

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TERRENCE McGUCKIN	:	
Plaintiff,	:	
	:	CIVIL ACTION NO.
	:	
5.	:	
	:	
THE CITY OF PHILADELPHIA;	:	
DETECTIVE ANGELO PARISI,	:	JURY TRIAL DEMANDED
Number D-194, Washington D.C. Police	:	
Department; DEPUTY COMMISSIONER	:	
ROBERT MITCHELL, Philadelphia	:	
Police Department; JOHN DOE and	:	
JOHN ROE,	:	
Defendants.	:	

COMPLAINT

Jurisdiction

1. Plaintiff seeks to vindicate rights protected by the Fourth and Fourteenth Amendments of the United States Constitution and 42 U.S.C. Section 1983 and this Court has jurisdiction of this civil action pursuant to 28 U.S.C. Sections 1331 and 1343(a)(3) and (4). This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a).

Parties

2. Plaintiff, Terrence McGuckin, is a citizen of the United States and a resident of Philadelphia, PA.

3. Defendant, CITY OF PHILADELPHIA, is an incorporated municipality of the Commonwealth of Pennsylvania.

4. Defendant, DETECTIVE Angelo Parisi, is a detective with the Washington D.C. Police Department and at all relevant times was acting in concert with the defendants and other

officials and officers of the Philadelphia Police Department and acting under color of law. He is sued in his individual capacity as a law enforcement officer.

5. Defendant, Deputy Commissioner Robert Mitchell, was at all times relevant to this Complaint a duly appointed and acting official of the Police Department of the City of Philadelphia, acting under color of law. He is sued in his individual capacity as a law enforcement officer.

6. Defendants John Doe and John Roe are unknown officials of the Police Department of the City of Philadelphia and are sued in their individual capacities.

Factual Allegations

7. In July and August, 2001 plaintiff participated in lawful protests at the Republican National Convention.

8. On August 2, 2000, plaintiff was arrested at the location of 12th and Arch streets in Philadelphia at the direction and command of defendant Mitchell.

9. Plaintiff was charged with numerous misdemeanor offenses, all of which allegedly occurred on August 1, 2000, and not in the presence of defendant Mitchell or the officers who made the physical arrest of plaintiff.

10. More specifically, in the Criminal Complaint filed by the District Attorney, plaintiff was alleged to have committed the following acts:

AT/NEAR 1200 ARCH STREET, THE DEFENDANT, WITH
INTENT TO, OR CREATING A RISK OF PUBLIC
INCONVENIENCE, ANNOYANCE, OR ALARM, IN
CONCERT WITH ANOTHER/OTHERS, INCITED &

ORGANIZED NUMEROUS PEOPLE TO BLOCK VEHICULAR
TRAFFIC, CHAIN THEMSELVES TO TRASH CANS, AND
SPILL TRASH INTO THE STREET; DEFT CAUSED AND/OR
RISKED PUBLIC INCONVENIENCE, AND DEFENDANT
WAS WARNED TO CEASE & DESIST BUT REFUSED.

11. The false information concerning the specific acts alleged to have been committed by plaintiff was supplied in part by defendant Parisi who had conducted surveillance of plaintiff on August 1, 2000, the day the alleged acts supposedly occurred, all pursuant to his police duties as a member of the Intelligence Unit of the Washington D.C. Police Department and as a police official in Philadelphia during the Convention.

12. Thereafter, defendants Doe and Roe provided information to the District Attorney alleging that plaintiff was a “ringleader” of the protests and asserted that he was responsible for mayhem, destruction of property, traffic hazards, and violence to police during the Convention.

13. This information was false and was transmitted with the knowledge that it would be used to secure high bail and to keep plaintiff in custody during the duration of the Convention.

14. As a result of the false information and false charge filed by the defendants, the District Attorney requested \$1 million bail. At plaintiff’s preliminary arraignment, bail was set by the Bail Commissioner at \$500,000.

15. Defendants Doe and Roe thereafter placed plaintiff’s photograph on the Philadelphia Police Department website in an effort to further harm and injure plaintiff by publicizing his arrest and high bail.

16. The plaintiff was not able to meet the exorbitant bail and was incarcerated in the

Philadelphia Prison System for a period of one week until the bail was reduced to \$100,000 by a Common Pleas Judge.

17. Thereafter, plaintiff was subjected to criminal prosecution, based on the false allegations made by the defendants, and was acquitted of all charges on May 4, 2001.

18. Defendants, who acted in concert and conspiracy with each other, knew or should have known that plaintiff did not commit the criminal acts set forth in the Criminal Complaint.

First Cause of Action–Federal Constitutional Claims

19. The allegations of paragraphs 1-18 are incorporated by reference.

20. The defendants falsely alleged criminal conduct on the part of plaintiff in order to subject him to detention and criminal prosecution for his lawful exercise of First Amendment rights to free speech, advocacy and association.

21. Defendants' conduct deprived plaintiff of his rights to speech, advocacy and association under the First Amendment, to be free from arrest, search, detention and prosecution without probable cause and of Due Process of Law under the Fourth and Fourteenth Amendments, to reasonable bail under the Eighth Amendment, and to be free from malicious prosecution under the Fourth and Fourteenth Amendments, all in violation of 42 U.S.C. §1983.

22. The actions of the individual defendants were taken pursuant to practices and policies of the defendant City of Philadelphia to detain, search, arrest and prosecute certain individuals during the Republican National Convention, without probable cause or other legal justification.

23. The actions of the individual defendants were caused by the failure of the City of Philadelphia, with deliberate indifference, to properly or adequately train, control or supervise the individual defendants with respect to their powers to arrest and detain persons in accordance with

the Constitutions and laws of the United States and the Commonwealth of Pennsylvania.

24. The actions of defendant Mitchell were undertaken in his role as a final policymaker for the City of Philadelphia for law enforcement decisions, including decisions to arrest protestors during the Republican National Convention.

Second Cause of Action—State Law Claims

The allegations of Paragraphs 1-24 are incorporated by reference.

25. The actions and conduct of the individual defendants were wilful and intentional and violated plaintiff's rights to free speech, advocacy and association, to be free from unlawful arrest, search, seizure and malicious prosecution, to reasonable bail, and to due process of law under the Pennsylvania Constitution and laws of the Commonwealth of Pennsylvania and this Court has supplemental jurisdiction to hear and adjudicate these claims.

Relief

Plaintiff respectfully requests:

- A. Compensatory damages from the defendants, jointly and severally;
- B. Punitive damages from the individual defendants;
- C. Reasonable attorney's fees and costs.

Plaintiff hereby demands a jury trial.

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