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RONALD O. WATSON,

Plaintiff,

) SUPERIOR COURT OF NEW JERSEY
) CUMBERLAND COUNTY
) LAW DIVISION

vs.

JASON VINZINSKI, in his official and
personal capacity; CITY OF
MILLVILLE POLICE
DEPARTMENT and CITY OF
MILLVILLE,

Defendants.

DOCKET NO. Cum L 682-13

Civil Action

COMPLAINT

SUPERIOR COURT OF N.J.
CUMBERLAND COUNTY

AUG 05 2013

REC'D & FILED
CIVIL CASE
MANAGEMENT OFFICE

005 Civil Rights

PLAINTIFF RONALD O. WATSON, residing at 1012 North Street in Millville,
Cumberland County, State of New Jersey by way of Complaint says:

INTRODUCTORY ALLEGATIONS

1. Plaintiff Ronald O. Watson is an individual residing at 1012 North Street, Millville, New Jersey and has resided at that location for all times relevant herein.
2. Jason Vinzinski, sued in his personal capacity and official capacity is employed by the City of Millville Police Department and was serving in that capacity as well as his personal capacity at all times relevant hereto.
3. The Police Department of the City of Millville in an entity subsumed within the governmental unit of the City of Millville.

4. The City of Millville is a municipality in the State of New Jersey and governs the Millville Police Department and the officers employed therein.
5. On August 3, 2011, Defendant Vinzinski, without authorization, and while in uniform and utilizing a patrol vehicle utilized by the Millville Police Department, claimed to be conducting surveillance on that date.
6. Defendant Vinzinski, without justification or probable cause, claimed to have witnessed a hand-to-hand drug transaction and claimed that transaction to have involved Plaintiff Ronald O. Watson and a white individual.
7. Defendant Vinzinski, while claiming to have observed a crime, did not detain or arrest the white male who he claimed to be involved in the hand-to-hand drug transaction.
8. Defendant Vinzinski, while claiming to have observed a crime, did not detain or arrest Ronald O. Watson who he claimed to be involved in the hand-to-hand drug transaction.
9. Defendant Vinzinski, claiming to have observed Plaintiff Ronald O. Watson secrete drugs in his shirt, without probable cause seized the shirt but then did not allow the same to be tested for DNA evidence.
10. Defendant Vinzinski, while claiming to have seen drugs being secreted by Plaintiff Ronald O. Watson, failed to have the wax bags or other wrappings fingerprinted as part of the investigative process.
11. Defendant Vinzinski, without probable cause, initiated proceedings so as to cause the Plaintiff Ronald O. Watson to be arrested, incarcerated, forced to post bail and thereafter await the criminal trial process.
12. Plaintiff Ronald O. Watson, in addition to incurring monetary damages, was caused great distress and discomfort with the false charges brought against him.

13. Defendant Vinzinski failed to question or interview any of the other individuals whom he claimed to have seen engaging in a dice game behind the residence wherein he claimed also to have seen the Plaintiff Ronald O. Watson selling drugs.

14. At his criminal jury trial, Plaintiff testified as did some of the dice players and thereafter Plaintiff was acquitted of all charges by petit jury.

COUNT ONE

1. The allegations of Paragraphs 1 through 14 are incorporated herein as if specifically set forth herein.

15. The conduct of Defendant Vinzinski violated Plaintiff's rights as protected by the Fourth Amendment of the United States Constitution.

16. The arrest and charges brought against Plaintiff were false and without probable cause and same are actionable pursuant to 42 U.S.C. §1983 et seq.

WHEREFORE, Plaintiff seeks judgment against Defendant Vinzinski in his personal capacity and official capacity for violation of his civil rights as guaranteed by the Federal Constitution.

COUNT TWO

1. The allegations of Paragraphs 1 through 16 are incorporated herein as if specifically set forth herein.

17. The conduct of Defendant Vinzinski also violated Plaintiff's rights under Article 1, Section 7 of the New Jersey Constitution which, among other things, prohibits arrest without probable cause and which is also implemented by virtue of N.J.S.A. 10:6-1 et seq.

WHEREFORE, Plaintiff seeks compensatory damages, punitive damages, nominal damages as well as attorney's fees and costs against Defendant Vinzinski.

COUNT THREE

1. The allegations of Paragraphs 1 through 17 are incorporated herein as if specifically set forth herein.

18. The Fourth Amendment to the United States Constitution prohibits wrongful institution of legal process and to do so without probable cause and the conduct of Defendant Vinzinski violated Plaintiff's rights under 42 U.S.C. §1983 et seq.

WHEREFORE, Plaintiff seeks compensatory damages, punitive damages, nominal damages as well as attorney's fees and costs against Defendant Vinzinski.

COUNT FOUR

1. The allegations of Paragraphs 1 through 18 are incorporated herein as if specifically set forth herein.

19. The pre-conviction malicious prosecution by Defendant Vinzinski was a violation of Plaintiff rights under Article 1, Paragraph 7 of the New Jersey Constitution and also actionable pursuant to N.J.S.A. 10:6-1 et seq.

WHEREFORE, Plaintiff seeks compensatory damages, punitive damages, nominal damages as well as attorney's fees and costs against Defendant Vinzinski.

COUNT FIVE

1. The allegations of Paragraphs 1 through 19 are incorporated herein as if specifically set forth herein.

20. Defendant City of Millville and Defendant City of Millville Police Department were aware of, condoned, encouraged or failed to deter or to stop the conduct of Defendant Vinzinski in his violation of the civil rights of Plaintiff Ronald O. Watson.

21. Those Defendants intentionally, recklessly or negligently as a matter of policy of practice, failed to properly supervise, discipline, train or otherwise sanction police officers such as Defendant Vinzinski as the result of those failures encouraged Defendant Vinzinski to encourage Defendant Vinzinski to engaged in the unlawful and actual conduct referenced above.

WHEREFORE, Plaintiff demands judgment against Defendant City of Millville and City of Millville Police Department, jointly, severally or in the alternative for compensatory damages, punitive damages, interest, attorney's fees, cost of suit and such other relief as is fair and just.

NOTICE PURSUANT TO THE RULES

TAKE NOTICE that the undersigned attorney, counsel for the Plaintiff does hereby demand, pursuant to Rules 1:5-1(a) and 4:17(o) that each party herein serving pleadings and interrogatories and receiving answers thereto serve copies of all pleadings, answered interrogatories and other discovery materials received from any party, including any documents, papers and other materials referred to therein, upon the undersigned attorney, and

TAKE NOTICE that this is a continuing demand.

DEMAND FOR JURY TRIAL

The Plaintiff hereby demands trial by jury as to all issues so triable.

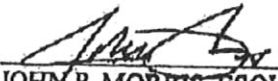
DESIGNATION OF TRIAL COUNSEL

It is hereby stated pursuant to R. 4:5-1(c) and 4:25-4 that John P. Morris, Esquire is designated as trial counsel for the within matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

I certify that the matter in controversy is not the subject of any other action or arbitration proceeding at this time. I also certify that Notice under New Jersey's Tort Claims Act and any complaint asserting causes of action pursuant to that statutory scheme is contemplated although the time requirements for same do not permit such to be raised in this pleading or at this time.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


JOHN P. MORRIS, ESQUIRE
Attorney for Plaintiff Ronald O. Watson

Dated: