglaries in the Village of Biscayne Park, the Defendant, **ATESIANO**, devised and implemented the Policy and conspired with Defendants, **DAYOUB** and **RAVELO**, to carry out the Policy. Specifically, Defendants unjustly and without probable cause arrested **DESROULEAUX** and affirmatively framed him for crimes that they had no evidence he committed.
44. The Defendants illegally coerced a confession from **DESROULEAUX** that they did not record, or otherwise memorialize and then testified that **DESROULEAUX** confessed to committing the crimes in deposition testimony. The confession Defendants, **DAYOUB** and **RAVELO**, coerced from **DESROULEAUX** and other evidence they fabricated led to the criminal prosecution and incarceration of **DESROULEAUX** which violated **DESROULEAUX**’s constitutional rights.
45. To the extent that **DESROULEAUX** confessed to the burglaries, the confession was obtained through coercion and unconstitutional tactics, including the threat of the potential imposition of a much longer prison term.
46. At some point, Defendant, **BISCAYNE PARK**, was on notice of the illegal Policy and did not undertake any actions to vacate, set aside, or otherwise bring about an end to **DESROULEAUX**’s illegal incarceration.
47. Defendant, **BISCAYNE PARK**, had an ongoing obligation to hire competent, diligent and law abiding officers to staff its police department as well as to properly train its officers and supervise them so that they enforce the law and maintain the peace without illegally infringing on the rights of the residents of **BISCAYNE PARK** or people visiting lawfully.

48. Defendant, **BISCAYNE PARK**, breached its duty to hire competent, diligent and law abiding officers to staff its police department as well as to properly train its officers and supervise them so that they enforce the law and maintain the peace without illegally infringing on the rights of the residents of **BISCAYNE PARK** or people visiting lawfully.
49. Defendant, **BISCAYNE PARK's**, breach of its duty to hire competent, diligent and law abiding officers to staff its police department as well as to properly train its officers and supervise them so that they enforce the law and maintain the peace without illegally infringing on the rights of the residents of **BISCAYNE PARK** or people visiting lawfully, caused significant injury including great mental anguish to **DESROULEAUX**.

Count I
42 U.S.C. § 1983-Due Process-Atesiano

50. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
51. As described more fully above, Defendant, **ATESIANO**, while acting individually, jointly, and in furtherance of the Policy, under color of law and within the scope of his employment with Defendant, **BISCAYNE PARK**, deprived **DESROULEAUX** of his Fifth and Fourteenth Amendment rights of due process, and his constitutional right to a fair trial.
52. In the manner described more fully above, Defendant, **ATESIANO**, in furtherance of the Policy, deliberately ordered the police officers of Defendant, **BISCAYNE PARK**, to fabricate false arrest reports, affidavits and other evidence of guilt against **DESROULEAUX**, thereby misleading and misdirecting the criminal prosecution of **DESROULEAUX**. Absent this egregious misconduct, the prosecution of **DESROULEAUX** could not and would not have been pursued.
53. Defendant, **ATESIANO's**, misconduct also directly resulted in the unjust criminal conviction through his coerced guilty pleas of **DESROULEAUX**, thereby denying him his constitutional right to a fair trial, and a fair appeal thereof, in violation of the Due Process Clause of the Fifth and Fourteenth Amendment to the United States Constitution.

54. As a result of this violation of his constitutional right to a fair trial, **DESROULEAUX** suffered injuries, including, but not limited to, great mental anguish, emotional distress and humiliation, as is more fully alleged above.
55. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to **DESROULEAUX**' constitutional rights.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **CHIEF RAIMUNDO ATESIANO**, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages as well as any other relief this Court deems appropriate.

Count II
42 U.S.C. § 1983-Equal Protection-Atesiano

56. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
57. As described more fully above, Defendant, **ATESIANO**, while acting individually, jointly, and in furtherance of the Policy, under color of law and within the scope of his employment with Defendant, **BISCAYNE PARK**, denied **DESROULEAUX** equal protection of the law in violation of his constitutional rights based upon his race.
58. Specifically, this Defendant actively participated in, or personally caused, misconduct in terms of accusing black people, who did nothing more than enter the locale of Defendant, **BISCAYNE PARK**, without probable cause and with no evidence that they committed a crime to act in such a manner that was calculated to coerce confessions and secure unjust convictions. Said misconduct was motivated by racial animus and constituted purposeful discrimination; it also affected black men in a grossly disproportionate manner vis-a-vis similarly-situated caucasian men. The Policy to violate people's civil rights based upon race under color of law is exactly what Defendants did to **DESROULEAUX**.
59. As a result of this violation, **DESROULEAUX** suffered injuries, including but not limited to great mental anguish and emotional distress, as is more fully alleged above.

60. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to **DESROULEAUX**'s constitutional rights.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **CHIEF RAIMUNDO ATESIANO**, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages as well as any other relief this Court deems appropriate.

Count III
42 U.S.C. § 1983-Malicious Prosecution-Atesiano

61. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
62. Defendant, **ATESIANO** instituted or continued an original criminal prosecution of **DESROULEAUX**.
63. Defendant, **ATESIANO**, was a legal cause of the original criminal prosecution of **DESROULEAUX**.
64. The original criminal prosecution of **DESROULEAUX** was terminated in **DESROULEAUX**'s favor on August 10, 2018.
65. Defendant, **ATESIANO**'s, arrest and prosecution in the original criminal prosecution of **DESROULEAUX** was without probable cause
66. Defendant, **ATESIANO**, undertook the criminal prosecution of **DESROULEAUX** with malice and without probable cause.
67. The criminal prosecution of **DESROULEAUX** caused damage to **DESROULEAUX** including, but not limited to, great mental anguish and emotional distress, as is more fully alleged above.
68. Defendant, **ATESIANO**'s, arrest and institution of the original criminal prosecution of **DESROULEAUX** was a violation of **DESROULEAUX**'s right against unreasonable seizure in violation of the Fourth Amendment.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **CHIEF RAIMUNDO ATESIANO**, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages as well as any other relief this Court deems appropriate.

Count IV
42 U.S.C. § 1983-Due Process-Dayoub

69. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
70. As described more fully above, Defendant, **DAYOUB**, while acting individually, jointly, and in furtherance of the Policy, under color of law and within the scope of his employment with Defendant, **BISCAYNE PARK**, deprived **DESROULEAUX** of his Fifth and Fourteenth Amendment rights of due process, and his constitutional right to a fair trial.
71. In the manner described more fully above, Defendant, **DAYOUB**, deliberately fabricated false arrest reports and affidavits, thereby misleading and misdirecting the criminal prosecution of **DESROULEAUX**. Absent this misconduct, the prosecution of **DESROULEAUX** could not and would not have been pursued.
72. Defendant, **DAYOUB's**, misconduct also directly resulted in the unjust criminal conviction through the coerced guilty pleas of **DESROULEAUX**, thereby denying him his constitutional right to a fair trial, and a fair appeal thereof, in violation of the Due Process Clause of the Fifth and Fourteenth Amendment to the United States Constitution.
73. As a result of this violation of his constitutional right to a fair trial, **DESROULEAUX** suffered injuries, including, but not limited to, great mental anguish, emotional distress and humiliation, as is more fully alleged above.
74. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to **DESROULEAUX'** constitutional rights.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **OFFICER CHARLIE DAYOUB**, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages as well as any other relief this Court deems appropriate.

Count V
42 U.S.C. § 1983-Coerced Confession-Dayoub

75. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
76. As more fully described above, Defendant, **DAYOUB**, manipulated **DESROULEAUX** in an attempt to coerce him to confess to crimes he did not commit.
77. As a result of Defendant, **DAYOUB's**, manipulation, **DESROULEAUX** suffered great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other consequential damages.
78. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.
79. The misconduct described in this Count was undertaken pursuant to the Policy of Defendant, **BISCAYNE PARK**, in the manner described more fully above.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **OFFICER CHARLIE DAYOUB**, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages as well as any other relief this Court deems appropriate.

Count VI
42 U.S.C. § 1983-Equal Protection-Dayoub

80. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
81. As described more fully above, Defendant, **DAYOUB**, all while acting individually, jointly, and in furtherance of the Policy, under color of law and within the scope of their

employment, denied **DESROULEAUX** equal protection of the law in violation of his constitutional rights based upon his race.

82. Specifically, this Defendant actively participated in, or personally caused, misconduct in terms of accusing black people, who did nothing more than enter the locale of Defendant, **BISCAYNE PARK**, with no evidence that they committed a crime to act in such a manner that was calculated to coerce confessions and secure unjust convictions. Said misconduct was motivated by racial animus and constituted purposeful discrimination; it also affected black men in a grossly disproportionate manner vis-a-vis similarly-situated caucasian men. The Policy to violate people's civil rights based upon race under color of law is exactly what Defendants did to **DESROULEAUX**.
83. As a result of this violation, **DESROULEAUX** suffered injuries, including but not limited to great mental anguish and emotional distress, as is more fully alleged above.
84. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to **DESROULEAUX**' constitutional rights.
85. The misconduct described in this Count was undertaken pursuant to the Policy of Defendant, **BISCAYNE PARK**, in the manner described more fully above.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **CHARLIE DAYOUB**, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages as well as any other relief this Court deems appropriate.

Count VII
42 U.S.C. § 1983-Malicious Prosecution-Dayoub

86. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
87. Defendant, **DAYOUB** instituted or continued an original criminal prosecution of **DESROULEAUX**.

88. Defendant, **DAYOUB**, was a legal cause of the original criminal prosecution of **DESROULEAUX**.
89. The original criminal prosecution of **DESROULEAUX** was terminated in **DESROULEAUX**'s favor on August 10, 2018.
90. Defendant, **DAYOUB**'s, arrest and prosecution in the original criminal prosecution of **DESROULEAUX** was without probable cause
91. Defendant, **DAYOUB**, undertook the criminal prosecution of **DESROULEAUX** with malice and without probable cause.
92. The criminal prosecution of **DESROULEAUX** caused damage to **DESROULEAUX** including, but not limited to, great mental anguish and emotional distress, as is more fully alleged above.
93. Defendant, **DAYOUB**'s, arrest and institution of the original criminal prosecution of **DESROULEAUX** was a violation of **DESROULEAUX**'s right against unreasonable seizure in violation of the Fourth Amendment.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **CHARLIE DAYOUB**, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages as well as any other relief this Court deems appropriate.

Count VIII
42 U.S.C. § 1983-Due Process-Ravelo

94. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
95. As described more fully above, Defendant, **RAVELO**, while acting individually, jointly, and in furtherance of the Policy, under color of law and within the scope of his employment with Defendant, **BISCAYNE PARK**, deprived **DESROULEAUX** of his Fifth and Fourteenth Amendment rights of due process, and his constitutional right to a fair trial.
96. In the manner described more fully above, Defendant, **RAVELO**, deliberately fabricated false arrest reports and affidavits, thereby misleading and misdirecting the criminal

prosecution of **DESROULEAUX**. Absent this misconduct, the prosecution of **DESROULEAUX** could not and would not have been pursued.

97. Defendant, **RAVELO's**, misconduct also directly resulted in the unjust criminal conviction through the coerced guilty pleas of **DESROULEAUX**, thereby denying him his constitutional right to a fair trial, and a fair appeal thereof, in violation of the Due Process Clause of the Fifth and Fourteenth Amendment to the United States Constitution.
98. As a result of this violation of his constitutional right to a fair trial, **DESROULEAUX** suffered injuries, including, but not limited to, great mental anguish, emotional distress and humiliation, as is more fully alleged above.
99. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to **DESROULEAUX'** constitutional rights.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **OFFICER GUILLERMO RAVELO**, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages as well as any other relief this Court deems appropriate.

Count IX
42 U.S.C. § 1983-Coerced Confession-Ravelo

100. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
101. As more fully described above, Defendant, **RAVELO**, manipulated **DESROULEAUX** in an attempt to coerce him to confess to crimes he did not commit.
102. As a result of Defendant, **RAVELO's**, manipulation, **DESROULEAUX** suffered great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other consequential damages.
103. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.
104. The misconduct described in this Count was also undertaken pursuant to the Policy of the Defendant, **BISCAYNE PARK**, in the manner described more fully above.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **OFFICER GUILLERMO RAVELO**, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages as well as any other relief this Court deems appropriate.

Count X
42 U.S.C. § 1983-Equal Protection-Ravelo

105. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
106. As described more fully above, Defendant, **RAVELO**, all while acting individually, jointly, and in furtherance of the Policy, under color of law and within the scope of their employment, denied **DESROULEAUX** equal protection of the law in violation of his constitutional rights based upon his race.
107. Specifically, this Defendant actively participated in, or personally caused, misconduct in terms of accusing black people, who did nothing more than enter the locale of Defendant, **BISCAYNE PARK**, with no evidence that they committed a crime to act in such a manner that was calculated to coerce confessions and secure unjust convictions. Said misconduct was motivated by racial animus and constituted purposeful discrimination; it also affected black men in a grossly disproportionate manner vis-a-vis similarly-situated caucasian men. The Policy to violate people's civil rights based upon race under color of law is exactly what Defendants did to **DESROULEAUX**.
108. As a result of this violation, **DESROULEAUX** suffered injuries, including but not limited to great mental anguish and emotional distress, as is more fully alleged above.
109. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to **DESROULEAUX**' constitutional rights.
110. The misconduct described in this Count was undertaken pursuant to the Policy of Defendant, **BISCAYNE PARK**, in the manner described more fully above.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **OFFICER GUILLERMO RAVELO**, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages as well as any other relief this Court deems appropriate.

Count XI
42 U.S.C. § 1983-Malicious Prosecution-Ravelo

111. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
112. Defendant, **RAVELO** instituted or continued an original criminal prosecution of **DESROULEAUX**.
113. Defendant, **RAVELO**, was a legal cause of the original criminal prosecution of **DESROULEAUX**.
114. The original criminal prosecution of **DESROULEAUX** was terminated in **DESROULEAUX**'s favor on August 10, 2018.
115. Defendant, **RAVELO**'s, arrest and prosecution in the original criminal prosecution of **DESROULEAUX** was without probable cause
116. Defendant, **RAVELO**, undertook the criminal prosecution of **DESROULEAUX** with malice and without probable cause.
117. The criminal prosecution of **DESROULEAUX** caused damage to **DESROULEAUX** including, but not limited to, great mental anguish and emotional distress, as is more fully alleged above.
118. Defendant, **RAVELO**'s, arrest and institution of the original criminal prosecution of **DESROULEAUX** was a violation of **DESROULEAUX**'s right against unreasonable seizure in violation of the Fourth Amendment.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **GUILLERMO RAVELO**, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages as well as any other relief this Court deems appropriate.

Count XII
Section 1985(3)-Conspiracy to Deprive Constitutional Rights

119. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
120. As described more fully above, each of the Defendants conspired, directly or indirectly, for the purpose of depriving **DESROULEAUX** of Equal Protection of the law.
121. In so doing, Defendants took actions in furtherance of this conspiracy, causing injury including great mental anguish and emotional distress to **DESROULEAUX**.
122. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.
123. The misconduct described in this Count was undertaken pursuant to the policy and practice of Defendant, **BISCAYNE PARK**, in the manner described more fully in preceding paragraphs.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendants, **THE VILLAGE OF BISCAYNE PARK**, A municipality of the State of Florida, **CHIEF RAIMUNDO ATESIANO**, **OFFICER CHARLIE DAYOUB**, and **OFFICER GUILLERMO RAVELO** awarding compensatory damages, costs, and attorneys' fees, along with punitive damages against each of the individual Defendants in their individual capacities, as well as any other relief this Court deems appropriate.

Count XIII
Section 1983-Conspiracy to Deprive Constitutional Rights

124. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
125. Defendants, **DAYOUB** and **RAVELO**, pursuant to the edict of Defendant, **ATESIANO**, reached an agreement amongst themselves to frame **DESROULEAUX** for the unsolved burglaries, and to thereby deprive **DESROULEAUX** of his constitutional rights, all as described in the various Paragraphs of this Second Amended Complaint.
126. In furtherance of the conspiracy, each of the coconspirators committed overt acts and was an otherwise willful participant in joint activity.

127. As a direct and proximate result of the illicit prior agreement referenced above, **DESROULEAUX**' rights were violated, and he suffered financial damages as he was incarcerated and was not able to work and provide for his family, as well as severe emotional distress and anguish, as is more fully alleged above.
128. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.
129. The misconduct described in this Count was undertaken pursuant to the policy and practice of Defendant, **BISCAYNE PARK**, in the manner described more fully in preceding paragraphs, and was tacitly ratified by policy-makers for the Village of Biscayne Park with final policymaking authority.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendants, **THE VILLAGE OF BISCAYNE PARK**, A municipality of the State of Florida, **CHIEF RAIMUNDO ATESIANO**, **OFFICER CHARLIE DAYOUB**, and **OFFICER GUILLERMO RAVELO** awarding compensatory damages, costs, and attorneys' fees, along with punitive damages against each of the individual Defendants in their individual capacities, as well as any other relief this Court deems appropriate.

Count XIV
42 U.S.C. § 1983-Malicious Prosecution-Biscayne Park

130. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
131. There was a criminal prosecution of **DESROULEAUX** instituted or continued pursuant to the Policy of Defendant, **BISCAYNE PARK**.
132. Defendants, **DAYOUB** and **RAVELO**, pursuant to the Policy of Defendant, **BISCAYNE PARK**, undertook the criminal prosecution of **DESROULEAUX** with malice and without probable cause.
133. The criminal prosecution of **DESROULEAUX** was terminated in **DESROULEAUX**'s favor on August 10, 2018.

134. The criminal prosecution of **DESROULEAUX** caused damage to **DESROULEAUX** including, but not limited to, great mental anguish and emotional distress, as is more fully alleged above.
135. Defendants, **DAYOUB** and **RAVELO**, pursuant to the Policy of Defendant, **BISCAYNE PARK**'s, arrest and prosecution of **DESROULEAUX** without probable cause was a violation of **DESROULEAUX**'s right against unreasonable seizure in violation of the Fourth Amendment.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **BISCAYNE PARK**, awarding compensatory damages, costs, and attorneys' fees as well as any other relief this Court deems appropriate.

Count XV
42 U.S.C. § 1983-Equal Protection-Biscayne Park

136. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
137. As described more fully above, Defendant, **BISCAYNE PARK**, had an ongoing duty to not violate peoples' Constitutional rights.
138. At some point Defendant, **BISCAYNE PARK**, was informed of the Policy and how it resulted in the illegal incarceration of **DESROULEAUX**.
139. Despite learning of the Policy, Defendant, **BISCAYNE PARK**, undertook no actions to end the deprivation of **DESROULEAUX**'s Constitutional rights.
140. As a result of this violation, **DESROULEAUX** suffered injuries, including but not limited to great mental anguish and emotional distress, as is more fully alleged above.
141. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to **DESROULEAUX**' constitutional rights.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **BISCAYNE PARK**,

awarding compensatory damages, costs, and attorneys' fees, as well as any other relief this Court deems appropriate.

Count XVI
42 U.S.C. § 1983-Equal Protection-Biscayne Park

142. Paragraphs 1-49 of this Second Amended Complaint are incorporated as if restated fully herein.
143. As described more fully above, Defendant, **BISCAYNE PARK**, had an ongoing duty to not violate peoples' Constitutional rights.
144. Defendant, **BISCAYNE PARK**, had a duty to properly train and supervise police officers in Defendant, **BISCAYNE PARK's**, Police Department so they wouldn't violate the Constitutional rights of people.
145. Defendant, **BISCAYNE PARK**, breached the duty to properly train and supervise members of its Police Department.
146. As a result of this breach **DESROULEAUX's** Constitutional rights were violated.
147. As a result of this violation, **DESROULEAUX** suffered injuries, including but not limited to great mental anguish and emotional distress, as is more fully alleged above.
148. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to **DESROULEAUX's** constitutional rights.

WHEREFORE, Plaintiff, **CLARENS DESROULEAUX**, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant, **BISCAYNE PARK**, awarding compensatory damages, costs, and attorneys' fees, as well as any other relief this Court deems appropriate.

JURY DEMAND

Plaintiff, **CLARENS DESROULEAUX**, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a copy of the foregoing was electronically served through the Court's CM/ECF system, unless otherwise noted, on all counsel or parties of record on the Service List below, this 2nd day of October, 2018.

Shaked Law Firm, P.A.
2875 N.E. 191st Street, Suite 905
Aventura, FL 33180
Telephone Number: (305) 937-0191
Facsimile Number: (305) 937-0193
Email: filingcourtdocuments@gmail.com
and shakedeservice@gmail.com

// Sagi Shaked//

Sagi Shaked, Esq.
Florida Bar No.: 0195863
Joel Roth, Esq.
Florida Bar No.: 373567
Marc A. Chandler
Florida Bar No.: 46094

SERVICE LIST

E. Bruce Johnson, Esq.
Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.
Attorneys for Village of Biscayne Park
2455 East Sunrise Boulevard, Suite 1000
Fort Lauderdale, Florida 33304
(954) 463-0100 - Telephone
(954) 463-2444 - Facsimile
Fla. Bar No. 262137

Scott D. Alexander, Esq.
Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.
Attorneys for Village of Biscayne Park
2455 East Sunrise Boulevard, Suite 1000
Fort Lauderdale, Florida 33304
(954) 463-0100 - Telephone
(954) 463-2444 - Facsimile
Fla. Bar No. 057207