

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
NATHANIEL CARTER,

Plaintiffs,

VERIFIED COMPLAINT

-against-

Index #

CITY OF NEW YORK,

Defendant
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Plaintiff, by his attorneys, LUTWIN & LUTWIN, LLP, for his Verified
Complaint, respectfully alleges that:

1. At all times hereinafter mentioned the plaintiff, NATHANIEL CARTER, was and still is a resident of the County of Kings, State of New York.
2. At all times hereinafter mentioned the defendant, CITY OF NEW YORK ("CITY") was and still is a municipal corporation duly created, organized and existing under and by virtue of the laws of the State of New York.
3. At all times hereinafter mentioned, the defendant, CITY, its agents, servants, officers, employees and assigns acted under color of law.
4. A Notice of the Claim of plaintiff, NATHANIEL CARTER, and his intention to sue thereon, and of the times when and places where his injuries were sustained, was duly served and filed with the defendant, CITY, on the 5th day of August, 2011.
5. More than thirty (30) days have elapsed since the service of such Notice of Claim on behalf of plaintiff NATHANIEL CARTER, and the defendant, CITY, has failed or refused to adjust such claim.

6. At all times hereinafter mentioned the defendant CITY maintained and operated and controlled the New York City Police Department for purposes of enforcing laws and carrying out municipal police procedures on behalf of the City of New York and its residents.
7. That on June 12, 2011, the plaintiff, NATHANIEL CARTER, was lawfully and properly on a public sidewalk in the vicinity of 1488 Sterling Place, County of Kings, City of New York, State of New York.
8. That on June 12, 2011, the plaintiff, NATHANIEL CARTER, while he was lawfully and properly present in the area of 1488 Sterling Place, County of Kings, City of New York, State of New York, was without good cause falsely and wrongfully arrested and detained by officers of the New York City Police Department.
9. That thereafter, on or about June 12, 2011, the plaintiff, NATHANIEL CARTER was wrongfully charged with Consumption Of Alcohol On a Public Street.
10. That thereafter, on or about June 12, 2011, the plaintiff, NATHANIEL CARTER was physically assaulted and was the victim of a battery. Without provocation, officers of the New York City Police Department strangled the plaintiff about the neck, placed a drawstring around his penis, and strangled his penis causing bodily injury. Further, while on a bench, an officer, or officers beat plaintiff causing further damages.
11. That the aforesaid charge against the plaintiff, NATHANIEL CARTER , caused by the CITY, was a malicious prosecution, because the CITY had full

and complete knowledge that the plaintiff had been improperly arrested, and there was not a scintilla of credible evidence to support the charges for which the plaintiff was charged, and that the plaintiff was completely innocent of the charges for which he was charged.

**AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF
PLAINTIFF NATHANIEL CARTER FOR FALSE ARREST**

12. That on June 12, 2011, the plaintiff was lawfully and properly present in the area of 1488 Sterling Place, County of Kings, City of New York and did not possess any open container of alcohol.
13. That by reason of the aforesaid premises and the actions of the defendant, CITY, its agents, servants, employees, officers and assigns, the plaintiff was falsely arrested and has been injured and damaged, and has thereby suffered great mental and bodily distress.
14. By reason of the foregoing premises, the plaintiff has been damaged in a sum which exceeds the monetary jurisdiction of all lower courts which might otherwise have jurisdiction of this action.

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF
PLAINTIFF NATHANIEL CARTER FOR UNJUST IMPRISONMENT**

15. Plaintiff repeats, reiterates and realleges with full force and effect the paragraphs "1" through "14" inclusive, with the same full force and effect as if same were set forth at length herein.
16. That by reason of the aforesaid acts by the defendant, CITY, its agents, servants, employees, officers and assigns, the plaintiff has been falsely imprisoned, and has suffered great mental and bodily distress, loss of liberty

and has been injured and damaged thereby.

17. By reason of the foregoing premises, the plaintiff has been damaged in a sum which exceeds the monetary jurisdiction of all lower courts which might otherwise have jurisdiction of this action.

**AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF
PLAINTIFF NATHANIEL CARTER FOR MALICIOUS PROSECUTION**

18. Plaintiff repeats, reiterates and realleges with full force and effect the paragraphs "1" through "17" inclusive, with the same full force and effect as if same were set forth at length herein.
19. That by reason of the aforesaid acts of the defendant, CITY, its agents, servants, employees, officers and assigns, the plaintiff has been maliciously prosecuted, and has suffered great mental and bodily distress, and has been injured and damaged thereby and has suffered damages and costs in the defense of the prosecution made against him.
20. By reason of the foregoing acts, the plaintiff has been damaged in a sum which exceeds the monetary jurisdiction of all lower courts which might otherwise have jurisdiction of this action.

**AS AND FOR A FOURTH CAUSE OF ACTION ON BEHALF OF
PLAINTIFF NATHANIEL CARTER FOR ASSAULT AND BATTERY**

21. Plaintiff repeats, reiterates and realleges with full force and effect the paragraphs "1" through "20" inclusive, with the same full force and effect as if same were set forth at length herein.
22. That by reason of the aforesaid premises and actions of the defendant, CITY, its agents, servants, employees, officers and assigns, the plaintiff was and is a

victim of severe assault and battery, has suffered mental and bodily distress, and has been injured and damaged thereby.

23. By reason of the foregoing premises, the plaintiff has been damaged in a sum which exceeds the monetary jurisdiction of all lower courts which might otherwise have jurisdiction of this action.

**AS AND FOR A FIFTH CAUSE OF ACTION
ON BEHALF OF PLAINTIFF NATHANIEL CARTER
FOR VIOLATION OF HIS CIVIL RIGHTS**

24. Plaintiff repeats, reiterates and realleges with full force and effect the paragraphs "1" through "23" inclusive, with the same full force and effect as if same were set forth at length herein.
25. That by reason of the aforesaid premises the defendant, CITY, its agents, servants, employees, officers and assigns did deprive the plaintiff of certain rights, privileges and immunities secured to the plaintiff by the Constitutions and Laws of the United States and the State of New York, and has thereby suffered great mental and bodily distress, loss of liberty and has been injured and damaged thereby.
26. By reason of the foregoing premises, the plaintiff has been damaged in a sum which exceeds the monetary jurisdiction of all lower courts which might otherwise have jurisdiction of this action.

**AS AND FOR A SIXTH CAUSE OF ACTION ON BEHALF OF
PLAINTIFF NATHANIEL CARTER FOR
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

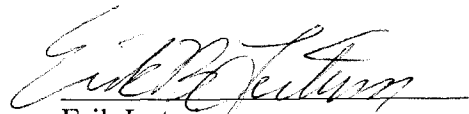
27. Plaintiff repeats, reiterates and realleges with full force and effect the paragraphs "1" through "26" inclusive, with the same full force and effect as

if same were set forth at length herein.

28. That by reason of the aforesaid premises, and by deliberately ignoring the patent evidence of the innocence of the plaintiff, despite his repetitive, consistent and credible pleas of innocence, the defendant, CITY, its agents, servants, employees, officers and assigns did intentionally and maliciously cause severe mental distress to the plaintiff.
29. That the conduct of the defendant, CITY, its agents, servants, officers, employees and assigns was so outrageous and shocking that it exceeded all reasonable bounds of decency, and cannot be tolerated in a civilized society.
30. By reason of the foregoing premises, the plaintiff has been damaged in a sum which exceeds the monetary jurisdiction of all lower courts which might otherwise have jurisdiction of this action.

WHEREFORE, plaintiff NATHANIEL CARTER demands judgment against the defendant in his First, Second, Third, Fourth, Fifth and Sixth causes of action in an amount sufficient to compensate him for the damages he sustained in each of his causes of action, and for such other and further relief as this court may deem proper.

Dated: New York, New York
June 6, 2012



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