



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Ronald H. Posyton, III
868 Carleton Road,
Westfield, NJ 07090

Plaintiff,

Vs.

Township of Westfield

Serve: Mayor of Westfield
Michelle Brindle
520 Fairmount Avenue,
Westfield, NJ 07090

&

David Wayman
1605 Rising Way,
Westfield, NJ 07090

&

Robert Riley
224 Elizabeth Avenue,
Westfield, NJ 07090

&

Kevin O'Keefe
758 Prospect Street,
Westfield, NJ 07090

&

Steven Martinez & Ricardo Johnson & Preston
Freeman & Lauren Maloney
425 East Broad Street,
Westfield, NJ 07090

Defendants

Case No.: _____

COMPLAINT

COMES NOW, Ronald H. Posyton, III, proceeding *pro America*, seeking damages and other relief from and against the above-named Defendants pursuant to 42 U.S.C. § 1983 ("§



1983”), and in support thereof, respectfully submits this short and plain facially plausible Complaint for relief by alleging as follows:

1. Jurisdiction exists and venue is proper via 28 U.S.C. §§ 1331, 1343, and 1391.
2. Plaintiff, Ronald H. Posyton, III, is a white 23-year-old 5 foot, 4 inch tall adult American male citizen and, at all times herein, lived at 868 Carleton Road, Westfield, NJ 07090 (*Plaintiff’s “Home”*). Plaintiff has lived in Westfield for over 22 years of his life.
3. Defendant, Township of Westfield (the “Town”), is a creature and/or political subdivision of the State of New Jersey and operates the Westfield Police Department (“WPD”).
4. NeighborhoodScout, an association or whatever which ranks cities based on their level of safety, states that only seven (7) violent crimes occur on average per year in Westfield with a population of about 30,000, and has opined that Westfield is currently the 55th safest city in the entire United States of America. <https://www.neighborhoodscout.com/nj/westfield/crime>
5. Defendants, Kevin O’Keefe, Steven Martinez, Ricardo Johnson, Preston Freeman, Robert Riley, and Lauren Maloney, at all times herein, were WPD officers employed by the Town, WPD, and WPD Chief Defendant, David Wayman.
6. Every Defendant has been a WPD officer for at least the past 10 years besides Johnson.
7. On August 25, 2004, WPD “Officer Riley filed a criminal complaint in Westfield Municipal Court against his superior, Lieutenant David Wayman,” for harassment and a simple assault “stem[ming] from an incident” where “Wayman admonished ... Riley for questioning a direct order which involved bringing oxygen to a women in respiratory distress.” Exhibit A.
8. Since 2005, there have been about five (5) separate lawsuits filed against WPD officers by individuals other than Plaintiff (including one by one of its own former WPD officers, Gregory Kasko), surrounding for four (4) incidents, all of which involved civil rights violations.



9. In *Shale v. Township of Westfield et al.*, No.: 2:15-cv-8461-CCC (D.N.J. Dec 12, 2015), the plaintiff alleged that “Maloney unlawfully ... and wrongfully repeated[ly] physically assaulted Plaintiff by pushing and striking her in the face and shoving her” as her law office was burning to the ground before her very eyes. D.E. 1 at ¶¶ 27 & 30. The Town settled.

10. In *Sorrentino et al. v. Town of Westfield et al.*, No.: 2:11-cv-7412-MCA (D.N.J. Dec. 21, 2011), the plaintiffs alleged that Martinez and Freeman unlawfully entered the plaintiffs’ “fenced-in and gated yard” followed by their house “in direct contravention of” the express objections of the physically present plaintiff who was a licensed State attorney. D.E. 1 at ¶¶ 18, 25, & 26. Riley was also sued. The Town settled for over \$1,000,000.

11. At all times herein, every Defendant was fully dressed in a police and/or WPD uniform, armed with a handgun, on duty, and driving or associated with a WPD vehicle.

12. Every Defendant performed all acts described herein under color of State law.

13. Every Defendant is being sued in the individual and personal capacity; every Defendant is a ‘person’ within the meaning of § 1983.

14. Thee Town is a ‘person’ within the meaning of § 1983 when sued for unconstitutional failures (as is alleged).

15. Every Defendant acted unlawfully in an objectively unreasonable manner with simple and invidious discriminatory animus, intent, improper motive, gross negligence, willfulness, incompetency, malice, and a callous, reckless, and deliberate indifference for Plaintiff’s rights.

16. As the direct and proximate cause of each Defendants’ respective wrongdoings, Plaintiff was harmed and injured and has and is currently suffering and incurring loss and damages (*e.g.*, emotional distress, anxiety, and loss of enjoyment of life).

17. The Home is not large but, it may be the pinnacle America home. There are about 40



houses located on the same street as the Home and, the Home is located around the middle section of Carleton. There are houses located to the left, right, and back sides of the Home. The Home's lot is about 0.3616 acres or 105 by 150 feet in dimension; the front lawn running parallel to the street is roughly 105 feet long. One side or edge of the Home's yard is defined by a garden extending from nearly the beginning of the street to almost the back yard containing plants and two (2) large bushes or very small trees. A fence then beings at the end of the garden and extends to the farthest part of the back yard. On the opposite side of the Home's yard, there are a few bushes and plants scattered from almost the beginning of the street to about 50 to 60 feet into the yard. Past this yardage are condensed bushes, trees, and an extremely large (but not tall) type of green leafy plant then that extends to the farthest part of the Home's back yard. Also on this side of the Home's yard is about a 15 foot long fence beginning in the green leafy plant and extends to the edge of the back yard. And, a fence runs along the edge of the Home's back yard. There is fencing on all sides of the Home's yard besides for the edging of the front lawn. Also, it is approximately 40 feet from the public sidewalk to the Home's front door. There exists a front pathway made of concrete that leads from the street's sidewalk to the Home's front door. This pathway encompasses or leads to two (2) concrete steps that ascend from the ground to the front door; these steps transform into a roughly four (4) foot platform that extends and attaches to the Home. The yard is comprised of earth and grass and there is driveway located on the side of the yard closest to the garden which leads to the back yard. Exhibit B.

18. Plaintiff has lived at the Home for about the past eight (8) years (and/or from around 2010 till now). During these past eight (8) years, besides for essentially nothing longer than brief trips elsewhere, Plaintiff has lived at the Home every single day. In other words, for about every day for roughly the past eight (8) years, Plaintiff has slept in the Home; he has eaten



breakfast and dinner in the Home; he has cooked, cleaned, and taken showers in the Home; and he has performed a multitude of other activities in the Home. Plaintiff can come and go from the Home as he pleases. And, all of Plaintiff's possessions (*e.g.*, clothes and bed) are likewise stored or located within the Home.

19. The Home is owned by Vincent Buontempo.

20. Plaintiff lives at the Home with his mother ("Ms. Posyton").

21. Ms. Posyton usually gives Buontempo money on a monthly basis to lease the Home.

22. Plaintiff, however, contracts with Ms. Posyton to reside at the Home and to have and enjoy a possessory interest in the Home and its yard or lawn. The terms of this contract are clear and provide as follows: Son shall generally obey mother and do everything she says and sometimes even give her money in exchange for housing and enjoyment of an equal possessory interest in that housing and/or the Home and its property.

23. Ms. Posyton has also decreed that whatever she leases and/or possesses (*e.g.*, the Home and its property) is also equally Plaintiff's.

24. Said contract and gifting were fully in effect at the time of the events described herein.

25. Over perhaps decades, countless WPD officers (including Defendants) on numerous occasions have consensually transported individuals from areas located in Westfield to elsewhere in Westfield.

26. A WPD officer has transported an "adult male," who was alleged to be "violent," "bothering the neighbors," and "passed out in [an] apartment," from somewhere in Westfield with a WPD vehicle to a local Westfield motel, the "Best Western." Exhibit C.

27. On August 14, 2013, Maloney transported an intoxicated individual, who was "refusing to leave" a former local Westfield restaurant, "The Office," from around that area with a WPD



vehicle to the boarder of Westfield. Exhibit D. This trip took about 11 minutes. Id. O’Keefe was present on the scene and participated in making the decision to transport. Id.

28. On August 9, 2014, a WPD officer transported “a white male,” who “decided to take a nap” by a tree near a strip mall in Westfield or “Bagel Chateau,” from an area around there, with a WPD vehicle “to the train station” located in Westfield. Exhibit E.

29. On December 24, 2014, a WPD officer transported a “white male,” who was near the time “seen urinating in the bushes by [a] bank,” with a WPD vehicle from somewhere located in Westfield to a local Westfield bakery, “Bovella’s.” Exhibit F.

30. On March 17, 2017, Martinez “transport[ed] 1 adult male” from an “all adult party” located in Westfield, which presented “no issues,” with a WPD vehicle to elsewhere in Westfield located about seven (7) minutes away in driving distance. Exhibit G.

31. On June 11, 2017, a WPD officer transported “1 adult male” who “[wa]s not intoxicated” and “appear[ed] to be in good health,” from somewhere in Westfield with a WPD vehicle to elsewhere in Westfield located about six (6) minutes away in driving distance. Exhibit H.

32. On June 24, 2017, a WPD officer transported an intoxicated “white male wearing a polo” from somewhere in Westfield with a WPD vehicle to elsewhere in Westfield about one (1) minute or a few blocks away in driving distance. Exhibit I. Martinez followed behind. Id.

33. The foregoing events described in ¶¶ 26-32 and Exhibits C-I were consensual – no transportee had been seized by any WPD officer.

34. On June 27, 2017, Plaintiff walked into a restaurant located in the heart of downtown Westfield, 16 Prospect Street Wine Bar & Bistro (the “Bistro”); Plaintiff would never purchase or be served anything and would only be in the Bistro for about two (2) minutes.

35. While Plaintiff was in the Bistro and sitting at its bar, a drunken stranger, Kenneth Ho-



gan, without provocation, intentionally reached across one (1) or two (2) chairs and offensively grabbed Plaintiff on both of his shoulders without consent. One of the Bistro's co-owners, Timothy Boyle, then approached Plaintiff and asked him to leave but, Boyle thereafter, without provocation, intentionally and offensively touched Plaintiff on his back without consent and in the absence of an objective reasonable belief that the use of force was justified.

36. Afterwards, Plaintiff exited the Bistro and called WPD and reported assaults and batteries on his person by said civilians.

37. O'Keefe, Martinez, Freeman, Johnson, and WPD officer Christopher Forcenito arrived on the scene at the Bistro; O'Keefe was the highest ranking officer.

38. Said officers erroneously concluded that no assault or battery had occurred and they opined that Plaintiff had consumed alcoholic beverages or was intoxicated.

39. Notably, Plaintiff was in fact intoxicated due to the consumption of alcohol but, Plaintiff exhibited no signs of intoxication; he was not a danger to himself, others, or property; and he was not in need of any police assistance or services and, he did not request for any of the same.

40. "Due to" said officers' belief that Plaintiff had "consum[ed] alcohol," Exhibit I, they transported Plaintiff to his Home against his will; they walked all over his lawn after he explicitly told them that they could not to touch it; and they then vacated the premises.

41. Exhibit J somewhat depicts said events.

42. Over the next days, from June 29, 2017 to July 6, 2017, Plaintiff sent four (4) e-mails to the then Westfield Mayor, Andy Skibitsk, and to six (6) or then every Westfield councilman and councilwomen outlining his allegations against said officers by attaching unfinished legal complaints claiming that the Town and its officers were engaging in an unconstitutional custom of searching the person of every individual who enters a WPD vehicle regardless of any suspicion



of danger. Such frisks were apparently “standard operating procedure” for every WPD officer but, said practice has since then either been abrogated or at least modified in part most likely in response to Plaintiff’s allegations of their unconstitutionality. Eventually, O’Keefe, Freeman, Martinez, and Johnson may have learned of the existence of these e-mails.

43. On July 14, 2017, Plaintiff filed suit against said officers in the U.S. District Court of New Jersey for, among other things, an unreasonable search and seizure of his person and an unlawful entry onto and/or search of his lawn, all in violation of the Amendment. Posyton v. Township of Westfield et al., No.: 17-cv-5139-JMV (D.N.J. July 14, 2017). As a result, said officers retained counsel at the Town’s expense to defend against Plaintiff’s claims.

44. Said lawsuit was ongoing at all times throughout the rest of events described herein.

45. Said officers have since admitted that during said events, “Plaintiff was not ... on suspicion of a crime;” D.E. 55-1 at p 12; they categorize Plaintiff’s transportation as a “courtesy ride;” id.; and they claim that they were providing assistance to Plaintiff pursuant to the community caretaking exception of the warrant requirement. Id. at pp 10-11.

46. On September 29, 2017, Plaintiff filed an administrative complaint (which was simply a copy of the FAC in *Posyton*) against O’Keefe, Martinez, Johnson, and Freeman with WPD’s internal affairs unit, which complaint was accepted by Captain Jana Battiloro; WPD’s internal affairs personnel subsequently conducted an investigation and, as a result, said officers were alerted and somewhat engaged in the investigation. WPD has refused to inform Plaintiff of the investigation’s outcome or whatever.

47. On October 28, 2017, around 11:30 p.m., Plaintiff was located about 100 feet down the street from where the Bistro is located on the sidewalk.

48. Around said time, Plaintiff called the Bistro by cellular telephone and a female employ-



ee of the Bistro answered the call; Plaintiff requested if he could enter the structure of the Bistro and, said employee answered in the affirmative and said, "Yes."

49. Plaintiff, however, would never enter the Bistro.

50. Plaintiff did not reveal his name during this approximately 10 second long call and, said employee never informed anyone of the existence of this call.

51. While Plaintiff was located down the street, Plaintiff thought that he observed the Bistro's other co-owner, Brother Christopher Boyle exit and then retreat into the Bistro.

52. Plaintiff thereafter walked towards the Bistro, approached an employee who was removing plates from a table located outside the Bistro and asked, "Was that Christopher Boyle?" Said employee answered in the affirmative. This employee would at some point later-on inform Christopher Boyle that an unknown individual asked about his identify.

53. Next, Plaintiff peacefully and silently stationed himself on or around the public sidewalk located in front of the Bistro for about the following 90 minutes.

54. During said time period, Plaintiff did not speak or gesture to anyone; Plaintiff either just passively stood on the sidewalk, sat on the sidewalk's curb, or perhaps at some point even slightly but briefly walked down the sidewalk away from the Bistro and then returned.

55. Standing quietly and peacefully but evidently alive and awake in proper clothing on any public sidewalk for any reason whatsoever for approximately 90 minutes absent a judicial order or law specifically forbidding such conduct is a form of protected speech or expression and privileged exercise of the liberty to enter into society and also the right to peacefully assemble with others in public for the common purpose of enjoyment of life or whatever.

56. During said time period, there were no individuals sitting outside of the Bistro and not many people walked past or even noticed Plaintiff but, there were generally about 10 people



(including staff) located inside of the Bistro.

57. On October 29, 2017, around 1:00 a.m., either Timothy or Christopher Boyle called WPD and reported that Plaintiff had been standing quietly and peacefully on a public sidewalk around the Bistro for about two (2) hours.

58. The public sidewalk came first – the Bistro came second; the Bistro and all of its officers generally yield (as in this case) to the sidewalk and to any peaceful people who are upon it.

59. WPD officer Poe responded to the call; he parked his WPD vehicle about six (6) feet away from Plaintiff; and he then initiated conversation with Plaintiff while sitting in his vehicle by beginning to question Plaintiff about why he was standing on a public sidewalk.

60. At no time throughout any of the events described herein did Plaintiff ever give any officer any type of reason for why he was standing on a public sidewalk.

61. As Poe began to question Plaintiff, Christopher Boyle exited the Bistro and initiated conversation with Plaintiff; this conversation was extremely brief but civil.

62. Timothy Boyle then exited the Bistro but, Plaintiff and Timothy Boyle never spoke.

63. Thereafter, WPD officer Eric Loffredo arrived and then parked his vehicle by Plaintiff.

64. Poe and Loffredo ultimately exited their vehicles; approached Plaintiff; and the Boyles eventually retreated into the Bistro to watch the unfolding events from inside at the bar.

65. Poe and Loffredo questioned Plaintiff for about the next three (3) minutes regarding the reason for why he was standing on a public sidewalk but received no answer to such question.

66. During said questioning, Loffredo continuously either or both explicitly told and/or implied for Plaintiff to leave the sidewalk and to walk away about three (3) times. Plaintiff, however, continued to stand where he stood (*i.e.*, on a public sidewalk (which notably is located less than 500 feet away from the platform of a somewhat medium size operational train station)).



67. Maloney then arrived on the scene in a WPD vehicle.

68. Maloney was the highest ranking officer.

69. Three (3) WPD vehicles were ultimately lined in sequence spanning from either about six (6) or 15 feet away from Plaintiff.

70. Maloney then approached Plaintiff to participate in encircling or surrounding Plaintiff.

71. When Plaintiff was facing the Bistro, Maloney was standing to Plaintiff's left, Loffredo was standing to Plaintiff's right, and Poe was standing closest to the Bistro or directly in front of Plaintiff. Every officer was located approximately five (5) feet away from Plaintiff.

72. Said officers never possessed or obtained any information indicating that Plaintiff was perhaps gathering information to prepare a public press release or to prepare pleadings for court proceedings; engaging in a peaceful protest of the Bistro, microwavable popcorn, or the sky; standing for enjoyment, to wait for a train, or because he was fatigued; suffering from a severe leg injury preventing him from moving; or being paid money to stand where he stood.

73. Said officers continued to question Plaintiff for about three (3) more minutes regarding the reason for why he was standing on a public sidewalk but, Plaintiff revealed no answer to such question. Instead, Plaintiff began questioning said officers in response to their questions.

74. Significantly, during said questioning, Plaintiff very casually and peacefully placed each of his hands into each of his front pants pockets at the same time as he faced Maloney. Within less than one (1) second later, in direct response to Plaintiff's movements, Maloney commanded Plaintiff to remove both of his hands from each of his pants pockets by sternly saying, "Keep your hands out of your pockets." Plaintiff then immediately but nonconsensually complied with Maloney's non-negotiable order to show her his hands by removing them from his pockets.

75. At no time did any of said officers ever pat down or frisk Plaintiff for weapons because,



there was no reason whatsoever to suspect Plaintiff of being armed or otherwise dangerous. Plaintiff had no budes emitting from his clothing; he spoke in a very peaceful tone of voice; he did not seem or act nervous or afraid; and he was not shaking, sweating, or incoherent. And, said officers possessed no information that a violent or any crime had recently occurred around the area where Plaintiff was standing but, even if they did, Plaintiff's physical characteristics did not match those of any alleged perpetrator.

76. Successively, Maloney asked Plaintiff if he 'had' identification, which Plaintiff interpreted as a request to see his identification.

77. Plaintiff handed his State identification card to Maloney.

78. As Maloney examined the card, she said in a unique and surprised high pitched tone of voice, "Oh, Ronald."

79. Plaintiff asked Maloney if she had previously heard of Plaintiff's name and, in response, Maloney said, "I read the reports."

80. Afterwards, Maloney returned Plaintiff's identification card to Plaintiff.

81. Next, Plaintiff asked Maloney if she was going to search his name for outstanding warrants and, in response, Maloney said, "I check everyone for warrants."

82. A few seconds later, Maloney turned anyway from Plaintiff and began walking towards, and ultimately returned to her vehicle and initiated a warrant check on Plaintiff's name.

83. At this point, said officers' investigation into the reason for why Plaintiff was standing on a public sidewalk had concluded; no further questions were asked regarding said topic at any time after Maloney began to walk towards her vehicle to begin the process of checking Plaintiff's name for outstanding warrants.

84. Poe and Loffredo stood by Plaintiff to prevent him from leaving while Maloney



searched his name for outstanding warrants.

85. About three (3) minutes later, Maloney returned to Plaintiff, Poe, and Loffredo and told Plaintiff that he did not have any outstanding warrants issued for his arrest.

86. Plaintiff then asserted and declared, "I don't feel free to leave."

87. In response, Maloney said, "Oh, you were being detained."

88. Maloney then informed Plaintiff that he was free to leave at that point.

89. Said officers would have physically restrained Plaintiff if he had attempted to walk away at any time upon Maloney's arrival until Maloney advised Plaintiff that he could leave.

90. Maloney then decreed that Plaintiff was free to stand quietly on a public sidewalk as long as he so desired.

91. Said officers then vacated the area by driving away and Plaintiff left a few seconds later.

92. No reasonable person would feel free to disobey a police command to reveal their hands after being surrounded by police. Any deprivation of one's freedom of movement or their liberty for even a fraction of a second implicates the Amendment's protections and must be justified by objectively reasonable particularized articulable suspicion.

93. No reasonable person would feel free to ignore police or leave or go about their business after being apprised by police that their name is going to be searched for existing warrants.

94. Maloney's participation in surrounding Plaintiff; her order for Plaintiff to show her his hands; and her act of apprising him that she was going to search his name for warrants and doing just that was a clear show of authority directed towards Plaintiff undertaken through means intentionally applied which would have conveyed to any reasonable person that they were not free to ignore Maloney and leave and go about their business and, Plaintiff submitted to Maloney's show of authority by revealing his hands and by not leaving or running away.



95. On October 29, 2017, around 1:00 a.m., Maloney, without reasonable suspicion of criminal activity or due process of law, seized Plaintiff the moment he complied with her order to show her his hands and, Maloney then further impermissibly prolonged Plaintiff's unlawful stop for reasons totally unrelated to the mission for which Plaintiff's seizure was intended by conveying to him that she was going to pointlessly and suspicionlessly search his name for existing warrants and by subsequently doing just that and, thereby, from start to finish, effectuating an uninterrupted unreasonable seizure of Plaintiff's person in violation of his clearly established rights secured by the Fourth and Fourteenth Amendments to the U.S. Constitution and, Maloney is liable pursuant to § 1983.

96. On July 21, 2017, a WPD officer transported an individual who was simply "under the weather," from an area located in Westfield with a WPD vehicle to elsewhere in Westfield located about 2.3 miles away in driving distance, notwithstanding that "nothing ... concern[ing]" was occurring. Exhibit K. This incident was consensual and not a seizure.

97. From about November 6, 2017 to December 30, 2017, and from about May 5, 2018 till June 29, 2018, Plaintiff worked at a 7-Eleven in Westfield as a cashier. During said period, many WPD officers (including O'Keefe, Martinez, Freeman, Forcenito, and Loffredo) entered and purchased items from 7-Eleven and were 'rung up' by Plaintiff. Over this time, Plaintiff principally asked at least five (5) random different WPD officers (sometimes in verbatim) the following question: "Are unjustified entries onto curtilage violative of the Fourth Amendment?" Some, if not all of said officers were totally unaware of the meaning of 'curtilage' but, every single officer responded with roughly the exact same answer: "It depends on the call."

98. On January 12, 2018, Plaintiff was visiting a friend (Christopher) at his house, which is located in Westfield; Plaintiff's friends Justin and Michael were also visiting.



99. On said date and the day before and while at Christopher's house, Plaintiff consumed about 750 milliliters or one (1) liter worth of vodka, two (2) beers, and one (1) mixed drink.

100. Around 1:30 a.m. on said date, Plaintiff left Christopher's house and began to walk towards his Home, which is located about 1.9 miles away in distance.

101. Historical temperature records indicate that it was roughly 45 degrees Fahrenheit outside and, Plaintiff was merely wearing jeans and a T-shirt and perhaps a grey light Ralph Lauren sweater modeling its insignia – polo. Accordingly, Plaintiff began to become cold and feel uncomfortable soon after he left Christopher's house.

102. After Plaintiff had walked about one (1) block, he called WPD for assistance and requested for WPD officers to transport him to his Home because he was intoxicated.

103. The dispatcher asked Plaintiff for his name and Plaintiff responded, "Ronald Posyton."

104. Afterwards, four (4) WPD vehicles containing O'Keefe, Martinez, and Johnson and at least WPD officers Loe and Koe converged upon the area within a few minutes; O'Keefe was the highest ranking officer.

105. Plaintiff then asked for said officers to transport him to his Home because he was intoxicated.

106. O'Keefe declared that Plaintiff was "not intoxicated" and that Plaintiff "c[ould] care for himself."

107. Said officers then refused to provide Plaintiff transportation to his Home.

108. Plaintiff stated that their refusal to provide such assistance and service "violate[d] the Equal Protection Clause." In response, one of the officers then briefly laughed.

109. Said officers thereafter returned to their vehicles, drove away, and left the intoxicated Plaintiff on a sidewalk outside in the cold located almost miles away from his Home.



110. At least one of said officers (if not every single officer) then generally did absolutely nothing whatsoever or, merely drove around Westfield in their WPD vehicle(s) over about the next 45 minutes as Plaintiff walked Home.

111. The police report states that Plaintiff was wearing a “sweater” and of “sound body” and “completely able to care for himself.” Exhibit L. The police report fails to insert the fact that Johnson and at least two (2) other WPD officers were also present.

112. On May 4, 2018, Plaintiff was visiting Michael at his house, which is located in Westfield; Justin and Christopher were also visiting.

113. On said date and the day before and while at Michael’s house, Plaintiff consumed many alcoholic beverages and became intoxicated.

114. Around 2:00 a.m. on said date, Plaintiff left Michael’s house and began to walk towards his Home located about 1.4 miles away.

115. After Plaintiff had traveled about one (1) block and reached Saint Marks Street, he called WPD for assistance and requested and even “demand[ed]” for a WPD officer to transport him to his Home because he was intoxicated.

116. The WPD dispatcher then got kinda fussy and transferred Plaintiff’s call to O’Keefe and, the two then spoke; Plaintiff’s identify was clearly known. While on the phone, Plaintiff asked O’Keefe for a WPD officer to transport him to his Home because he was intoxicated. O’Keefe conveyed or clearly inferred that no WPD officer was going to drive to Plaintiff or transport him anywhere. Plaintiff asked why police were not even going to respond to his call for assistance. O’Keefe then told Plaintiff, “We’ll come check you out like last time,” and then inferred that Plaintiff was not going to be transported anywhere by any WPD officer.

117. O’Keefe, Freeman, and WPD officers Soe and Yoe arrived on the scene soon thereafter



with three (3) WPD vehicles; O'Keefe was the highest ranking officer.

118. Plaintiff then asked said officers for them to transport him to his Home because he was intoxicated.

119. Said officers declared that Plaintiff was not intoxicated and refused to transport Plaintiff Home.

120. Plaintiff thereafter began doing the most incredible jumping-jacks the world has ever seen via jumping up and down a few times while clapping his hands together over his head and, during this spectacle, Plaintiff asked the officers, "Am I intoxicated now?"

121. Said officers then vacated the area by driving away and left the intoxicated Plaintiff on a sidewalk located about one (1) and a half miles away from his Home.

122. On May 25, 2018, Plaintiff was visiting Michael's house; Justin was also visiting.

123. On said date and the day before and while at Michael's house, Plaintiff consumed alcoholic beverages and became intoxicated.

124. On the aforementioned date around 1:59 a.m., Plaintiff left Michael's house and began to walk towards his Home.

125. After Plaintiff had walked about one (1) block and reached Saint Marks, Plaintiff called WPD for assistance and simply told the dispatcher that he was intoxicated. Audio Exhibit M.

126. Exhibit N indicates that Plaintiff effectuated this call at 2:01 a.m.

127. Plaintiff asked if O'Keefe was working and, the dispatched answered in the negative and said, "No, he's not here." Exhibit M at 0:17-22.

128. The dispatcher then sent Riley and Johnson to Plaintiff's location and/or Saint Marks.

129. The dispatcher neither asked for, and Plaintiff did not reveal, his name until only after said officers were dispatched. Id.. at 0-3



130. Once Riley arrived, he exited his WPD police vehicle and approached Plaintiff.

131. Plaintiff asked for Riley to transport him to his Home because he was intoxicated.

132. Plaintiff did not inform Riley that anyone was located at the Home and, Riley possessed no information indicating that someone was located at the Home.

133. Sequentially, Riley asked for Plaintiff to produce identification; Plaintiff produced his State identification card and gave it to Riley; Riley opened his squad car's back door; Plaintiff entered the back seat; and Riley subsequently closed the door and entered the driver's seat.

134. Riley was totally unaware of the fact that Plaintiff was suing five (5) WPD officers in this Court and that Plaintiff had twice previously called WPD and requested for officers to transport him to his Home over the past four (4) months.

135. After Riley and Plaintiff were sitting in the car, Riley communicated to WPD officials that he going to transport Ronald Posyton to his Home located on Carleton. Id., at 4:40-4:48.

136. Riley and Plaintiff then began to travel towards Carleton.

137. At some point, Johnson either arrived on Saint Marks after Riley and Plaintiff were already sitting in Riley's squad car, or immediately before Riley and Plaintiff began traveling towards Carleton or, Johnson intercepted Riley and Plaintiff during their journey to Carleton.

138. While en route to Carleton, a WPD official communicated to Riley by radio and told him to have his "in-car cameras on." Id., at 5:20-5:26.

139. During Plaintiff's and Riley's voyage to Carleton, no WPD official radioed anything to over the radio until Riley radioed his "ending miles" for the drive. Id., at 5:30-9:52

140. Significantly, however, near to the end of Plaintiff's and Riley's journey, Plaintiff told Riley, "You don't need to go to my – uh like go up to my uh – my house, my curtilage ... I don't really want ya to go onto my curtilage. I forbid you to do it." Audio Exhibit O at 2:10:12-24.



141. After Plaintiff and Riley turned onto Carleton from Grove Street, Plaintiff requested for Riley to pull his squad car to the side of the road so Plaintiff could exit. Id. at 2:10:34-38.

142. In turn, Riley pulled his WPD vehicle near the road's curb and, Johnson, who was still following behind, did the same.

143. Exhibit N indicates that this occurred around 2:12 a.m.

144. At this point, Plaintiff and Riley were located about seven (7) houses down or away from Plaintiff's Home.

145. Riley then exited the driver's seat and opened the squad car's back door so Plaintiff could exit the vehicle and, Riley then returned Plaintiff's State identification card.

146. Plaintiff sincerely thanked Riley before and after he exited the squad car and also shook Riley's hand while standing on the sidewalk and, Plaintiff then waived to Johnson.

147. As of this point, Riley had displayed the exemplary idea, image, and idol of the truest of policemen who generally have one primary goal on the job – to protect and serve the citizenry in any reasonable way possible (*e.g.*, driving an intoxicated 23-year-old approximately two (2) miles to his Home). Riley is not being sued on any of the forgoing facts but, they are relevant.

148. Next, after Plaintiff waived to Johnson, Plaintiff began walking away from Riley on the sidewalk in the direction towards his Home.

149. During this walk, Plaintiff lit and began smoking a cigarette.

150. After Plaintiff had walked past about five (5) houses, Riley drove past Plaintiff and then past his Home and continued driving down Carleton.

151. There were no lights activated in Plaintiff's Home that could be seen from the outside.

152. Riley then reached the end of Carleton and turned and drove onto Sycamore Street.

153. Johnson had also left and vacated Carleton by driving away.



154. At this point, there were no police located on Carleton.

155. Plaintiff, however, remained outside to finish smoking his cigarette and perhaps a second or additional cigarette.

156. At some point, Plaintiff walked onto his neighbor's lawn but, he did not venture far; rather, Plaintiff was standing very close to the garden located on one of the sides of his yard.

157. Eventually, Plaintiff briefly called WPD to 'say' the words "thank-you" for the transportation and he also said, "I am safe at Home – I'm on curtilage." Exhibit M at 18:00-45.

158. Exhibit P indicates that this occurred around 2:19 a.m.

159. Plaintiff did not request or imply that he needed or wanted any police to come to his Home for any reason or to enter onto his lawn or yard.

160. After this roughly 45 second call, the dispatcher then radioed Riley and informed him that Plaintiff called WPD to thank them for the transportation.

161. WPD officials instructed Riley to advise Plaintiff "not to use 911 or the police department as a taxi service – apparently he's made a habit of this." Exhibit M at 19:36-45

162. Riley then began to drive his vehicle to Plaintiff's Home with the sole intention "to inform [Plaintiff] about the use of 911 and abusing 911 for rides home" and/or to tell Plaintiff to stop calling WPD for transportation or assistance while he is intoxicated. Exhibit P.

163. As Plaintiff was smoking the end of a cigarette on his neighbor's lawn, Plaintiff observed car lights on Carleton approaching the direction of his Home.

164. Plaintiff ultimately realized that this vehicle was in fact a police cruiser.

165. Accordingly, this WPD vehicle and/or Riley turned onto Carleton from Grove and then traveled further down Carleton and stopped directly in front of Plaintiff's Home.

166. Exhibit P indicates that Riley arrived at Plaintiff's Home around 2:25 a.m.



167. Riley had driven or traveled at least over one (1) mile in distance from the point where Plaintiff exited Riley's squad car to where Riley parked his car outside of the Home.

168. Before Riley stopped and parked outside of Plaintiff's Home, Plaintiff slightly moved a few feet to the left upon discovering that the vehicle was a police car and, as a result, a large bush or small tree definitely somewhat obstructed Riley's ability to see Plaintiff.

169. Riley then exited his vehicle and began to approach Plaintiff's Home.

170. No person was located outside on or around Carleton besides for Plaintiff and Riley.

171. Riley walked onto and up the pathway located on Plaintiff's lawn leading to the Home's front door. Riley, however, would never touch the Home's front door or ring the doorbell, notwithstanding that he was approximately one (1) second away from doing so. Riley was nonetheless able to and did climb the two (2) steps ascending to the Home's front door and ultimately planted both of his feet on the platform attached to the Home leading to the front door.

172. As Riley was approaching Plaintiff's Home, Plaintiff returned to his lawn by walking over or through the garden separating his and his neighbor's yards.

173. After Plaintiff was fully located on his lawn and while Riley was climbing the final step needed to reach the platform leading to the Home's front door, Plaintiff clearly and explicitly yelled at Riley, "Get off my property," and Riley heard every word of the same; nothing was producing any noise or obstructing the ability to hear Plaintiff yelling at Riley around 2:26 a.m.

174. Upon hearing Plaintiff's order to exit his property, Riley immediately turned away from the Home and began to exit the platform leading to the Home's front door.

175. Riley walked down the two (2) steps and stepped onto the front pathway leading to the street but, Riley then totally and completely deviated and departed from the pathway by executing a sharp turn onto the grassy area of the Home's yard to approach Plaintiff.



176. When Riley reached Plaintiff, Riley was located on the grassy area of the lawn roughly 25 feet away from the front pathway and about 20 feet away from the Home.

177. Riley seemed and was somewhat angry or annoyed as he reached Plaintiff.

178. Riley then briefly spoke to Plaintiff for roughly 10 or 15 seconds by saying, “You know I’m the officer you just thanked, right? Listen, stop calling us for rides home - we’re not a taxi service, ok?”

179. Plaintiff remained silent during Riley’s lecture.

180. After Riley concluded speaking, it became beyond evident over the span of the following few seconds of silence that Riley was not going to leave Plaintiff’s lawn or go anywhere until Plaintiff produced some type of acknowledgment of his speech.

181. As a result, Plaintiff said, “Ok,” and then Riley finally left Plaintiff’s property thereafter.

182. Exhibit Q shows Riley’s route taken and where he stood upon the Home’s lawn.

183. The Amendment forbids unprivileged or suspicionless physical police presence on an area without the consent of someone who enjoys a legitimate subjective and objective expectation of privacy on it. *See Collins v. Virginia*, __ U.S. __, 138 S.Ct. 1663 (2018); *Florida v. Jardines*, 569 U.S. 1 (2013); *Georgia v. Randolph*, 547 U.S. 103 (2006).

184. Plaintiff has always enjoyed a possessory interest and legitimate and reasonable subjective and objective expectation of privacy (especially during the dead of morning) upon the Home and its entire yard; Plaintiff taking reasonable steps to keep his lawn private by yelling, “Get off my property,” just deepens the fact that he had such an expectation in his yard.

185. Every square inch or part of the Home’s lawn, yard, and property (including its driveway, front pathway, steps, and platform), especially during the dead of morning, is curtilage and is protected by the Amendment; Plaintiff taking reasonable steps to exclude others from his



lawn by yelling, "Get off my property," just deepens the fact that his entire yard was curtilage.

186. The Home's curtilage enjoys the exact same protections the Amendment provides and guarantees the structure of the Home itself.

187. A nonconsensual physical police entry or occupation of curtilage by even a fraction of an inch for even a fraction of a second violates privacy interests and constitutes a search regardless of whether any information is obtained. Intrusions to legitimate expectations of privacy which discover nothing are nonetheless searches. Any physical police entry or occupation of curtilage without the consent of someone who enjoys an expectation of privacy on it constitutes an unreasonable search unless privileged by independent legal means to justify the intrusion.

188. Plaintiff possesses constitutional standing to challenge any police entry, occupation, search, or invasions of privacy associated with the Home or its curtilage.

189. During the dead of morning, Riley entered and walked onto Plaintiff's property solely to find and speak to Plaintiff to tell him to stop calling WPD for police assistance while intoxicated. To accomplish this mission, however, Riley was fully intending to approach the Home's front door and ring the doorbell or bang on the door and generate a lot of loud noise within the Home around 2:26 a.m.; this type of conduct was probably going to wake any others who could have been in the Home. Seconds before Riley reached the Home's front door to execute his plan, Plaintiff commanded Riley to leave and to exit his yard by yelling, "Get off my property." Riley, however, did not immediately remove himself from Plaintiff's lawn; rather, Riley then deviated from the Home's front pathway and subsequently entered further and travelled deeper into Plaintiff's yard. Riley thereafter stood stationary upon and occupied Plaintiff's property and refused to leave until he finished lecturing Plaintiff and his lecture was acknowledged.

190. Riley did not enter and occupy Plaintiff's curtilage to combat or prevent imminent haz-



ards or danger or to aid others in distress or injury because, accordingly, Riley possessed no information that an exigent or any safety issue was present on Plaintiff's curtilage or within his Home. Instead, Riley approached Plaintiff's Home for a law enforcement purpose or with intent to chill Plaintiff's exercise of petitioning WPD for assistance to redress his grievances of lacking transportation while intoxicated.

191. Riley possessed no information that any evidence of crime or criminal activity concerning anyone or anything was associated with Plaintiff's Home or its curtilage. And, Riley had ample time to get a warrant.

192. Riley's actual entry and occupation and the purpose for said presence on Plaintiff's curtilage from the very inception to conclusion during the dead of morning (*i.e.*, *before and after* Plaintiff commanded Riley to exit his curtilage) was surely contrary to widely shared social expectations and norms and habits of the country. Riley was and is a *stranger* to Plaintiff and all others associated with the Home and its curtilage and, no reasonable respectful private stranger would have replicated Riley's actions. About 13 minutes before Riley invaded the privacies of Plaintiff's life. Plaintiff specifically clarified and explicitly told Riley that he was absolutely "forbid[den]" from entering Plaintiff's curtilage. And, moreover, Riley did not even leave Plaintiff's curtilage after Plaintiff had commanded him to do so; rather, after reaching Plaintiff's front door and being commanded to leave, Riley then approached and subsequently stood upon an area of Plaintiff's curtilage where no reasonable respectful private stranger would ever go and occupy to lecture someone who had just commanded them to "get off" their lawn. There can be no question surrounding the fact that Riley did not possess a license or implicit consent to approach either the Home's front door or the part of the Home's curtilage where Plaintiff was located and then to occupy it. Accessible public information (*i.e.*, Plaintiff's lawsuit against



WPD officials for approaching his Home and ringing his doorbell and the fact that his original complaint's prayer for relief asked for a permanent federal injunction and restraining order prohibiting every single WPD official from "traveling within 25 feet of, Plaintiff"), beyond clarifies that no WPD officer ever enjoys any type of consent to enter or occupy Plaintiff's curtilage. Any reasonable WPD official knows of this information. Indeed, Maloney even informed Plaintiff that there are written WPD "reports" about him. Yet, even if Riley had obtained implicit consent to enter and occupy Plaintiff's curtilage (and in the absence of revocation thereof), such consent was not unequivocal or specific or freely or voluntarily given and was exceeded in scope; Riley did not ask anyone for consent to enter or occupy the Home's curtilage and nobody associated with the Home gave any implication or made any gesture which inferred that consent existed to do the same. To the contrary, Riley was told that he was forbidden from entering onto Plaintiff's curtilage, and after Riley entered anyway and reached the Home's front door and was subsequently commanded to leave, Riley did not do so. Accordingly, Riley simply thrust himself all about Plaintiff's curtilage under color of an unsupported claim of lawful authority.

193. Riley gained an enhanced visualization of, and sense of smell for, the intimacies of the sanctity of Plaintiff's Home by invading it and, as a direct result of Riley's entry and occupation of Plaintiff's curtilage, Riley discovered Plaintiff's location and the fact that no scent of drugs could be smelt or detected while located closer to the Home, which information was previously unavailable and unknown to Riley and hidden and obscured from his naked eye and sense of smell while he was located on Carleton's street and sidewalk.

194. On May 25, 2018, around 2:26 a.m., Riley stormed, walked onto, and stationed himself upon Plaintiff's curtilage without unequivocal and specific permissible free and voluntary implicit or explicit consent or license or warrant, exigency, probable cause, or due process of law



or any independent legal means or privilege to justify the intrusion and, thereby, effectuating an unreasonable search, unlawful entry/occupation, and invasion of privacy, respectively, all in violation of Plaintiff's clearly established rights secured by the Fourth and Fourteenth Amendments to the U.S. Constitution and, Riley is liable pursuant to § 1983.

195. WPD officers are completely unaware that the land immediately surrounding the Home or curtilage is protected by the Amendment from police entry and occupation absent privilege or consent to justify such presence on it because, the Town and Wayman have utterly failed to require WPD officers to ever pass any type of standardize test after becoming WPD officers and, have totally failed to require WPD officers to pass a moderately challenging standardize test from time to time surrounding the principles and protections of the Amendment and, this failure to train was reasonably foreseeable to result in Riley's infringement to Plaintiff's rights, which in effect, demonstrates a violation of Plaintiff's rights secured by the Fourteenth Amendment to the U.S. Constitution and, the Town and Wayman are liable pursuant to § 1983.

196. No reasonable occupant of a house located on their lawn would feel free to ignore police presence and go about their business where police persist in engaging with them in their yard and refuse to leave after having commanded the police to "get off" their lawn.

197. Riley's continued presence on Plaintiff's lawn to lecture and speak to him after Plaintiff commanded Riley to exit his yard was a clear show of authority and actions directed towards Plaintiff undertaken through means intentionally applied which would have conveyed to any reasonable person that they were not free to ignore Riley's presence and go about their business until Riley left and, Plaintiff submitted to Riley's show of authority by not leaving or running away and listening to Riley speech and lecture.

198. On May 25, 2018, around 2:26 a.m., Riley, without consent, warrant, exigency, probable



cause, or due process of law, refused to leave the Home's yard and persisted in engaging with Plaintiff after he had commanded Riley to leave him or his lawn alone and, thereby, effectuating an unreasonable seizure of Plaintiff's person in violation of his clearly established rights secured by the Fourth and Fourteenth Amendments to the U.S. Constitution and, Riley is liable pursuant to § 1983.

199. On June 29, 2018, from about 12:00 a.m. to 3:55 a.m., Plaintiff consumed about 1/3rd of a half a gallon of rum while at Christopher's house; Justin was also visiting.

200. Around 4:00 a.m. on said date, Plaintiff left Christopher's house and began to walk towards his Home with the emptied sealed labeled glass half gallon bottle of rum.

201. After Plaintiff had walked about a block and a half, Plaintiff stopped, hid the bottle behind a rock, and then he called WPD for assistance.

202. Plaintiff spoke to the same dispatcher as he did on May 25, 2018.

203. Plaintiff told the dispatcher that he was intoxicated.

204. The dispatcher sent one (1) WPD vehicle containing Freeman and young WPD officer Voe to Plaintiff's location and, once they arrived, Plaintiff asked for them to transport him Home because he was intoxicated.

205. Freeman told Plaintiff that he was "not intoxicated."

206. Plaintiff thereafter went behind the rock and revealed and held up the bottle to Freeman and Voe and said, "I just drank this."

207. Voe would never say a single word during this incident.

208. Plaintiff then asked to be provided transportation to his Home and Freeman said, "No."

209. Afterwards, Freeman and Voe returned to their vehicle and drove away.

210. The intoxicated Plaintiff subsequently began to walk to his Home with the bottle.



211. While Plaintiff was passing Roosevelt Intermediate School, Plaintiff accidentally dropped the bottle on the sidewalk, breaking its bottom. Plaintiff then picked up the shattered glass with his hands and placed it in the broken bottle. After Plaintiff walked about one (1) more block, he dropped the bottle again. Plaintiff again picked up the shattered glass with his hands and placed it in the even more broken bottle. Plaintiff then carried the broken bottle upside-down by its spout into downtown Westfield en route to his Home and, he ultimately threw it in the nearest trash can.

212. Plaintiff then walked from downtown Westfield to the south side of Westfield and, after e-mailing Defendants' attorney, Richard J. Guss, Plaintiff fell asleep or passed out around on someone's lawn on Central Ave at roughly 4:50 a.m. for about the next two (2) hours.

213. Around 6:40 a.m., Plaintiff awoke, arose, and walked the rest of the way to his Home.

214. Plaintiff eventually realized that his very expensive I-phone was missing. Plaintiff called his phone under the belief that he would hear it ring and find it within his Home. A Good Samaritan and stranger, however, answered the call and told Plaintiff that she found the phone lying in the grass in Westfield.

215. Plaintiff had lost his I-phone on the journey to his Home from Christopher's house.

216. This Good Samaritan then so generously met with Plaintiff the next day and returned his lost phone to him.

217. On July 1, 2018 around 5:20 a.m., Plaintiff walked into the lobby of WPD headquarters where about 100 civilians walk through per day. Plaintiff began to film everything with his I-Phone pursuant to *Fields* (including its command center through the giant window in the lobby). Video Exhibit R. Defendants are partnering with civilians acting in concert with police and have agreed to allow WPD to tap into their privacy security camera feeds located all over Westfield.



Otherwise, Defendants merely placed a lot of cameras everywhere in Westfield – *search*.

218. While Plaintiff was inside of WPD with his I-Phone visibly filming, he began to speaking with WPD officer Woe. Id. at 1:20.

219. Plaintiff asked Woe whether he thought it was legal to film in WPD and, in response, Woe simply gave consent to film WPD, albeit not needed. Id. at 2:10-20.

220. Plaintiff eventually noticed O'Keefe sitting in the command center and said hello.

221. Plaintiff then asked Woe if he knew of Plaintiff's identify and, in response, Woe said, "I've talked to you a few times."

222. The following was said. Id. at 3:45-4:05

Plaintiff: "You came out to me?"

Woe: "Ya, a few times."

Plaintiff: "Was I doing jumping-jacks that one time?"

Woe: "No, I saw you out front that one time – probably like a couple of weeks ago."

Plaintiff: "Weeks ago?"

Woe: "A year ago? I don't even know."

...

Plaintiff: "Last time I came here - I came here for the records [and/or video footage around the end of October or early November of 2017]."

223. Woe said that he had "talked to" Plaintiff "a few times," came out or traveled to Plaintiff's location "a few times," "saw" Plaintiff "out front" of WPD headquarters "one time ... like a couple of weeks" prior, and then these weeks somehow turned into "a year ago" and then to, "I don't even know."

224. Plaintiff has most likely never seen Woe in his entire life until the present conversation.

225. Freeman and Voe 'coincidentally' then walked into WPD headquarters.

226. Voe again did not say one word to Plaintiff throughout the event.

227. O'Keefe then told Plaintiff that he "need[ed] to calm down" with calling the police "for you getting all allegedly drunk." In response, Plaintiff said, "But I am intoxicated when I call – I



don't call you when I'm sober." Id., at 4:57-5:12. It makes sense.

228. Plaintiff told O'Keefe that he's "in" this lawsuit but O'Keefe thought that Plaintiff was talking about the first *Posyton* lawsuit. Plaintiff told O'Keefe, "No, no, the next one." O'Keefe said, "Oh, I don't know about no next one." Plaintiff laughed and said, "Oh, there's a next one." Id., at 5:50-5. O'Keefe then became upset and lied or forgot about what Plaintiff said to him during the few minutes they spoke to each other on a bench inside WPD headquarters about one (1) year prior on June 27, 2017 (before the incident at the Bistro). Plaintiff did not tell a police officer in a police station that he had been "using illicit narcotics" at "was missing for several days" college. Id., at 5:55-6:32. It is, however, public information that Plaintiff took his pre-scribed medications and could not be located by Residential Advisers for about 8 or 12 hours via Honorable U.S.D.J. Paul W. Gimm's opinion in *Posyton v. Maryland*.

229. Next, Plaintiff said that he wanted to file his lawsuit on Monday of July 2, 2018, "and be done with it," and then averred, "I have a bunch of individuals who were intoxicated who were transported home – and then I wasn't – but Riley did, Riley transported me home." Id., at 9:05-20. O'Keefe then revealed that he had learned about what Riley had done on the past May 25 involving Plaintiff by saying, "What - what officer Riley did was a certain," and then O'Keefe blatantly attempts to catch and cover up his blunder. Id., at 9:20-9:25.

230. Eventually, Plaintiff walked out of WPD headquarters and went to smoke a cigarette by the large pond across the street on a bench.

231. Freeman, Voe, and O'Keefe ultimately exited a few minutes later and, Plaintiff then began to engage with the officers outside. O'Keefe told Plaintiff that he was going to call his mother to pick him up but, Plaintiff thereafter said, "No, no, don't tarnish my reputation." And, in response, O'Keefe said, "No, no, there's no reputation to tarnish."



232. Eventually, Plaintiff stayed for some time longer and then left WPD headquarters and walked Home.

233. WPD officers (including Defendants) have transported or participated in transporting individuals, especially white adult males, upon consent, whether or not intoxicated, from parities, strip malls, and other areas located in Westfield to elsewhere within Westfield, such as to motels, train stations, bakeries, and residences located from either blocks away to locations ranging from up to about 10 minutes away in driving distance, notwithstanding even if the transportee is alleged to be violent, has been seen urinating in public, or appears to be in good health. Yet, Riley is the icing on the cake. WPD officials, who knew of Plaintiff and responded twice to his calls for help, treated him worse than how a WPD official who was unaware or at least indifferent to Plaintiff's identity, treated him. Indeed, Plaintiff received free transportation while intoxicated from Riley but, Plaintiff received nothing but a waste of time each time Johnson, Martinez, O'Keefe, and Freeman came, respectively. This adverse treatment is the result of *some* animus which may be drawn from the inference of existing ill will and hostility towards Plaintiff stemming from him filing legal and administrative complaints against them with their employer (WPD) and in the U.S. District Court of New Jersey claiming that they violated the Fourth Amendment (because they did). It need only briefly be mentioned that the Government is strictly forbidden from engaging in selective discretionary gifting. At a minimum, the Equal Protection Clause requires the Government to gift *exactly* the same to everyone. And, it is well established that police must perform the same community caretaking functions for everyone in support of ensuing safety.

234. In the dead of morning on January 12, May 4, and June 29, 2018, respectively, O'Keefe, Martinez, Johnson, and Freeman, respectively, selectively, wholly irrationally, and in further-



ance of no legitimate Government interest, refused to provide Plaintiff the same assistance and gifts and denied Plaintiff the same service Plaintiff qualified to receive which WPD and its officers (including Defendants) have provided similarly situated individuals (including Plaintiff), as a result of their animus towards Plaintiff's 'class of one' and, thereby, effectuating a violation of Plaintiff's clearly established rights secured by Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and, said officers are liable pursuant to § 1983.

235. O'Keefe remembered a trivial intoxicated person transport report about 37 days after it had occurred notwithstanding that he was not even on the job when the transport occurred; when Plaintiff called on May 25, the dispatcher said that O'Keefe was not working. And, Maloney said that she has been "read[ing] the reports" about Plaintiff since October of 2017. This is because WPD has long been well-informed of Plaintiff's identity for some time.

236. Wayman and the Town are well aware of Plaintiff and their officers have developed a custom of violating Plaintiff's Constitutional rights as the result of a failure to properly instruct WPD officers on how to handle matters with Plaintiff and, thereby, effectuating a violation of the Fourteenth Amendment to the U.S. Constitution and, the Town and Wayman are liable pursuant to § 1983.

237. All wording, exhibits, cases, and anything else anywhere is fully set forth everywhere *ab initio* and incorporated into each respective paragraph herein.

WHEREFORE, Plaintiff, Ronald H. Posyton, III, prays for this Honorable Court to grant relief for each respective claim by entering judgment in his favor against the above-named Defendants, jointly and severally, as follows:

- (a) For nominal, compensatory, punitive, presumed, and any and all other types of damages;
- (b) For independent judgments declaring that Defendants violated Plaintiff's rights;
- (c) For an injunction compelling standardize WPD testing on Fourth Amendment principles;
- (d) For fees;



- (e) For court and opportunity costs;
- (f) For any and all such other and further relief as may be deemed and is just and proper.

Respectfully Submitted,

Dated this _____ day of July, 2018

DEMAND FOR JURY TRIAL

Ronald H. Posyton, III
868 Carleton Road
Westfield, NJ 07090
(908) 477-1238
ronposytoncollege@gmail.com



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CLERK OF COURT
JULY 5 2018
WESTFIELD, NJ
2:05

Ronald H. Posyton, III
868 Carleton Road,
Westfield, NJ 07090

Plaintiff,

Vs.

Township of Westfield

Serve: Mayor of Westfield
Michelle Brindle
520 Fairmount Avenue,
Westfield, NJ 07090

&

David Wayman
1605 Rising Way,
Westfield, NJ 07090

&

Robert Riley
224 Elizabeth Avenue,
Westfield, NJ 07090

&

Kevin O'Keefe
758 Prospect Street,
Westfield, NJ 07090

&

Steven Martinez & Ricardo Johnson & Preston
Freeman & Lauren Maloney
425 East Broad Street,
Westfield, NJ 07090

Defendants

Case No.: _____

COMPLAINT

COMES NOW, Ronald H. Posyton, III, proceeding *pro America*, seeking damages and other relief from and against the above-named Defendants pursuant to 42 U.S.C. § 1983 (“§



1983”), and in support thereof, respectfully submits this short and plain facially plausible Complaint for relief by alleging as follows:

1. Jurisdiction exists and venue is proper via 28 U.S.C. §§ 1331, 1343, and 1391.
2. Plaintiff, Ronald H. Posyton, III, is a white 23-year-old 5 foot, 4 inch tall adult American male citizen and, at all times herein, lived at 868 Carleton Road, Westfield, NJ 07090 (*Plaintiff’s* “Home”). Plaintiff has lived in Westfield for over 22 years of his life.
3. Defendant, Township of Westfield (the “Town”), is a creature and/or political subdivision of the State of New Jersey and operates the Westfield Police Department (“WPD”).
4. NeighborhoodScout, an association or whatever which ranks cities based on their level of safety, states that only seven (7) violent crimes occur on average per year in Westfield with a population of about 30,000, and has opined that Westfield is currently the 55th safest city in the entire United States of America. <https://www.neighborhoodscout.com/nj/westfield/crime>
5. Defendants, Kevin O’Keefe, Steven Martinez, Ricardo Johnson, Preston Freeman, Robert Riley, and Lauren Maloney, at all times herein, were WPD officers employed by the Town, WPD, and WPD Chief Defendant, David Wayman.
6. Every Defendant has been a WPD officer for at least the past 10 years besides Johnson.
7. On August 25, 2004, WPD “Officer Riley filed a criminal complaint in Westfield Municipal Court against his superior, Lieutenant David Wayman,” for harassment and a simple assault “stem[ming] from an incident” where “Wayman admonished ... Riley for questioning a direct order which involved brining oxygen to a women in respiratory distress.” Exhibit A. And, accordingly, “probable cause was found” and, the case was on track to “be heard before a judge.” *Id.*
8. Since 2005, there have been about five (5) civil rights lawsuits filed against WPD offi-



cials by individuals other than Plaintiff (including one by one of its own former WPD officers, Gregory Kasko), surrounding four (4) incidents.

9. In *Shale v. Township of Westfield et al.*, No.: 2:15-cv-8461-CCC (D.N.J. Dec 12, 2015), the plaintiff alleged that “Maloney unlawfully ... and wrongfully repeated[ly] physically assaulted Plaintiff by pushing and striking her in the face and shoving her” as her law office was burning to the ground before her very eyes. D.E. 1 at ¶¶ 27 & 30. The Town settled.

10. In *Sorrentino et al. v. Town of Westfield et al.*, No.: 2:11-cv-7412-MCA (D.N.J. Dec. 21, 2011), the plaintiffs alleged that Martinez and Freeman unlawfully entered the plaintiffs’ “fenced-in and gated yard” followed by their house “in direct contravention of” the express objections of a physically present plaintiff who was a licensed State attorney. D.E. 1 at ¶¶ 18, 25, & 26. Riley was also sued. The Town settled for over \$1,000,000.

11. At all times herein, every Defendant was fully dressed in a police and/or WPD uniform, armed with a handgun, on duty, and driving or associated with a WPD vehicle.

12. Every Defendant performed all acts described herein under color of State law.

13. Every Defendant is being sued in the individual and personal capacity; every Defendant is a ‘person’ within the meaning of § 1983.

14. The Town is a ‘person’ within the meaning of § 1983 when sued for unconstitutional customs and failures (as is alleged).

15. Every Defendant acted unlawfully in an objectively unreasonable manner with simple and invidious discriminatory animus, intent, improper motive, gross negligence, willfulness, incompetency, malice, and a callous, reckless, and deliberate indifference for Plaintiff’s rights.

16. As the direct and proximate cause of each Defendants’ respective wrongdoings, Plaintiff was harmed and injured and has and is currently suffering and incurring loss and damages (*e.g.*,



emotional distress, anxiety, and loss of enjoyment of life).

17. The Home is not large but, it may be the pinnacle America home. There are about 40 houses located on the same street as the Home and, the Home is located around the middle section of Carleton. There are houses located to the left, right, and back sides of the Home. The Home's lot is about 0.3616 acres or 105 by 150 feet in dimension; the front lawn running parallel to the street is roughly 105 feet long. One side or edge of the Home's yard is defined by a garden extending from nearly the beginning of the street to almost the back yard containing plants and two (2) large bushes or very small trees. A fence then beings at the end of the garden and extends to the farthest part of the back yard. On the opposite side of the Home's yard, there are a few bushes and plants scattered from almost the beginning of the street to about 50 to 60 feet into the yard. Past this yardage are condensed bushes, trees, and an extremely large (but not tall) type of green leafy plant then that extends to the farthest part of the Home's back yard. Also on this side of the Home's yard is about a 15 foot long fence beginning in the green leafy plant and extends to the edge of the back yard. And, a fence runs along the edge of the Home's back yard. There is fencing on all sides of the Home's yard besides for the edging of the front lawn. Also, it is approximately 40 feet from the public sidewalk to the Home's front door. There exists a front pathway made of concrete that leads from the street's sidewalk to the Home's front door. This pathway encompasses or leads to two (2) concrete steps that ascend from the ground to the front door; these steps transform into a roughly four (4) foot platform that extends and attaches to the Home. The yard is comprised of earth and grass and there is driveway located on the side of the yard closest to the garden which leads to the back yard. Exhibit B.

18. Plaintiff has lived at the Home for about the past eight (8) years (and/or from around 2010 till now). During these past eight (8) years, besides for essentially nothing longer than



brief trips elsewhere, Plaintiff has lived at the Home every single day. In other words, for about every day for roughly the past eight (8) years, Plaintiff has slept in the Home; he has eaten breakfast and dinner in the Home; he has cooked, cleaned, and taken showers in the Home; and he has performed a multitude of other activities in the Home. Plaintiff can come and go from the Home as he pleases. And, all of Plaintiff's possessions (*e.g.*, clothes and bed) are likewise stored or located within the Home.

19. The Home is owned by Vincent Buontempo.

20. Plaintiff lives at the Home with his mother ("Ms. Posyton").

21. Ms. Posyton usually gives Buontempo money on a monthly basis to rent the Home.

22. Plaintiff, however, contracts with Ms. Posyton to reside at the Home and to have and enjoy a possessory interest in the Home and its yard or lawn. The terms of this contract are clear and provide as follows: Son shall generally obey mother and do everything she says and sometimes even give her money in exchange for housing and enjoyment of an equal possessory interest in that housing and/or the Home and its property.

23. Ms. Posyton has also decreed that whatever she leases and/or possesses (*e.g.*, the Home and its property) is also equally Plaintiff's.

24. Said contract and gifting were fully in effect at the time of the events described herein.

25. Over perhaps the past decades, countless WPD officers (including Defendants) on numerous occasions have consensually transported individuals from areas located in Westfield to elsewhere in Westfield.

26. A WPD officer has transported an "adult male," who was alleged to be "violent," "bothering the neighbors," and "passed out in [an] apartment," from somewhere in Westfield with a WPD vehicle to a local Westfield motel, the "Best Western." Exhibit C.



27. On August 14, 2013, Maloney transported an intoxicated individual, who was “refusing to leave” a former local Westfield restaurant, “The Office,” from around that area with a WPD vehicle to the boarder of Westfield. Exhibit D. This trip took about 11 minutes. Id. O’Keefe and Freeman were present on the scene and participated in making the decision to transport. Id.

28. On August 9, 2014, a WPD officer transported “a white male,” who “decided to take a nap” by a tree near a strip mall in Westfield or “Bagel Chateau,” from an area around there, with a WPD vehicle “to the train station” located in Westfield. Exhibit E.

29. On December 24, 2014, a WPD officer transported a “white male,” who was near the time “seen urinating in the bushes by [a] bank,” with a WPD vehicle from somewhere located in Westfield to a local Westfield bakery, “Bovella’s.” Exhibit F.

30. On March 17, 2017, Martinez “transport[ed] 1 adult male” from an “all adult party” located in Westfield, which presented “no issues,” with a WPD vehicle to elsewhere in Westfield located about seven (7) minutes away in driving distance. Exhibit G.

31. On June 11, 2017, a WPD officer transported “1 adult male” who “[wa]s not intoxicated” and “appear[ed] to be in good health,” from somewhere in Westfield with a WPD vehicle to elsewhere in Westfield located about six (6) minutes away in driving distance. Exhibit H.

32. On June 24, 2017, a WPD officer transported an intoxicated “white male wearing a polo” from somewhere in Westfield with a WPD vehicle to elsewhere in Westfield about one (1) minute or a few blocks away in driving distance. Exhibit I. Martinez followed behind. Id.

33. The foregoing events described in ¶¶ 26-32 and Exhibits C-I were consensual – no transportee had been seized by any WPD officer.

34. On June 27, 2017, Plaintiff walked into a restaurant located in the heart of downtown Westfield, 16 Prospect Street Wine Bar & Bistro (the “Bistro”); Plaintiff would never purchase



or be served anything and would only be in the Bistro for about two (2) minutes.

35. While Plaintiff was in the Bistro and sitting at its bar, a drunken stranger, Kenneth Hogan, without provocation, intentionally reached across one (1) or two (2) chairs and offensively grabbed Plaintiff on both of his shoulders without consent. One of the Bistro's co-owners, Timothy Boyle, then approached Plaintiff and asked him to leave but, Boyle thereafter, without provocation, intentionally and offensively touched Plaintiff on his back without consent and in the absence of an objective reasonable belief that the use of force was justified.

36. Afterwards, Plaintiff exited the Bistro and called WPD and reported assaults and batteries on his person by said civilians.

37. O'Keefe, Martinez, Freeman, Johnson, and WPD officer Christopher Forcenito arrived on the scene at the Bistro; O'Keefe was the highest ranking officer.

38. Said officers erroneously concluded that no assault or battery had occurred and they opined that Plaintiff had consumed alcoholic beverages or was intoxicated.

39. Notably, Plaintiff was in fact intoxicated due to the consumption of alcohol but, Plaintiff exhibited no signs of intoxication; he was not a danger to himself, others, or property; and he was not in need of any police assistance or services and, he did not request for any of the same.

40. "Due to" said officers' belief that Plaintiff had "consum[ed] alcohol," Exhibit J, they transported Plaintiff to his Home against his will; they walked all over his lawn after he explicitly told them that they could not touch it; and they then vacated the premises.

41. Exhibit J somewhat depicts said events.

42. Over the next days, from June 29, 2017 to July 6, 2017, Plaintiff sent four (4) e-mails to the then Westfield Mayor, Andy Skibitsk, and to six (6) or then every Westfield councilman and councilwomen outlining his allegations against said officers by attaching unfinished legal com-



plaints claiming that the Town and its officers were engaging in an unconstitutional custom of searching the person of every individual who enters a WPD vehicle regardless of any suspicion of danger. Such frisks were apparently “standard operating procedure” for every WPD officer but, said practice has since then either been abrogated or at least modified in part most likely in response to Plaintiff’s allegations of their unconstitutionality. Eventually, O’Keefe, Freeman, Martinez, and Johnson may have learned of the existence of these e-mails.

43. On July 14, 2017, Plaintiff filed suit against said officers in the U.S. District Court of New Jersey for, among other things, an unreasonable search and seizure of his person and an unlawful entry onto and/or search of his lawn, all in violation of the Amendment. Posyton v. Township of Westfield et al., No.: 17-cv-5139-JMV (D.N.J. July 14, 2017). As a result, said officers retained counsel at the Town’s expense to defend against Plaintiff’s claims.

44. Said lawsuit was ongoing at all times throughout the rest of events described herein.

45. Said officers have since admitted that during said events, “Plaintiff was not ... on suspicion of a crime;” D.E. 55-1 at p 12; they categorize Plaintiff’s transportation as a “courtesy ride;” id.; and they claim that they were providing assistance to Plaintiff pursuant to the community caretaking exception of the warrant requirement. Id., at pp 10-11.

46. On September 29, 2017, Plaintiff filed an administrative complaint (which was simply a copy of the FAC in *Posyton*) against O’Keefe, Martinez, Johnson, and Freeman with WPD’s internal affairs unit, which complaint was accepted by Captain Jana Battiloro; WPD’s internal affairs personnel subsequently conducted an investigation and, as a result, said officers were alerted and somewhat engaged in the investigation. WPD has refused to inform Plaintiff of the investigation’s outcome or whatever.

47. On October 28, 2017, around 11:30 p.m., Plaintiff was located about 100 feet down the



street from where the Bistro is located on the sidewalk.

48. Around said time, Plaintiff called the Bistro by cellular telephone and a female employee of the Bistro answered the call; Plaintiff requested if he could enter the structure of the Bistro and, said employee answered in the affirmative and said, "Yes."

49. Plaintiff, however, would never enter the Bistro.

50. Plaintiff did not reveal his name during this approximately 10 second long call and, said employee never informed anyone of the existence of this call.

51. While Plaintiff was located down the street, Plaintiff thought that he observed the Bistro's other co-owner, Brother Christopher Boyle exit and then retreat into the Bistro.

52. Plaintiff thereafter walked towards the Bistro, approached an employee who was removing plates from a table located outside the Bistro and asked, "Was that Christopher Boyle?" Said employee answered in the affirmative. This employee would at some point later-on inform Christopher Boyle that an unknown individual asked about his identify.

53. Next, Plaintiff peacefully and silently stationed himself on or around the public sidewalk located in front of the Bistro for about the following 90 minutes.

54. During said time period, Plaintiff did not speak or gesture to anyone; Plaintiff either just passively stood on the sidewalk, sat on the sidewalk's curb, or perhaps at some point even slightly but briefly walked down the sidewalk away from the Bistro and then returned.

55. Standing quietly and peacefully but evidently alive and awake in proper clothing on any public sidewalk for any reason whatsoever for approximately 90 minutes absent a judicial order or law specifically forbidding such conduct is a form of protected speech or expression and privileged exercise of the liberty to enter into society and also the right to peacefully assemble with others in public for the common purpose of enjoyment of life or whatever.



56. During said time period, there were no individuals sitting outside of the Bistro and not many people walked past or even noticed Plaintiff but, there were generally about 10 people (including staff) located inside of the Bistro.

57. On October 29, 2017, around 1:00 a.m., either Timothy or Christopher Boyle called WPD and reported that Plaintiff had been standing quietly and peacefully on a public sidewalk around the Bistro for about two (2) hours.

58. The public sidewalk came first – the Bistro came second; the Bistro and all of its officers generally yield (as in this case) to the sidewalk and to any peaceful people who are upon it.

59. WPD officer Poe responded to the call; he parked his WPD vehicle about six (6) feet away from Plaintiff; and he then initiated conversation with Plaintiff while sitting in his vehicle by beginning to question Plaintiff about why he was standing on a public sidewalk.

60. At no time throughout any of the events described herein did Plaintiff ever give any officer any type of reason for why he was standing on a public sidewalk.

61. As Poe began to question Plaintiff, Christopher Boyle exited the Bistro and initiated conversation with Plaintiff; this conversation was extremely brief but civil.

62. Timothy Boyle then exited the Bistro but, Plaintiff and Timothy Boyle never spoke.

63. Thereafter, WPD officer Eric Loffredo arrived and then parked his vehicle by Plaintiff.

64. Poe and Loffredo ultimately exited their vehicles; approached Plaintiff; and the Boyles eventually retreated into the Bistro to watch the unfolding events from inside at the bar.

65. Poe and Loffredo questioned Plaintiff for about the next three (3) minutes regarding the reason for why he was standing on a public sidewalk but received no answer to such question.

66. During said questioning, Loffredo continuously either or both explicitly told and/or implied for Plaintiff to leave the sidewalk and to walk away about three (3) times. Plaintiff, how-



ever, continued to stand where he stood (*i.e.*, on a public sidewalk (which notably is located less than 500 feet away from the platform of a somewhat medium size operational train station)).

67. Maloney then arrived on the scene in a WPD vehicle.

68. Maloney was the highest ranking officer.

69. Three (3) WPD vehicles were ultimately lined in sequence spanning from either about six (6) or 15 feet away from Plaintiff.

70. Maloney then approached Plaintiff to participate in encircling or surrounding Plaintiff.

71. When Plaintiff was facing the Bistro, Maloney was standing to Plaintiff's left, Loffredo was standing to Plaintiff's right, and Poe was standing closest to the Bistro or directly in front of Plaintiff. Every officer was located approximately five (5) feet away from Plaintiff.

72. Said officers never possessed or obtained any information indicating that Plaintiff was perhaps gathering information to prepare a public press release or to prepare pleadings for court proceedings; engaging in a peaceful protest of the Bistro, microwavable popcorn, or the sky; standing for enjoyment, to wait for a train, or because he was fatigued; suffering from a severe leg injury preventing him from moving; or being paid money to stand where he stood.

73. Said officers continued to question Plaintiff for about three (3) more minutes regarding the reason for why he was standing on a public sidewalk but, Plaintiff revealed no answer to such question. Instead, Plaintiff began questioning said officers in response to their questions.

74. Significantly, during said questioning, Plaintiff very casually and peacefully placed each of his hands into each of his front pants pockets at the same time as he faced Maloney. Within less than one (1) second later, in direct response to Plaintiff's movements, Maloney commanded Plaintiff to remove both of his hands from each of his pants pockets by sternly saying, "Keep your hands out of your pockets." Plaintiff then immediately but nonconsensually complied with



Maloney's non-negotiable order to show her his hands by removing them from his pockets.

75. At no time did any of said officers ever pat down or frisk Plaintiff for weapons because, there was no reason whatsoever to suspect Plaintiff of being armed or otherwise dangerous. Plaintiff had no budes emitting from his clothing; he spoke in a very peaceful tone of voice; he did not seem or act nervous or afraid; and he was not shaking, sweating, or incoherent. And, said officers possessed no information that a violent or any crime had recently occurred around the area where Plaintiff was standing but, even if they did, Plaintiff's physical characteristics did not match those of any alleged perpetrator.

76. Successively, Maloney asked Plaintiff if he 'had' identification, which Plaintiff interpreted as a request to see his identification.

77. Plaintiff handed his State identification card to Maloney.

78. As Maloney examined the card, she said in a unique and surprised high pitched tone of voice, "Oh, Ronald."

79. Plaintiff asked Maloney if she had previously heard of Plaintiff's name and, in response, Maloney said, "I read the reports."

80. Afterwards, Maloney returned Plaintiff's identification card to Plaintiff.

81. Next, Plaintiff asked Maloney if she was going to search his name for outstanding warrants and, in response, Maloney said, "I check everyone for warrants."

82. A few seconds later, Maloney turned anyway from Plaintiff and began walking towards, and ultimately returned to her vehicle and initiated a warrant check on Plaintiff's name.

83. At this point, said officers' investigation into the reason for why Plaintiff was standing on a public sidewalk had concluded; no further questions were asked regarding said topic at any time after Maloney began to walk towards her vehicle to begin the process of checking Plain-



tiff's name for outstanding warrants.

84. Poe and Loffredo stood by Plaintiff to prevent him from leaving while Maloney searched his name for outstanding warrants.

85. About three (3) minutes later, Maloney returned to Plaintiff, Poe, and Loffredo and told Plaintiff that he did not have any outstanding warrants issued for his arrest.

86. Plaintiff then asserted and declared, "I don't feel free to leave."

87. In response, Maloney said, "Oh, you were being detained."

88. Maloney then informed Plaintiff that he was free to leave at that point.

89. Said officers would have physically restrained Plaintiff if he had attempted to walk away at any time upon Maloney's arrival until Maloney advised Plaintiff that he could leave.

90. Maloney then decreed that Plaintiff was free to stand quietly on a public sidewalk as long as he so desired.

91. Said officers then vacated the area by driving away and Plaintiff left a few seconds later.

92. No reasonable person would feel free to disobey a police command to reveal their hands after being surrounded by police. Any deprivation of one's freedom of movement or their liberty for even a fraction of a second implicates the Amendment's protections and must be justified by objectively reasonable particularized articulable suspicion.

93. No reasonable person would feel free to ignore police or leave or go about their business after being apprised by police that their name is going to be searched for existing warrants.

94. Maloney's participation in surrounding Plaintiff; her order for Plaintiff to show her his hands; and her act of apprising him that she was going to search his name for warrants and doing just that was a clear show of authority directed towards Plaintiff undertaken through means intentionally applied which would have conveyed to any reasonable person that they were not



free to ignore Maloney and leave and go about their business and, Plaintiff submitted to Maloney's show of authority by revealing his hands and by not leaving or running away.

95. On October 29, 2017, around 1:00 a.m., Maloney, without reasonable suspicion of criminal activity or due process of law, seized Plaintiff the moment he complied with her order to show her his hands and, Maloney then further impermissibly prolonged Plaintiff's unlawful stop for reasons totally unrelated to the mission for which Plaintiff's seizure was intended by conveying to him that she was going to pointlessly and suspicionlessly search his name for existing warrants and by subsequently doing just that and, thereby, from start to finish, effectuating an uninterrupted unreasonable seizure of Plaintiff's person in violation of his clearly established rights secured by the Fourth and Fourteenth Amendments to the U.S. Constitution and, Maloney is liable pursuant to § 1983.

96. On July 21, 2017, a WPD officer transported an individual who was simply "under the weather," from an area located in Westfield with a WPD vehicle to elsewhere in Westfield located about 2.3 miles away in driving distance, notwithstanding that "nothing ... concern[ing]" was occurring. Exhibit K. This incident was consensual and not a seizure.

97. From about November 6, 2017 to December 30, 2017, and from about May 5, 2018 till June 29, 2018, Plaintiff worked at a 7-Eleven in Westfield as a cashier. During said period, many WPD officers (including O'Keefe, Martinez, Freeman, Forcenito, and Loffredo) entered and purchased items from 7-Eleven and were 'rung up' by Plaintiff. Over this time, Plaintiff principally asked at least five (5) random different WPD officers (sometimes in verbatim) the following question: "Are unjustified entries onto curtilage violative of the Fourth Amendment?" Some, if not all of said officers were totally unaware of the meaning of 'curtilage' but, every single officer responded with roughly the exact same answer: "It depends on the call."



98. On January 12, 2018, Plaintiff was visiting a friend (Christopher) at his house, which is located in Westfield; Plaintiff's friends Justin and Michael were also visiting.

99. On said date and the day before and while at Christopher's house, Plaintiff consumed about 750 milliliters or one (1) liter worth of vodka, two (2) beers, and one (1) mixed drink.

100. Around 1:30 a.m. on said date, Plaintiff left Christopher's house and began to walk towards his Home, which is located about 1.9 miles away in distance.

101. Historical temperature records indicate that it was roughly 45 degrees Fahrenheit outside and, Plaintiff was merely wearing jeans and a T-shirt and perhaps a grey light Ralph Lauren sweater modeling its insignia – polo. Accordingly, Plaintiff began to become cold and feel uncomfortable soon after he left Christopher's house.

102. After Plaintiff had walked about one (1) block, he called WPD for assistance and requested for WPD officers to transport him to his Home because he was intoxicated.

103. The dispatcher asked Plaintiff for his name and Plaintiff responded, "Ronald Posyton."

104. Afterwards, four (4) WPD vehicles containing O'Keefe, Martinez, and Johnson and at least WPD officers Loe and Koe converged upon the area within a few minutes; O'Keefe was the highest ranking officer.

105. Plaintiff then asked for said officers to transport him to his Home because he was intoxicated.

106. O'Keefe declared that Plaintiff was "not intoxicated" and that Plaintiff "c[ould] care for himself."

107. Said officers then refused to provide Plaintiff transportation to his Home.

108. Plaintiff stated that their refusal to provide such assistance and service "violate[d] the Equal Protection Clause." In response, one of the officers then briefly laughed.



109. Said officers thereafter returned to their vehicles, drove away, and left the intoxicated Plaintiff on a sidewalk outside in the cold located almost miles away from his Home.

110. At least one of said officers (if not every single officer) then generally did absolutely nothing whatsoever or, merely drove around Westfield in their WPD vehicle(s) over about the next 45 minutes as Plaintiff walked Home.

111. The police report states that Plaintiff was wearing a “sweater” and of “sound body” and “completely able to care for himself.” Exhibit L. The police report fails to insert the fact that Johnson and at least two (2) other WPD officers and one (1) more squad car were also present.

112. On May 4, 2018, Plaintiff was visiting Michael at his house, which is located in Westfield; Justin and Christopher were also visiting.

113. On said date and the day before and while at Michael’s house, Plaintiff consumed many alcoholic beverages and became intoxicated.

114. Around 2:00 a.m. on said date, Plaintiff left Michael’s house and began to walk towards his Home located about 1.4 miles away.

115. After Plaintiff had traveled about one (1) block and reached Saint Marks Street, he called WPD for assistance and requested and even “demand[ed]” for a WPD officer to transport him to his Home because he was intoxicated.

116. The WPD dispatcher then got kinda fussy and transferred Plaintiff’s call to O’Keefe and, the two then spoke; Plaintiff’s identify was clearly known. While on the phone, Plaintiff asked O’Keefe for a WPD officer to transport him to his Home because he was intoxicated. O’Keefe conveyed or clearly inferred that no WPD officer was going to drive to Plaintiff or transport him anywhere. Plaintiff asked why police were not even going to respond to his call for assistance. O’Keefe then told Plaintiff, “We’ll come check you out like last time,” and then inferred that



Plaintiff was not going to be transported anywhere by any WPD officer.

117. O'Keefe, Freeman, and WPD officers Soe and Yoc arrived on the scene soon thereafter with three (3) WPD vehicles; O'Keefe was the highest ranking officer.

118. Plaintiff then asked said officers for them to transport him to his Home because he was intoxicated.

119. Said officers declared that Plaintiff was not intoxicated and refused to transport Plaintiff Home.

120. Plaintiff thereafter began doing the most incredible jumping-jacks the world has ever seen via jumping up and down a few times while clapping his hands together over his head and, during this spectacle, Plaintiff asked the officers, "Am I intoxicated now?"

121. Said officers then vacated the area by driving away and left the intoxicated Plaintiff on a sidewalk located about one (1) and a half miles away from his Home.

122. On May 25, 2018, Plaintiff was visiting Michael's house; Justin was also visiting.

123. On said date and the day before and while at Michael's house, Plaintiff consumed alcoholic beverages and became intoxicated.

124. On the aforementioned date around 1:59 a.m., Plaintiff left Michael's house and began to walk towards his Home.

125. After Plaintiff had walked about one (1) block and reached Saint Marks, Plaintiff called WPD for assistance and simply told the dispatcher that he was intoxicated. Audio Exhibit M.

126. Exhibit N indicates that Plaintiff effectuated this call at 2:01 a.m.

127. Plaintiff asked if O'Keefe was working and, the dispatched answered in the negative and said, "No, he's not here." Exhibit M at 0:17-22.

128. The dispatcher then sent Riley and Johnson to Plaintiff's location and/or Saint Marks.



129. The dispatcher neither asked for, and Plaintiff did not reveal, his name until only after said officers were dispatched. Id., at 0-3

130. Once Riley arrived, he exited his WPD police vehicle and approached Plaintiff.

131. Plaintiff asked for Riley to transport him to his Home because he was intoxicated.

132. Plaintiff did not inform Riley that anyone was located at the Home and, Riley possessed no information indicating that someone was located at the Home.

133. Sequentially, Riley asked for Plaintiff to produce identification; Plaintiff produced his State identification card and gave it to Riley; Riley opened his squad car's back door; Plaintiff entered the back seat; and Riley subsequently closed the door and entered the driver's seat.

134. Riley was totally unaware of the fact that Plaintiff was suing five (5) WPD officers in this Court and that Plaintiff had twice previously called WPD and requested for officers to transport him to his Home over the past four (4) months.

135. After Riley and Plaintiff were sitting in the car, Riley communicated to WPD officials that he going to transport Ronald Posyton to his Home located on Carleton. Id., at 4:40-4:48.

136. Riley and Plaintiff then began to travel towards Carleton.

137. At some point, Johnson either arrived on Saint Marks after Riley and Plaintiff were already sitting in Riley's squad car, or immediately before Riley and Plaintiff began traveling towards Carleton or, Johnson intercepted Riley and Plaintiff during their journey to Carleton.

138. While en route to Carleton, a WPD official communicated to Riley by radio and told him to have his "in-car cameras on." Id., at 5:20-5:26.

139. During Plaintiff's and Riley's voyage to Carleton, no WPD official radioed anything to over the radio until Riley radioed his "ending miles" for the drive. Id., at 5:30-9:52

140. Significantly, however, near to the end of Plaintiff's and Riley's journey, Plaintiff told



Riley, “You don’t need to go to my – uh like go up to my uh – my house, my curtilage ... I don’t really want ya to go onto my curtilage. I forbid you to do it.” Audio Exhibit O at 2:10:12-24.

141. After Plaintiff and Riley turned onto Carleton from Grove Street, Plaintiff requested for Riley to pull his squad car to the side of the road so Plaintiff could exit. Id., at 2:10:34-38.

142. In turn, Riley pulled his WPD vehicle near the road’s curb and, Johnson, who was still following behind, did the same.

143. Exhibit N indicates that this occurred around 2:12 a.m.

144. At this point, Plaintiff and Riley were located about seven (7) houses down or away from Plaintiff’s Home.

145. Riley then exited the driver’s seat and opened the squad car’s back door so Plaintiff could exit the vehicle and, Riley then returned Plaintiff’s State identification card.

146. Plaintiff sincerely thanked Riley before and after he exited the squad car and also shook Riley’s hand while standing on the sidewalk and, Plaintiff then waived to Johnson.

147. As of this point, Riley had displayed the exemplary idea, image, and idol of the truest of policemen who generally have one primary goal on the job – to protect and serve the citizenry in any reasonable way possible (*e.g.*, driving an intoxicated 23-year-old approximately two (2) miles to his Home). Riley is not being sued on any of the forgoing facts but, they are relevant.

148. Next, after Plaintiff waived to Johnson, Plaintiff began walking away from Riley on the sidewalk in the direction towards his Home.

149. During this walk, Plaintiff lit and began smoking a cigarette.

150. After Plaintiff had walked past about five (5) houses, Riley drove past Plaintiff and then past his Home and continued driving down Carleton.

151. There were no lights activated in Plaintiff’s Home that could be seen from the outside.



152. Riley then reached the end of Carleton and turned and drove onto Sycamore Street.

153. Johnson had also left and vacated Carleton by driving away.

154. At this point, there were no police located on Carleton.

155. Plaintiff, however, remained outside to finish smoking his cigarette and perhaps a second or additional cigarette.

156. At some point, Plaintiff walked onto his neighbor's lawn but, he did not venture far; rather, Plaintiff was standing very close to the garden located on one of the sides of his yard.

157. Eventually, Plaintiff briefly called WPD to 'say' the words "thank-you" for the transportation and he also said, "I am safe at Home – I'm on curtilage." Exhibit M at 18:00-45.

158. Exhibit P indicates that this occurred around 2:19 a.m.

159. Plaintiff did not request or imply that he needed or wanted any police to come to his Home for any reason or to enter onto his lawn or yard.

160. After this roughly 45 second call, the dispatcher then radioed Riley and informed him that Plaintiff called WPD to thank them for the transportation.

161. WPD officials instructed Riley to advise Plaintiff "not to use 911 or the police department as a taxi service – apparently he's made a habit of this." Exhibit M at 19:36-45

162. Riley then began to drive his vehicle to Plaintiff's Home with the sole intention "to inform [Plaintiff] about the use of 911 and abusing 911 for rides home" and/or to tell Plaintiff to stop calling WPD for transportation or assistance while he is intoxicated. Exhibit P.

163. As Plaintiff was smoking the end of a cigarette on his neighbor's lawn, Plaintiff observed car lights on Carleton approaching the direction of his Home.

164. Plaintiff ultimately realized that this vehicle was in fact a police cruiser.

165. Accordingly, this WPD vehicle and/or Riley turned onto Carleton from Grove and then



traveled further down Carleton and stopped directly in front of Plaintiff's Home.

166. Exhibit P indicates that Riley arrived at Plaintiff's Home around 2:25 a.m.

167. Riley had driven or traveled at least over one (1) mile in distance from the point where Plaintiff exited Riley's squad car to where Riley parked his car outside of the Home.

168. Before Riley stopped and parked outside of Plaintiff's Home, Plaintiff slightly moved a few feet to the left upon discovering that the vehicle was a police car and, as a result, a large bush or small tree definitely somewhat obstructed Riley's ability to see Plaintiff.

169. Riley then exited his vehicle and began to approach Plaintiff's Home.

170. No person was located outside on or around Carleton besides for Plaintiff and Riley.

171. Riley walked onto and up the pathway located on Plaintiff's lawn leading to the Home's front door. Riley, however, would never touch the Home's front door or ring the doorbell, notwithstanding that he was approximately one (1) second away from doing so. Riley was nonetheless able to and did climb the two (2) steps ascending to the Home's front door and ultimately planted both of his feet on the platform attached to the Home leading to the front door.

172. As Riley was approaching Plaintiff's Home, Plaintiff returned to his lawn by walking over or through the garden separating his and his neighbor's yards.

173. After Plaintiff was fully located on his lawn and while Riley was climbing the final step needed to reach the platform leading to the Home's front door, Plaintiff clearly and explicitly yelled at Riley, "Get off my property," and Riley heard every word of the same; nothing was producing any noise or obstructing the ability to hear Plaintiff yelling at Riley around 2:26 a.m.

174. Upon hearing Plaintiff's order to exit his property, Riley immediately turned away from the Home and began to exit the platform leading to the Home's front door.

175. Riley walked down the two (2) steps and stepped onto the front pathway leading to the



street but, Riley then totally and completely deviated and departed from the pathway by executing a sharp turn onto the grassy area of the Home's yard to approach Plaintiff.

176. When Riley reached Plaintiff, Riley was located on the grassy area of the lawn roughly 25 feet away from the front pathway and about 20 feet away from the Home.

177. Riley seemed and was somewhat angry or annoyed as he reached Plaintiff.

178. Riley then briefly spoke to Plaintiff for roughly 10 or 15 seconds by saying, "You know I'm the officer you just thanked, right? Listen, stop calling us for rides home - we're not a taxi service, ok?"

179. Plaintiff remained silent during Riley's lecture.

180. After Riley concluded speaking, it became beyond evident over the span of the following few seconds of silence that Riley was not going to leave Plaintiff's lawn or go anywhere until Plaintiff produced some type of acknowledgment of his speech.

181. As a result, Plaintiff said, "Ok," and then Riley finally left Plaintiff's property thereafter.

182. Exhibit Q shows Riley's route taken and where he stood upon the Home's lawn.

183. The Amendment forbids unprivileged or suspicionless physical police presence on an area without the consent of someone who enjoys a legitimate subjective and objective expectation of privacy on it. *See Collins v. Virginia*, __ U.S. __, 138 S.Ct. 1663 (2018); *Florida v. Jardines*, 569 U.S. 1 (2013); *Georgia v. Randolph*, 547 U.S. 103 (2006).

184. Plaintiff has always enjoyed a possessory interest and legitimate and reasonable subjective and objective expectation of privacy (especially during the dead of morning) upon the Home and its entire yard; Plaintiff taking reasonable steps to keep his lawn private by yelling, "Get off my property," just deepens the fact that he had such an expectation in his yard.

185. Every square inch or part of the Home's lawn, yard, and property (including its drive-



way, front pathway, steps, and platform), especially during the dead of morning, is curtilage and is protected by the Amendment; Plaintiff taking reasonable steps to exclude others from his lawn by yelling, "Get off my property," just deepens the fact that his entire yard was curtilage.

186. The Home's curtilage enjoys the exact same protections the Amendment provides and guarantees the structure of the Home itself.

187. A nonconsensual physical police entry or occupation of curtilage by even a fraction of an inch for even a fraction of a second violates privacy interests and constitutes a search regardless of whether any information is obtained. Intrusions to legitimate expectations of privacy which discover nothing are nonetheless searches. Any physical police entry or occupation of curtilage without the consent of someone who enjoys an expectation of privacy on it constitutes an unreasonable search unless privileged by independent legal means to justify the intrusion.

188. Plaintiff possesses constitutional standing to challenge any police entry, occupation, search, or invasions of privacy associated with the Home or its curtilage.

189. During the dead of morning, Riley entered and walked onto Plaintiff's property solely to find and speak to Plaintiff to tell him to stop calling WPD for police assistance while intoxicated. To accomplish this mission, however, Riley was fully intending to approach the Home's front door and ring the doorbell or bang on the door and generate a lot of loud noise within the Home around 2:26 a.m.; this type of conduct was probably going to wake any others who could have been in the Home. Seconds before Riley reached the Home's front door to execute his plan, Plaintiff commanded Riley to leave and to exit his yard by yelling, "Get off my property." Riley, however, did not immediately remove himself from Plaintiff's lawn; rather, Riley then deviated from the Home's front pathway and subsequently entered further and travelled deeper into Plaintiff's yard. Riley thereafter stood stationary upon and occupied Plaintiff's property and



refused to leave until he finished lecturing Plaintiff and his lecture was acknowledged.

190. Riley did not enter and occupy Plaintiff's curtilage to combat or prevent imminent hazards or danger or to aid others in distress or injury because, accordingly, Riley possessed no information that an exigent or any safety issue was present on Plaintiff's curtilage or within his Home. Instead, Riley approached Plaintiff's Home for a law enforcement purpose or with intent to chill Plaintiff's exercise of petitioning WPD for assistance to redress his grievances of lacking transportation while intoxicated.

191. Riley possessed no information that any evidence of crime or criminal activity concerning anyone or anything was associated with Plaintiff's Home or its curtilage. And, Riley had ample time to get a warrant.

192. Riley's actual entry and occupation and the purpose for said presence on Plaintiff's curtilage from the very inception to conclusion during the dead of morning (*i.e., before and after* Plaintiff commanded Riley to exit his curtilage) was surely contrary to widely shared social expectations and norms and habits of the country. Riley was and is a *stranger* to Plaintiff and all others associated with the Home and its curtilage and, no reasonable respectful private stranger would have replicated Riley's actions. About 13 minutes before Riley invaded the privacies of Plaintiff's life, Plaintiff specifically clarified and explicitly told Riley that he was absolutely "forbid[den]" from entering Plaintiff's curtilage. And, moreover, Riley did not even leave Plaintiff's curtilage after Plaintiff had commanded him to do so; rather, after reaching Plaintiff's front door and being commanded to leave, Riley then approached and subsequently stood upon an area of Plaintiff's curtilage where no reasonable respectful private stranger would ever go and occupy to lecture someone who had just commanded them to "get off" their lawn. There can be no question surrounding the fact that Riley did not possess a license or implicit consent



to approach either the Home's front door or the part of the Home's curtilage where Plaintiff was located and then to occupy it. Accessible public information (*i.e.*, Plaintiff's lawsuit against WPD officials for approaching his Home and ringing his doorbell and the fact that his original complaint's prayer for relief asked for a permanent federal injunction and restraining order prohibiting every single WPD official from "traveling within 25 feet of, Plaintiff"), beyond clarifies that no WPD officer ever enjoys any type of consent to enter or occupy Plaintiff's curtilage. Any reasonable WPD official knows of this information. Indeed, Maloney even informed Plaintiff that there are written WPD "reports" about him. Yet, even if Riley had obtained implicit consent to enter and occupy Plaintiff's curtilage (and in the absence of revocation thereof), such consent was not unequivocal or specific or freely or voluntarily given and was exceeded in scope; Riley did not ask anyone for consent to enter or occupy the Home's curtilage and nobody associated with the Home gave any implication or made any gesture which inferred that consent existed to do the same. To the contrary, Riley was told that he was forbidden from entering onto Plaintiff's curtilage, and after Riley entered anyway and reached the Home's front door and was subsequently commanded to leave, Riley did not do so. Accordingly, Riley simply thrust himself all about Plaintiff's curtilage under color of an unsupported claim of lawful authority.

193. Riley gained an enhanced visualization of, and sense of smell for, the intimacies of the sanctity of Plaintiff's Home by invading it and, as a direct result of Riley's entry and occupation of Plaintiff's curtilage, Riley discovered Plaintiff's location and the fact that no scent of drugs could be smelt or detected while located closer to the Home, which information was previously unavailable and unknown to Riley and hidden and obscured from his naked eye and sense of smell while he was located on Carleton's street and sidewalk.

194. On May 25, 2018, around 2:26 a.m., Riley stormed, walked onto, and stationed himself



upon Plaintiff's curtilage without unequivocal and specific permissible free and voluntary implicit or explicit consent or license or warrant, exigency, probable cause, or due process of law or any independent legal means or privilege to justify the intrusion and, thereby, effectuating an unreasonable search, unlawful entry/occupation, and invasion of privacy, respectively, all in violation of Plaintiff's clearly established rights secured by the Fourth and Fourteenth Amendments to the U.S. Constitution and, Riley is liable pursuant to § 1983.

195. WPD officers are completely unaware that the land immediately surrounding the Home or curtilage is protected by the Amendment from police entry and occupation absent privilege or consent to justify such presence on it because, the Town and Wayman have utterly failed to require WPD officers to ever pass any type of standardize test after becoming WPD officers and, have totally failed to require WPD officers to pass a moderately challenging standardize test from time to time surrounding the principles and protections of the Amendment and, this failure to train was reasonably foreseeable to result in Riley's infringement to Plaintiff's rights, which in effect, demonstrates a violation of Plaintiff's rights secured by the Fourteenth Amendment to the U.S. Constitution and, the Town and Wayman are liable pursuant to § 1983.

196. No reasonable occupant of a house located on their lawn would feel free to ignore police presence and go about their business where police persist in engaging with them in their yard and refuse to leave after having commanded the police to "get off" their lawn.

197. Riley's continued presence on Plaintiff's lawn to lecture and speak to him after Plaintiff commanded Riley to exit his yard was a clear show of authority and actions directed towards Plaintiff undertaken through means intentionally applied which would have conveyed to any reasonable person that they were not free to ignore Riley's presence and go about their business until Riley left and, Plaintiff submitted to Riley's show of authority by not leaving or running



away and listening to Riley speech and lecture.

198. On May 25, 2018, around 2:26 a.m., Riley, without consent, warrant, exigency, probable cause, or due process of law, refused to leave the Home's yard and persisted in engaging with Plaintiff after being commanded to leave Plaintiff and his lawn alone and, thereby, effectuating an unreasonable seizure of Plaintiff's person in violation of his clearly established rights secured by the Fourth and Fourteenth Amendments to the U.S. Constitution and, Riley is liable pursuant to § 1983.

199. On June 29, 2018, from about 12:00 a.m. to 3:55 a.m., Plaintiff consumed about 1/3rd of a half a gallon of rum while at Christopher's house; Justin was also visiting.

200. Around 4:00 a.m. on said date, Plaintiff left Christopher's house and began to walk towards his Home with the emptied sealed labeled glass half gallon bottle of rum.

201. After Plaintiff had walked about a block and a half, Plaintiff stopped, hid the bottle behind a rock, and then he called WPD for assistance.

202. Plaintiff spoke to the same dispatcher as he did on May 25, 2018.

203. Plaintiff told the dispatcher that he was intoxicated.

204. The dispatcher sent one (1) WPD vehicle containing Freeman and young WPD officer Voe to Plaintiff's location; Freeman was the highest ranking officer. Once the police arrived, Plaintiff asked for them to transport him Home because he was intoxicated.

205. Freeman told Plaintiff that he was "not intoxicated."

206. Plaintiff thereafter went behind the rock and revealed and held up the bottle to Freeman and Voe and said, "I just drank this."

207. Voe would never say a single word during this incident.

208. Plaintiff then asked to be provided transportation to his Home and Freeman said, "No."



209. Afterwards, Freeman and Voe returned to their vehicle and drove away.

210. The intoxicated Plaintiff subsequently began to walk to his Home with the bottle.

211. While Plaintiff was passing Roosevelt Intermediate School, Plaintiff accidentally dropped the bottle on the sidewalk, breaking its bottom. Plaintiff then picked up the shattered glass with his hands and placed it in the broken bottle. After Plaintiff walked about one (1) more block, he dropped the bottle again. Plaintiff again picked up the shattered glass with his hands and placed it in the even more broken bottle. Plaintiff then carried the broken bottle upside-down by its spout into downtown Westfield en route to his Home and, he ultimately threw it in the nearest trash can.

212. Plaintiff then walked from downtown Westfield to the south side of Westfield and, after e-mailing Defendants' attorney, Richard J. Guss, Plaintiff fell asleep or passed out around on someone's lawn on Central Ave at roughly 4:50 a.m. for about the next two (2) hours.

213. Around 6:40 a.m., Plaintiff awoke, arose, and walked the rest of the way to his Home.

214. Plaintiff eventually realized that his very expensive I-phone was missing. Plaintiff called his phone under the belief that he would hear it ring and find it within his Home. A Good Samaritan and stranger, however, answered the call and told Plaintiff that she found the phone lying in the grass in Westfield.

215. Plaintiff had lost his I-phone on the journey to his Home from Christopher's house.

216. This Good Samaritan then so generously met with Plaintiff the next day and returned his lost phone to him.

217. On July 1, 2018 around 5:20 a.m., Plaintiff walked into the lobby of WPD headquarters where about 100 civilians walk through per day. Plaintiff began to film everything with his I-Phone pursuant to *Fields* (including its command center through the giant window in the lobby).



Video Exhibit R. Defendants are partnering with civilians acting in concert with police and have agreed to allow WPD to tap into their private security camera feeds located all over Westfield or, otherwise, Defendants merely placed a lot of cameras around Westfield – *search*.

218. While Plaintiff was inside of WPD with his I-Phone visibly filming, he began to speaking with WPD officer Woe. Id., at 1:20.

219. Plaintiff asked Woe whether he thought it was legal to film in WPD and, in response, Woe simply gave consent to film WPD, albeit not needed. Id., at 2:10-20.

220. Plaintiff eventually noticed O'Keefe sitting in the command center and said hello.

221. Plaintiff then asked Woe if he knew of Plaintiff's identify and, in response, Woe said, "I've talked to you a few times."

222. The following was said. Id., at 3:45-4:05

Plaintiff: "You came out to me?"

Woe: "Ya, a few times."

Plaintiff: "Was I doing jumping-jacks that one time?"

Woe: "No, I saw you out front that one time – probably like a couple of weeks ago."

Plaintiff: "Weeks ago?"

Woe: "A year ago? I don't even know."

...

Plaintiff: "Last time I came here - I came here for the records [and/or video footage around the end of October or early November of 2017]."

223. Woe said that he had "talked to" Plaintiff "a few times," came out or traveled to Plaintiff's location "a few times," "saw" Plaintiff "out front" of WPD headquarters "one time ... like a couple of weeks" prior, and then these weeks somehow turned into "a year ago" and then to, "I don't even know."

224. Plaintiff has most likely never seen Woe in his entire life until the present conversation.

225. Freeman and Voe 'coincidentally' then walked into WPD headquarters.

226. Voe again did not say one word to Plaintiff throughout the entire event.



227. O'Keefe then told Plaintiff that he "need[ed] to calm down" with calling the police "for ... getting all allegedly drunk." In response, Plaintiff said, "But I am intoxicated when I call – I don't call you when I'm sober." Id., at 4:57-5:12. It makes sense.

228. Plaintiff told O'Keefe that he's "in" this lawsuit but O'Keefe thought that Plaintiff was talking about the first *Posyton* lawsuit. Plaintiff told O'Keefe, "No, no, the next one." O'Keefe said, "Oh, I don't know about no next one." Plaintiff laughed and said, "Oh, there's a next one." Id., at 5:50-5. O'Keefe then became upset and lied or forgot about what Plaintiff said to him during the few minutes they spoke to each other on a bench inside WPD headquarters about one (1) year prior on June 27, 2017 (before the first incident at the Bistro). Plaintiff did not tell O'Keefe in a police station that he had been "using illicit narcotics" and "was missing for several days" while at college. Id., at 5:55-6:32. It is, however, public information that Plaintiff took his prescribed medications and could not be located by Residential Advisers for about 8 or 12 hours via Honorable U.S.D.J. Paul W. Gimm's opinion in *Posyton v. Maryland*.

229. Next, Plaintiff said that he wanted to file his lawsuit on Monday of July 2, 2018, "and be done with it," and then averred, "I have a bunch of individuals who were intoxicated who were transported home – and then I wasn't – but Riley did, Riley transported me home." Id., at 9:05-20. O'Keefe then revealed that he had learned about what Riley had done on the past May 25 involving Plaintiff by saying, "What - what officer Riley did was a certain," and then O'Keefe blatantly attempts to catch and cover up his blunder. Id., at 9:20-9:25.

230. Eventually, Plaintiff stopped filming, walked out of WPD headquarters, and went to smoke a cigarette on by the large pond across the street on a bench.

231. Freeman, Voe, and O'Keefe ultimately exited WPD headquarters a few minutes later and, Plaintiff then began to engage with the officers outside. O'Keefe told Plaintiff that he was



going to call his mother to pick him up but, Plaintiff thereafter said, “No, no, don’t tarnish my reputation.” And, in response, O’Keefe said, “No, no, there’s no reputation to tarnish.”

232. Eventually, O’Keefe retreated into WPD headquarters and then Freeman and Voe entered a squad car to sit and watch Plaintiff for the remainder of the time he was visiting.

233. Eventually, Plaintiff remained outside WPD headquarters for some time longer and then he left and walked back Home.

234. WPD officers (including Defendants) have transported or have participated in transporting individuals ,especially white adult males, some wearing polo apparel (like Plaintiff), upon consent, whether or not intoxicated, from parties, strip malls, and other areas located in Westfield with WPD vehicles to elsewhere within Westfield, such as to motels, train stations, bakeries, and residences located from either blocks away to locations ranging from up to about 10 minutes away in driving distance, notwithstanding even if the transportee is alleged to be violent, has been seen urinating in public, or appears to be in good health.

235. WPD officials (Freeman, O’Keefe, Johnson, and Martinez), who knew of Plaintiff and responded thrice to his calls for help, treated him worse than how a WPD official (Riley) who was unaware or at least indifferent to Plaintiff’s identity, treated him. Indeed, Plaintiff received free transportation while intoxicated from Riley but, Plaintiff received nothing but a waste of time each time Johnson, Martinez, O’Keefe, and Freeman came, respectively. This adverse treatment was the result of *some* animus towards Plaintiff, which may be drawn from the inference of dislike for Plaintiff due to him filing legal and administrative complaints with WPD and in the U.S. District Court of New Jersey alleging Fourth Amendment violations. O’Keefe cannot even tarnish Plaintiff’s reputation because apparently, he has “no reputation to tarnish.”

236. It need only briefly be mentioned that the Government is strictly forbidden from engag-



ing in selective discretionary gifting; the Equal Protection Clause clearly requires the Government to gift *exactly* the same to everyone. And, it is well established that police must perform the same community caretaking functions for everyone in support of ensuing safety.

237. In the dead of morning on January 12, May 4, and June 29, 2018, respectively, O'Keefe, Martinez, Johnson, and Freeman, respectively, selectively, wholly irrationally, and in furtherance of no legitimate Government interest, refused to provide Plaintiff the same assistance and gifts and denied Plaintiff the same service Plaintiff qualified to receive which WPD and its officers (including Defendants) have provided similarly situated individuals (including Plaintiff), as a result of their animus towards Plaintiff's 'class of one' and, thereby, effectuating a violation of Plaintiff's clearly established rights secured by Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and, said officers are liable pursuant to § 1983.

238. O'Keefe remembered a trivial intoxicated person transport report about 37 days after it had occurred notwithstanding that he was not even on the job when the transport occurred; when Plaintiff called on May 25, the dispatcher said that O'Keefe was not working. And, Maloney said that she has been "read[ing] the reports" about Plaintiff since October of 2017. This is because WPD has long been well-informed of Plaintiff's identity for some time.

239. Wayman and the Town are well aware of Plaintiff and their officers have developed a custom of violating Plaintiff's Constitutional rights as the result of a failure to properly instruct WPD officers on how to handle matters with Plaintiff and, thereby, effectuating a violation of the Fourteenth Amendment rights to the U.S. Constitution and, the Town and Wayman are liable pursuant to § 1983.

240. All wording, exhibits, cases, and anything else anywhere is fully set forth everywhere *ab initio* and incorporated into each respective paragraph herein.



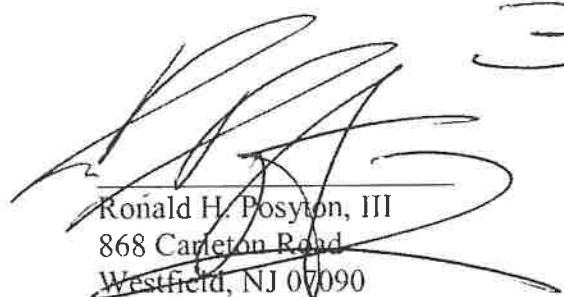
WHEREFORE, Plaintiff, Ronald H. Posyton, III, prays for this Honorable Court to grant relief for each respective claim by entering judgment in his favor against the above-named Defendants, jointly and severally, as follows:

- (a) For nominal, compensatory, punitive, presumed, and any and all other types of damages;
- (b) For independent judgments declaring that Defendants violated Plaintiff's rights;
- (c) For an injunction compelling standardize WPD testing on Fourth Amendment principles;
- (d) For fees;
- (e) For court and opportunity costs;
- (f) For any and all such other and further relief as may be deemed and is just and proper.

Respectfully Submitted,

Dated this 3rd day of July, 2018

DEMAND FOR JURY TRIAL

 3
Ronald H. Posyton, III
868 Carleton Road
Westfield, NJ 07090
(908) 477-1238
ronposytoncollege@gmail.com



Article in *The Westfield Leader* published September 16, 2004, 115 year - Issue No.: 02-115

WF Police Officer Files Criminal Charges Against Superior Officer

By LAUREN S. PASS

Specials Writer for The Westfield Leader

On August 25, Westfield Police Officer Robert Riley filed a criminal complaint in Westfield Municipal Court against his superior, Lieutenant David Wayman.

The complaint alleges that Lieutenant Wayman, an 18-year veteran on the force, "attempted by physical menace to put another in fear of imminent serious bodily harm, specifically by coming toward Robert Riley in a threatening manner, while raising his right hand. And with purpose to harass Robert Riley, communicated in offensively coarse language in a manner likely to cause annoyance or alarm, in violation."

Probable cause was found for the summons and the case will be heard before a judge.

Court Administrator Linda Chieffo categorized it as an allegation of "harassment and simple assault."

The charges stem from an incident that occurred while Lieutenant Wayman and Officer Riley were on duty. Lieutenant Wayman admonished Officer Riley for questioning a direct order, which involved bringing oxygen to a woman in respiratory distress.

Officer Riley lodged a complaint regarding Lieutenant Wayman and an internal investigation was performed.

Westfield Police Chief Bernard Tracy said that "appropriate action was taken," but would not comment further as to how the incident was handled internally.

Chief Tracy also told *The Westfield Leader*, "I don't know of any complaints," when he was asked if any verbal or written complaints have ever

been previously filed against Lieutenant Wayman.

Officer Riley, an 11-year veteran on the force, has not been coming into work, and is "on his days off" according to Chief Tracy.

It was reported in *The Star-Ledger* that Officer Riley is being treated for depression and that his medication makes him too sleepy to come to work.

Chief Tracy said, "he (Officer Riley) would have to be fit" in order to return to active duty on the force.

Lieutenant Wayman's attorney Robert Norton of Westfield, said that "even if the allegations are true, it's

not a crime." He said that there is no allegation that anyone was touched and that "these charges are totally unfounded."

"This is the first time in many years (as an attorney) to see a complaint of this nature" where one officer brings charges on another officer, Mr. Norton said.

The case is supposed to be heard in Mountainside Borough Court, but no date has been scheduled and a prosecutor has not been assigned to the case.

The Westfield Town Council discussed the issue in private session on Tuesday night.

Burkhardt Named Principal Of Deerfield School in MS

By BETSEY BURGDORF

Specials Writer for The Westfield Leader

At Tuesday night's Mountainside Board of Education meeting, Board President Peter Goggi announced the appointment of Robert Burkhardt as Principal of Deerfield School effective Monday, November 15.

Mr. Burkhardt was Public Relations Director for the Board of Education in Irvington. He is currently the Principal for Madison Avenue School in the same district.

In regards to the appointment, Interim Chief School Administrator Walter Rusak said, "He will serve the district well for at least a decade. He has experience and he will hit the ground running."

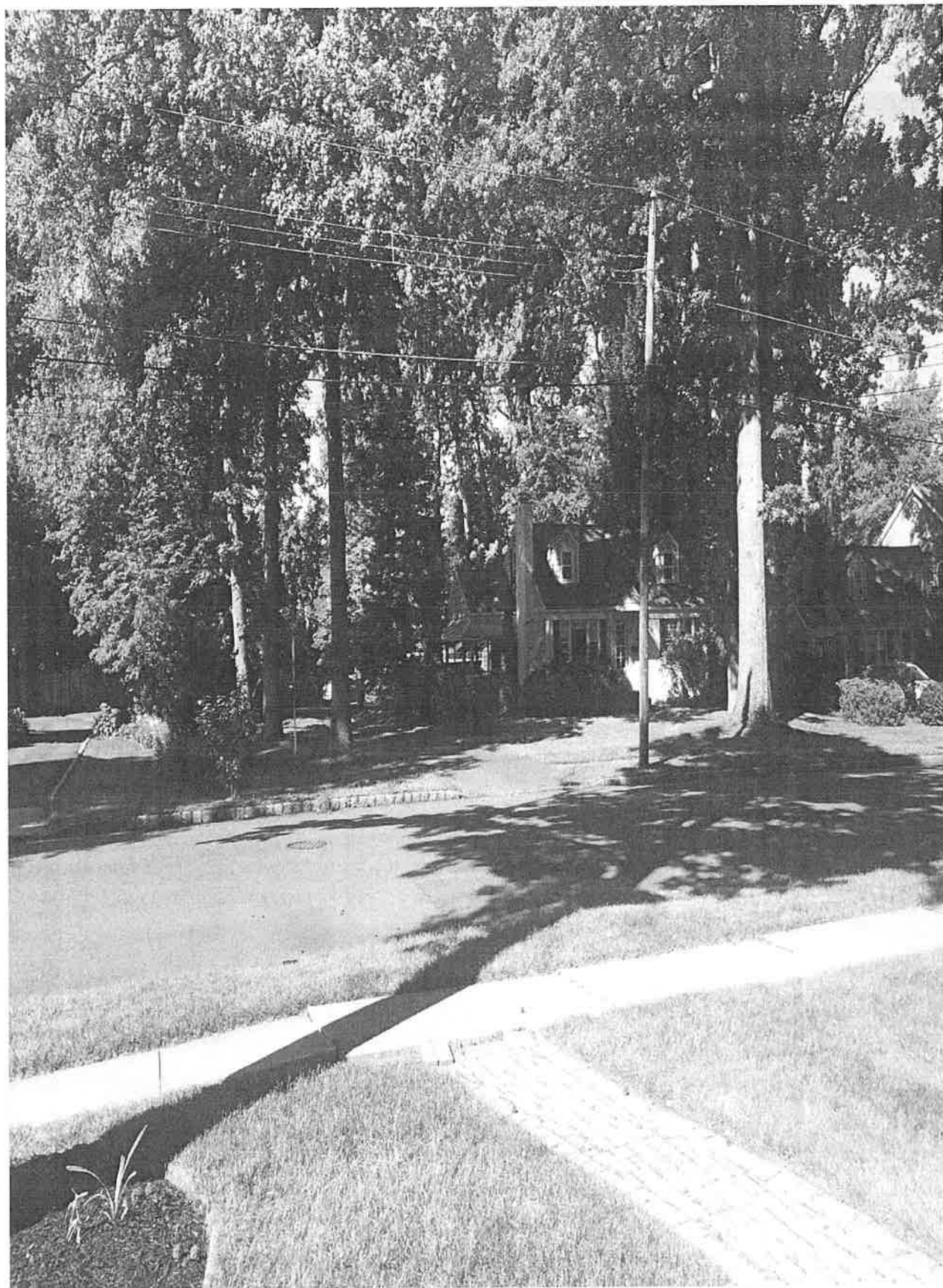
In other news, Mr. Rusak said the

first day of school "went well" and also announced that school enrollment is up to 704 students from 690 last year.

A motion was approved for the student transportation contract renewal with Vogel Bus Company, Inc. showing an increase of 2.64 percent over last year. The total bussing cost based on 185 school days will be \$182,352. The contract includes six routes to Governor Livingston High School, two routes to Beechwood School and two routes to Deerfield.

It was also announced that Curriculum Coordinator Angela Cosimano would be making a presentation at the Tuesday, September 28 meeting in regards to standardized testing scores with in the district.

Voters to Decide on Turf Field:





Westfield Police Department

425 East Broad Street, Westfield, NJ 07090

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

CAD Report



00:01:25

swrzesinski

Notes

Latitude: +040.649843 Longitude: -074.335964

caller John [REDACTED] states his roommate Robert Casablanca is violent and drunk/ caller states it is the 1st apartment on the left/ caller states he is bothering the neighbors / caller states he has not been drinking/ caller states his roommate is passed out in the apartment 5:01:32 AM

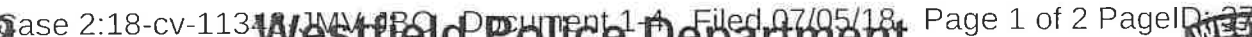
43 states code 4 5:03:17 AM

43 out with NJ DL [REDACTED] Roberto Casablanca/ NJ DL [REDACTED] Giovanni

[REDACTED] 5:04:40 AM

code 4 / 43 transporting 1 adult male from this location to the Best Western/ starting miles 51822.2 5:07:38 AM

43 transport complete ending miles 51822.8 5:09:10 AM



WESTFIELD
POLICE
TOWN OF WESTFIELD
COUNTY OF UTAH
NMI

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

[illegible]

Average Response Time for this Call:

Dispatched By:



Westfield Police Department

425 East Broad Street, Westfield, NJ 07090
Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

CAD Report



00:00:08

swrzesinski

Notes

Latitude: +040.651152 Longitude: -074.341264

caller Jolene [REDACTED] an employee of The Office states they have a customer who is intoxicated and refusing to leave 12:17:02 AM

registration is expired as of 07/2013 in NCIC 2000 12:20:32 AM

code 4 12:22:07 AM

tow requested for unregistered vehicle 12:29:26 AM

Sevell's notified/ ETA 10 minutes 12:29:36 AM

customer has been removed from the restaurant 12:43:36 AM

vehicle has been removed 12:43:43 AM

40 will be making a civilian transport to the Springfield boarder 12:44:07 AM

425 East Broad Street, Westfield, NJ 07090
Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

[illegible]



Westfield Police Department

425 East Broad Street, Westfield, NJ 07090

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

CAD Report



00:00:42

afontanella

Notes

Scott [REDACTED] employee a Bagel Chateau reports a white male 6 ft balding blue tshirt jeans
Sitting on the ground by a tree. Possible an intox or sick

Squad responding 1:28:51 PM

NJ DL # [REDACTED]

RMA 1:35:12 PM

NJ DL # [REDACTED] was tired and decided to take a nap / 44 transporting civilian to the train
station 1:38:25 PM

Arriving the train station 1:40:44 PM

425 East Broad Street, Westfield, NJ 07090
Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

[illegible]



Westfield Police Department

425 East Broad Street, Westfield, NJ 07090

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

CAD Report



00:01:09

malmeida

Notes

Latitude: +040.652622 Longitude: -074.349267

blue hoodie with glass white male dark hair stripped sweatpants on foot intoxicated last seen urinating in the bushes by the bank/ 10:09:34 AM

41- code 4/ mother in the area will try and locate/ 10:13:45 AM

42- transporting male to bovella's where the mother is standing on line/ 10:27:34 AM

42- male is anthony patania being released to mother nj dl # [REDACTED] / 10:32:34 AM

42- reunited with mom / 10-8/ 10:35:37 AM

A shield-shaped police badge for the Westfield Police. The top arc contains the text "WESTFIELD" and the bottom arc contains "POLICE". In the center is a circular seal with a figure holding a bow and arrow, surrounded by the text "TOWN OF WESTFIELD" and "COUNTY OF UNION". At the very bottom is the year "1841".

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

[illegible]



Westfield Police Department

425 East Broad Street, Westfield, NJ 07090

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

CAD Report



00:01:20

ngrossmith

Notes

possibly underage drinking at [REDACTED] North Euclid // called in by Kathleen [REDACTED]

[REDACTED] 11:45:14 PM

41 all adult party / no issues / transporting 1 adult male to [REDACTED] 11:53:40 PM

41 10-8 12:00:39 AM, spoke to resident Mr. Darren [REDACTED] who was advised

A black and white photograph of a Westfield Police badge. The badge is shield-shaped with a dark background. At the top, the words "WESTFIELD POLICE" are written in a bold, sans-serif font. Below this, there is a circular seal featuring a central emblem, possibly a tree or a similar symbol. The text "TOWN OF WESTFIELD" is written around the top inner edge of the seal, and "COUNTY OF UNION" is written around the bottom inner edge. At the very bottom of the badge, the letters "N.J." are visible.

CAD Report

[illegible]

**Westfield Police Department**

425 East Broad Street, Westfield, NJ 07090

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

CAD Report

00:04:46

KMartinez

Notes

Caller states there's guy that seems incoherent / dropped his pants to the ground / wearing a white tank top & beige shorts / white hair balding / heading towards the south side train station 7:36:57 PM

Guy is now urinating on the train tracks / pants around his ankles 7:38:08 PM

Male is headed towards Agility 50s / he went from North Side to South Side 7:40 PM

44 is out with him 7:42:07 PM

NJ DL [REDACTED] / caller 7:43:06 PM

44 - individual is not intoxicated / he states his pants slipped down and he pulled them back up / resides at [REDACTED] / NJ DL Frank Krakowski Jr / DOB [REDACTED] / 9w check 7:47:42 PM

NJ DL found [REDACTED] / clear 9w 7:54:39 PM

44 - 1 adult male from this location to [REDACTED] West South Ave 8:00:16 PM

44 - transport complete / appears to be in good health / 10-8 8:06:16 PM

A black and white photograph of a Westfield Police badge. The badge is shield-shaped with a central circular seal. The seal features a landscape with a tree and a building. The text "WESTFIELD POLICE" is at the top, "TOWN OF WESTFIELD" is on the left, "COUNTY OF UNION" is on the right, and "N.J." is at the bottom.

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

[illegible]

Average Response Time for this Call:

Dispatched By:



Westfield Police Department

425 East Broad Street, Westfield, NJ 07090
Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

CAD Report



00:02:42

ngrossmith

Notes

Latitude: +040.634662 Longitude: -074.313562

possibly intoxicated party described as a white male wearing a green polo, white shorts and blue and white sneaker / caller is in a black jeep standing by for officers Joanne [REDACTED]

10:03:05 PM

43 out at Central near Pearl / Capt Bat subject is on Boynton approaching Cedar St 10:09:11 PM

43 out with him / code 4 / Michael Esposito [REDACTED] 10:13:43 PM

43 transporting male to [REDACTED] Byron Ct / 41 following 10:17:33 PM

43 ending transporting 10:18:39 PM

43 [REDACTED] wife 10:25:55 PM

43 male TOT wife, no medical issue / no fighting or arguing / code 4 / 10-8 10:27:42 PM

**Westfield Police Department**

425 East Broad Street, Westfield, NJ 07090

Phone: 908-789-4000 Fax: 908-789-4007 Mun. Code: 2020

Investigation Report**Incident Details:**

Case Number	Time Reported	Date Reported	Time Occurred	Date Occurred	Occurrence Between Date / Time of	Time Occurred	Date Occurred	911	Completed
17-24556	22:13	06/27/17	22:13	06/27/17				X	X

Incident Type:

Police Info/General

Incident Location:

Street # Street Name

16 Prospect Street

Intersection / Cross Street of:

West North Avenue

Business / Common Location Name

Contact Information: Victim Suspect Complainant Witness Driver Arrest Passenger Missing Business Other

Code	Contact Name #1	MI	Suffix	Age	Sex	Race	DOB	SSN
O	Posyton, Ronald	H	III	22	M	1B	05/22/1995	[REDACTED]
Address						Home Phone		Cell Phone
868 Carleton Road, Westfield, NJ 07090								[REDACTED]
Code	Contact Name #2	MI	Suffix	Age	Sex	Race	DOB	SSN
O	Boyle, Christopher	---		57	M	1B	05/20/1960	[REDACTED]
Address						Home Phone		Cell Phone
16 Prospect Street, Westfield, NJ 07090-2114								[REDACTED]
Code	Contact Name #3	MI	Suffix	Age	Sex	Race	DOB	SSN
O	Boyle, Timothy	J		51	M	1B	02/28/1966	[REDACTED]
Address						Home Phone		Cell Phone
16 Prospect St, Westfield, NJ 07090-2114								[REDACTED]
Code	Contact Name #4	MI	Suffix	Age	Sex	Race	DOB	SSN
O	Posyton, Amy	H		55	F	1B	06/17/1962	[REDACTED]
Address						Home Phone		Cell Phone
868 Carlton Rd, Westfield, NJ 07090-1602								[REDACTED]

Property Information:

Value of Stolen Property	Currency	Jewelry	Furs	Clothing	Auto	Misc.	Total
Value of Stolen Property Recovered							

Automobile Information:

1	Vehicle Code	Year	Make	Body Type	Color	Registration	State	VIN
2								
3								
4								

Narrative:

Narrative

On June 27, 2017 at approximately 2213 hours, I, Ofc. Freeman, Sgt. O'Keefe, Ofc. Johnson, and Ofc. Forcenito were dispatched to 16 Prospect St. on a report of assault. Upon our arrival we with Mr. Ronald Posyton 3rd, who stated that he was assaulted.

Posyton stated that he was assaulted by Mr. Timothy Doyle and Mr. Ken Hogan on June 27, 2017 at approximately 2213 hours. I then spoke to Timothy Doyle and Mr. Christopher Doyle owners of 16 Prospect St. Westfield, NJ 07090.

Officer of Record: Date: Other Reports Filed: Reviewed By:

Ptl. Steven Martinez 160	06/27/17	MVA Arrest DV DWI DWIQ Tow SD CI TRO	SHA Prop Evdn HOF Pres Suob Juv Bias Pris	KOKF
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**Westfield Police Department**

425 East Broad Street, Westfield, NJ 07090

Phone: 908-789-4000 Fax: 908-789-4007 Mun. Code: 2020

Investigation Report

Narrative Continued (Page 2)

Case Number

17-24556

Tim Doyle stated that on the above date and time Posyton came into the establishment asking the bar tender for a "two dollar drink". Timothy Doyle stated that upon being advised that there was not anything on the menu that cost two dollars Posyton became agitated. Mr. Ken Hogan witnessed Posyton come to bar ask for a drink, and then adjust the zipper on his pants. During which time Hogan stated that he advised Posyton to leave. Timothy Doyle and Christopher Doyle both stated that Posyton also brought in a alcoholic drink from the outside. Doyle stated that he then asked Posyton to leave after he witnessed him with his hands near his zipper of his pants. Timothy Doyle stated that during that time he placed his hand on Posyton shoulder in the process of escorting him out the door.

Further investigation into Posyton's shoulder revealed no signs of an apparent injury, and denied medical attention.

Posyton stated that he went to the bar and asked for drink. A short time after he was denied and asked to leave by Timothy Doyle. Posyton then stated that Timothy Doyle then put his hand on his shoulder and asked him to leave. Posyton was advised to contact the Westfield Municipal Court during regular business hours to place an official complaint regarding this incident.

Further investigation into this call revealed that an assault did not occur. Furthermore Posyton was advised not return to the premise and that Timothy Doyle and Christopher Doyle did not desire him back at the premise.

While speaking with Posyton I could smell a strong odor of alcoholic beverage emanating from his breath. Due to Posyton consuming alcohol, and to avoid any further conflict, he was transported to 868 Carlton Road where he was left in the care of his mother Ms. Amy Posyton.

Officer of Record:**Date:**

Ptl. Steven Martinez 160

06/27/17



Westfield Police Department

425 East Broad Street, Westfield, NJ 07090
Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020



CAD Report

00:01:40

KMartinez

Notes

Latitude: +040.645080 Longitude: -074.335728

Possible intoxicated white female about 40 years old wearing a white t-shirt / currently leaning up against the light post 11:27:41 AM

43 - NJ DL [REDACTED] Leslie [REDACTED] / DOB [REDACTED] 11:42:36 AM

45 - civilian transport to South Ave / individual is just under the weather / nothing to be concerned 11:43:57 AM

43 - starting milage 21708.7 11:44:02 AM

43 - ending transport 21711.0 11:52:30 AM

43 - [REDACTED] / 10-8 under the care of her father 11:55:49 AM

A black and white photograph of a Westfield Police badge. The badge is shield-shaped with a dark background. At the top, the words "WESTFIELD" and "POLICE" are written in a bold, sans-serif font. Below this is a circular seal featuring a landscape with a tree and a building. The text "TOWN OF WESTFIELD" is written around the top of the seal, and "COUNTY OF UTAH" is written around the bottom. At the very bottom of the badge, the letters "P.A." are visible.

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

CAD #	Case #	Date	Time of Call	Dispatched	Arrived	Cleared	911	
18-01745		01/12/18	01:13	01:19	01:19	01:36	X	
Reg.	St.	Race Code	Citations	Warning				
Incident Type								Business / School / Location Name
Intoxicated Person								
Location:								
Street #		Street Name		Apt.#	At Intersection of:			
		Clark Street			Edgewood Avenue			
Caller (Lastname, Firstname)		Caller Address			Caller Phone			
		[REDACTED]			[REDACTED]			
Officer(s)		Car(s)	Dispatched	Arrived	Cleared	Response Time	Time on Scene	
Ptl. Michael Pollock 203		42	01:19	01:19	01:36	00:00	00:16	
Ptl. Steven Martinez 160		38	01:19	01:19	01:36	00:00	00:16	
Sgt. Kevin O'Keefe 141		40	01:22	01:22	01:36	00:00	00:13	
Average Response Time for this Call:								Dispatched By:



Westfield Police Department
425 East Broad Street, Westfield, NJ 07090
Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020
CAD Report



00:00:05

ngrossmith

Notes

Latitude: +040.646828 Longitude: -074.365575

Ronald Posyton 3rd requesting a ride home / intoxicated male / resides at Carleton rd / Sweater and jeans 1:18 AM

42 intoxicated requesting a ride 1:20:45 AM

42 no issue with that party / of sound body to walk home / took the opportunity to call his mother in which she nor him want to drive him home / is completely able to take care of himself / 10-8 1:35:24 AM

A black and white photograph of a Westfield Police badge. The badge is shield-shaped with a central circular seal depicting a Native American figure. The text "WESTFIELD POLICE" is at the top, "TOWN OF WESTFIELD" is on the left, "COUNTY OF UNION" is on the right, and "1741" is at the bottom.

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

[illegible]



Westfield Police Department

425 East Broad Street, Westfield, NJ 07090

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

CAD Report



00:03:52

jdemico

Notes

Intoxicated male, 23 year old, white male, wearing a dark blue Polo shirt and jeans, wants a ride home

41 and 42 en route 2:02:40 AM

42 on scene 2:04:46 AM

42// P67566686805954 Ronald Posyton 3RD, transporting one adult male to 868 Carleton Rd starting milage: 29219.1 2:06:23 AM

42// Ending Milage 29220.2 2:11:22 AM

42// 10-8 2:13:34 AM

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

[illegible]



Westfield Police Department

425 East Broad Street, Westfield, NJ 07090

Phone: 908-789-4000 Fax: 908-789-4079 Mun. Code: 2020

CAD Report



00:03:33

jdemico

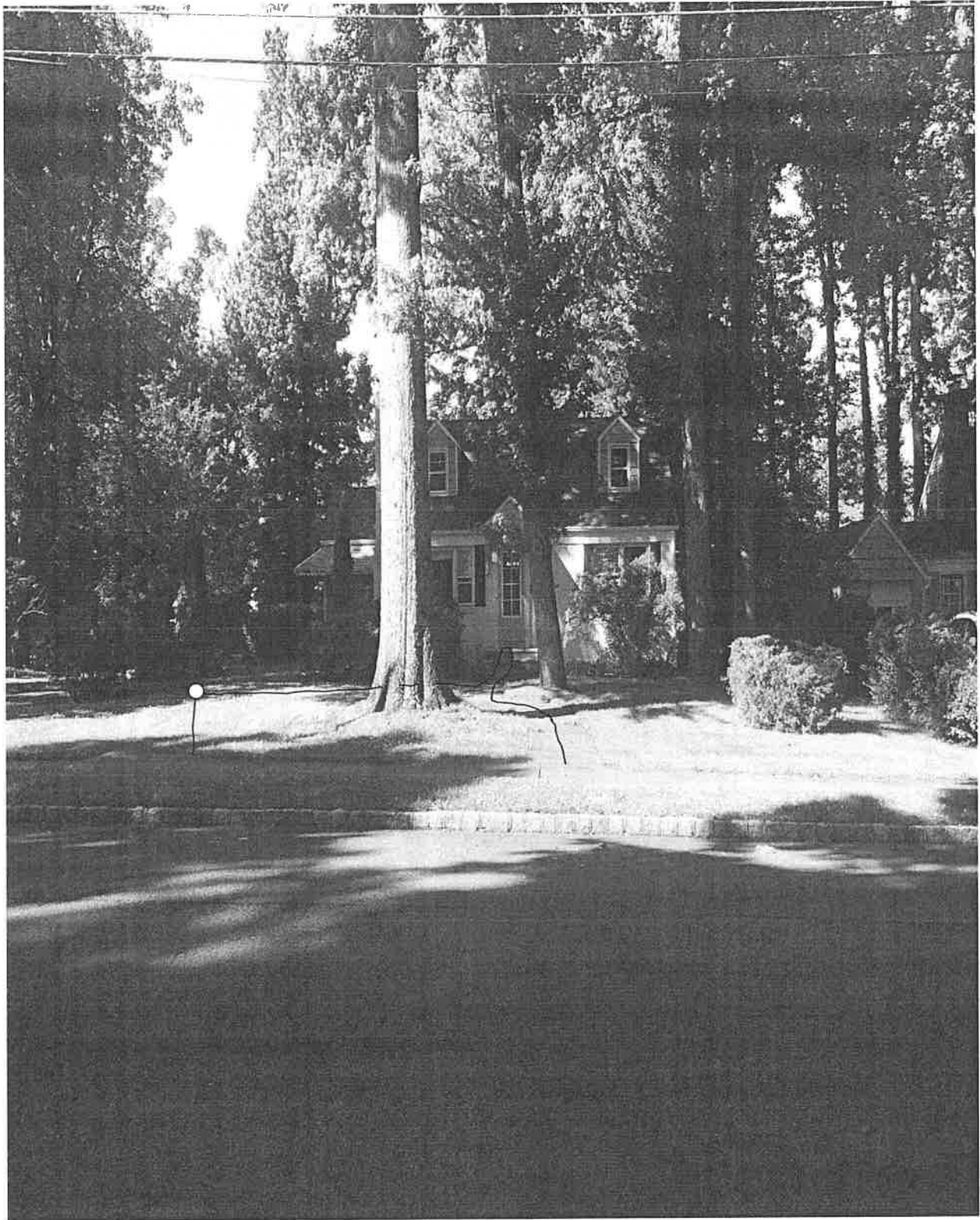
Notes

Ronald Posyton called 911 wanting to thank Officers for giving him a ride home, 42 will be responding to the residence to inform Posyton about the use of 911 and abusing 911 for rides home.

42 en route 2:21:20 AM

42 on scene 2:24:51 AM

42// been advised 10-8 2:27:45 AM



- Riley's Route

O Riley's Occupation