

IN THE CIRCUIT COURT FOR BALTIMORE CITY

KIANGA MWAMBA
3936 Link Avenue
Baltimore, Maryland 21236

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PLAINTIFF

*

vs.

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BALTIMORE CITY POLICE
601 E. Fayette Street
Baltimore, Maryland 21202

*
*

And

*

MAYOR AND CITY COUNCIL
OF BALTIMORE

*

Serve On:

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GEORGE A. NILSON, CITY SOLICITOR
100 Holliday Street, Suite 101, City Hall
Baltimore, MD 21202

*
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And

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OFFICER STEPHANIE URUCHIMA
601 E. Fayette Street
Baltimore, Maryland 21202
Individually and as a police officer for
BALTIMORE CITY POLICE DEPARTMENT

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And

OFFICER KELLY LARSON
601 E. Fayette Street
Baltimore, Maryland 21202
Individually and as a police officer for
BALTIMORE CITY POLICE DEPARTMENT

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*
*

And

*

OFFICER ERICK JACKSON *
601 E. Fayette Street *
Baltimore, Maryland 21202 *
Individually and as a police officer for *
BALTIMORE CITY POLICE DEPARTMENT *

And *

OFFICER MARLON KOUSHALL *
601 E. Fayette Street *
Baltimore, Maryland 21202 *
Individually and as a police officer for *
BALTIMORE CITY POLICE DEPARTMENT *

* * * * *

COMPLAINT AND PRAYER FOR JURY TRIAL

KIANGA MWAMBA, "Plaintiff", by and through her attorneys J. Shawn Alcarese, Esquire, Joshua L. Insley, Esquire, and Kerri Cohen, Esquire, and sues the above referenced individuals in their independent and professional capacities "Defendant(s)", namely Officer Stephanie Uruchima, Officer Kelly Larson, Officer Erick Jackson, and Officer Marlon Koushall, and for reasons state:

1. The Plaintiff, Ms. Kianga Mwamba, is a resident of Baltimore, Maryland and resides at 3936 Link Avenue, Baltimore, Maryland 21236.
2. This case arose out of an incident involving the Baltimore City Police Department and Officers names herein. On July 30, 2014, Plaintiff, by and through counsel provided the required notice of claim to the City Solicitor, the Office of the Attorney General, and the Baltimore City Police Department pursuant to the law.

FACTS RELEVANT TO COMPLAINT

3. On or about 3:15 a.m. of March 30, 2014, the Plaintiff was operating her motor vehicle in the 6600 block of Harford Road in Baltimore City when suddenly she observed numerous Baltimore City police officers beating a man who was handcuffed and defenseless. Plaintiff, who was then and there stopped at a red traffic signal, began to videotape the beating with her cellular telephone.

4. At that time, some of the police officers, including Defendants, observed Plaintiff videotaping and surrounded her automobile. Defendant Erick Jackson told Plaintiff to either leave or pull over to the curb. Plaintiff could do neither as the Defendants had her car surrounded.

5. Suddenly, and without any provocation, legal justification, probable cause, or reasonable suspicion to believe Plaintiff had committed a crime, Plaintiff was brutally attacked in her vehicle by the Defendants. Defendant Uruchima struck Plaintiff, and attempted to drag her from her vehicle. Defendant Koushall shot Plaintiff with a taser.

6. Plaintiff was dragged from her vehicle by the Defendants, slammed to the street, and was called a "dumb bitch". Plaintiff was then transported to the Northeast District Police Station and placed in a holding cell. All of Plaintiff's personal belongings, including her cell phone, was confiscated.

7. After being placed in the holding cell Plaintiff, who was having difficulty breathing, requested her inhaler which was still in her vehicle. The police officers present mocked and laughed at Plaintiff and responded no one was going to get her inhaler.

8. Unbeknownst to the Defendants, the entirety of all events that occurred in the 6600 block of Harford Road continued to be recorded on Plaintiff's cell phone during the time Plaintiff was being attacked by the Defendants. Plaintiff, while in the holding cell, told police officers present that she had video on her phone that would prove that she had not assaulted anyone.

9. At that point unknown members of the Baltimore City Police Department retrieved Plaintiff's cell phone and deleted the video from it.

10. Despite the police having deleted the video of the events which occurred in the 6600 block of Harford Road in an attempt to conceal and destroy evidence, Plaintiff's cell phone had already automatically sent the video to "the cloud" where Plaintiff was later able to retrieve it.

11. Defendant Stephanie Uruchima prepared and drafted false police reports and a Statement of Probable Cause falsely charging Plaintiff with assault by attempting to run Defendant Kelly Larson down with her vehicle and for resisting arrest.

12. Plaintiff was then taken before a Court Commissioner and the Assistant State's Attorney argued that, based upon Defendant Stephanie Uruchimas's sworn statement, Plaintiff should be held without bail and not be granted release on home detention. Bail was set at \$75,000.00.

13. The video of what actually occurred on March 30, 2014 at 3:15 a.m. in the 6600 block of Harford Road in Baltimore City was thereafter provided to the Baltimore City State's Attorney's Office and as a result, Plaintiff's charges were dismissed on September 30, 2014.

COUNT 1 - ASSAULT

14. At all times herein relevant Defendants Uruchima, Larson, Jackson, and Koushall were acting as representatives, agents servants and/or employees of the Baltimore City Police Department, and/or thye Mayor and City Council of Baltimore, and were acting within the scope of their employment.

15. Plaintiff hereby incorporates the foregoing paragraphs for reference as if herein restated.

16. Police Officer, Uruchima, Larson, Jackson, and Koushall attacked Plaintiff and dragged Plaintiff from vehicle, threw her onto the street, handcuffed her, tasered her, called her a “dumb bitch”, and kept her restrained.

17. The aforesaid police officers arrested Plaintiff and sent her to jail. The Defendants being police officers assaulted Plaintiff and arrested her to prevent the disclosure of the video taken of them beating a handcuffed man. The Plaintiff was frightened by the continued unlawful actions of the police including the assaults upon her, being arrested and jailed. The actions of all Defendant police officers caused Plaintiff serious bodily harm.

WHEREFORE, the Plaintiff demands judgment against all of the Defendants for compensatory damages in the amount of ONE MILLION DOLLARS (\$1,000,000.00) and ONE MILLION DOLLARS (\$1,000,000.00) punitive damages, with interest and cost.

COUNT 2 - BATTERY

18. Plaintiff hereby incorporates the foregoing paragraphs for reference and if herein restated.

19. All of the Defendant Police Officers grabbed the Plaintiff a number of times and dragged her out of her vehicle, tasered her, put handcuffs on her hands and threw her face down on the street. The Defendants' actions toward the Plaintiff were offensive and harmful to the Plaintiff. Even when Plaintiff requested her inhaler due to difficulty breathing, the Defendants refused. It is obvious that the Defendants' intentionally punished the Plaintiff without probable cause for videotaping them beating a handcuffed man.

WHEREFORE, the Plaintiff demands judgment against all of the Defendants for compensatory damages in the amount of ONE MILLION DOLLARS (\$1,000,000.00) and ONE MILLION DOLLARS (\$1,000,000.00) punitive damages, with interest and cost.

COUNT 3 - ILLEGAL ARREST

20. Plaintiff hereby incorporates the foregoing paragraphs for reference and if herein restated.

21. The Plaintiff, even without being violent, was handcuffed by the Defendant Uruchima. Her conduct constitutes an illegal arrest. The Defendants did not have any reason to believe that the Plaintiff could have or attempted to commit felony, in which case, a warrant of arrest would not have been necessary. The act of putting handcuffs on the Plaintiff by the police officer without a warrant amounts to illegal arrest.

WHEREFORE, the Plaintiff demands judgment against all of the Defendants for compensatory damages in the amount of ONE MILLION DOLLARS (\$1,000,000.00) and ONE MILLION DOLLARS (\$1,000,000.00) punitive damages, with interest and cost.

COUNT 4 - FALSE IMPRISONMENT

22. Plaintiff hereby incorporates the foregoing paragraphs for reference and if herein restated.

23. The Plaintiff was taken to the Northeast District Police Station and unlawfully confined to a holding cell and was held by all of the officer's named herein. By arresting Plaintiff and confining her in jail and denying the Plaintiff's liberty, the police officers acted with ill will. There was no proper motivation or legal justification to warrant the arrest in the first place nor the subsequent false imprisonment.

WHEREFORE, the Plaintiff demands judgment against all of the Defendants for compensatory damages in the amount of ONE MILLION DOLLARS (\$1,000,000.00) and ONE MILLION DOLLARS (\$1,000,000.00) punitive damages, with interest and cost.

COUNT 5 - INTENTIONAL INFLICTION OF EMOTION DISTRESS

24. Plaintiff hereby incorporates the foregoing paragraphs for reference and if herein restated.

25. All of the Defendant officers acted intentionally and recklessly in their dealings with Plaintiff as aforesaid.

26. Defendants' conduct, which included assaulting her, arresting her, and taunting Plaintiff and calling her a dumb bitch disoriented and humiliated Plaintiff and her unfounded arrest amounted to extreme and outrageous conduct.

27. The conduct Defendants' engaged in with Plaintiff is made even more extreme and outrageous by the fact that they were, at the time of their conduct, working in their capacity

as Baltimore City Police Officers.

28. As a direct result Plaintiff has suffered severe emotional distress.

29. The Defendants; actions, violated Plaintiff rights guaranteed by the common law of the State of Maryland Declaration of Rights.

WHEREFORE, the Plaintiff demands judgment against all of the Defendants for compensatory damages in the amount of ONE MILLION DOLLARS (\$1,000,000.00) and ONE MILLION DOLLARS (\$1,000,000.00) punitive damages, with interest and cost.

COUNT 6 - (CLAIM UNDER MARYLAND TORT CLAIMS ACT)

30. Plaintiff hereby incorporates the foregoing paragraphs for reference and if herein restated.

31. Plaintiff states her claims against the Defendant State of Maryland under Maryland Tort Claims Act, Maryland Code Annotated, Courts and Judicial Proceedings Article § 5-301, et seq.

32. Plaintiff incorporates all allegations, including those in the aforementioned claims of false imprisonment, false arrest, and intentional infliction of emotional distress, under this claim.

33. Plaintiff that the actions of all Defendants alleged were within the scope of their employment and were ministerial rather than discretionary, or, if the actions were discretionary, that they were conducted with actual malice as to overcome any statutory privilege to, or which may be available to them.

34. This Court may exercise jurisdiction over this claim.

WHEREFORE, the Plaintiff demands judgment against all of the Defendants for compensatory damages in the amount of ONE MILLION DOLLARS (\$1,000,000.00) and ONE MILLION DOLLARS (\$1,000,000.00) punitive damages, with interest and cost.

COUNT 7. - (VIOLATION OF MARYLAND DECLARATION OF RIGHTS)

35. Plaintiff hereby incorporates the foregoing paragraphs for reference and if herein restated.

36. Plaintiff submits these claims against the Defendants' under Article 24 of the Maryland Declaration of Rights.

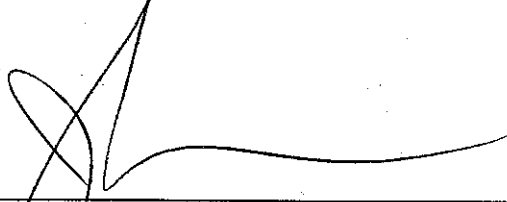
37. Plaintiff incorporates all allegations, including those in the aforementioned claims of false imprisonment, false arrest, and intentional infliction of emotional distress, under this claim, and reiterated that Plaintiff has contended violations of Article 24 throughout this Complaint.

38. Plaintiff further states that the allegations alleged were within the scope of Defendants' employment and were conducted with actual malice as to overcome any limited immunity afforded the Defendants under Article 24.

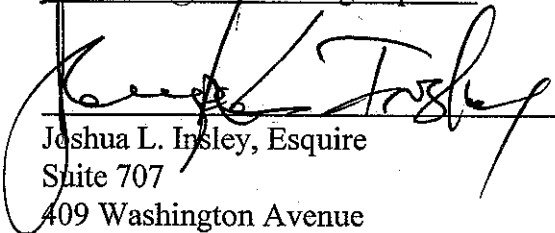
39. Plaintiff further states that there is otherwise no immunity to be claimed by any Defendant as to relief sought under Article 24 of the Maryland Declaration of Rights.

40. This Court may exercise jurisdiction over this claim.

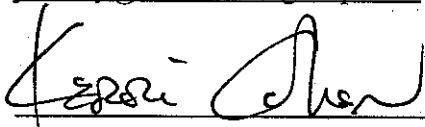
WHEREFORE, the Plaintiff demands judgment against all of the Defendants for compensatory damages in the amount of ONE MILLION DOLLARS (\$1,000,000.00) and ONE MILLION DOLLARS (\$1,000,000.00) punitive damages, with interest and cost.



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PRAYER FOR JURY TRIAL

Madam Clerk,

Plaintiff elects to have this matter tried before a Jury.



J. Shawn Alcarese, Esquire