

SUPERIOR COURT OF N.J.
CUMBERLAND COUNTY

APR 30 2014

REC'D.
CIVIL CASE
MANAGEMENT OFFICE

Percy Patrick
80 Division Street
Bridgeton, New Jersey 08302
856 405 7237

Superior Court of New Jersey

Small Claims-Cumberland County

Percy Patrick,

Plaintiff

Docket No. _____

vs.

CIVIL ACTION
Complaint

The City of Millville,
Braheme Days, Cindy Moody
J. Stroup, individually and
in their official capacity
Defendants

Plaintiff, Percy Patrick, residing at 80 Division St. City of Bridgeton, State of New Jersey,
complaining of defendant, states as follows:

On March 27, 2014, the Plaintiff, carrying a box under his arm, is walking headed in a southern direction on 2nd street entering into the City of Millville, New Jersey when he was accosted by Police Officer Braheme Days, a police officer employed by the City of Bridgeton, New Jersey, dressed in civilian clothing, equipped with badge, service revolver and department issued radio, operating a personnel vehicle, was traveling in a northern direction leaving the city. Upon making visual contact with plaintiff officer Days pulled directly to the rear of the plaintiff and leaping from the vehicle he ordered plaintiff to

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stop. Recognizing the officer the plaintiff stopped to see what the officer wanted. Officer Days asked plaintiff whether or not he had a receipt for the box he was carrying. Plaintiff asks the officer why he was being stopped when the officer informed the plaintiff "he was under arrest." By radio Officer Days summoned the Millville Police. Incoming were several police officers in both marked and unmarked cars. Approximately three police, patrolmen Stroup and two plain cloth detectives move toward where plaintiff and Officer Days stood. Officer Days told approaching officers he did not believe plaintiff had a receipt for the box he was in possession of and he'd like for them to check it out. Following this report Officer Days entered the vehicle he was driving and left. Millville police asks the plaintiff did he have a receipt for the box. Plaintiff asks the first detective, who was Caucasian, whether or not he was detaining plaintiff or whether he was holding the plaintiff under arrest. The detective responded he was not. Next the plaintiff asks the African American detective was he detaining or holding plaintiff under arrest and he responded the same as the first, he was not. When plaintiff asks the uniform officer was he holding defendant under arrest the officer responded "he was." Thereafter plaintiff informed the police he would answer no questions. It was at this time Officer Cindy Moody come up to plaintiff and the other police officers, convey to them to "keep the plaintiff there while she search several stores to see if the box came from any store in the shopping area." Approximately 20 minutes past when Officer Moody radioed Officer Stroup informing him there exist a video recording that capture the plaintiff leaving the Millville Wal Mart Store, without paying for the property. Officer Stroup then radioed dispatch officer requesting a warrant check on the plaintiff. Headquarters reported an outstanding warrant from State Police, Bridgeton Barracks. The plaintiff was then searched and a package of socks was removed from plaintiff's inside coat pocket, he was handcuffed, and secured in the back seat of the police cruiser and transported to police headquarters. Here, the plaintiff was issued a complaint-summons, by Officer Stroup, formally charging him with "shoplifting" pursuant to 2C:20-11(b) (1). It was at this location plaintiff recognized Officer Moody, recalling this officer was still in possession of the

socks, asks her for the return. The officer replied the socks were identified as coming from a Dollar store and that all of the Dollar Stores in Cumberland County was being checked to see whether or not they were stolen and if found to be stolen plaintiff would be charged accordingly. Plaintiff was then transported to State Police Officers who were in route to receive plaintiff.

Plaintiff's "Civil Rights" involving the fourth fifth, and fourth tenth Amendments were violated by the defendants, and although the contact was initiated by Officer Days, neither officer involved in this matter possessed a "probable cause" or "reasonable suspicion" enabling the "seizure or arrest" of the plaintiff. This civil action follows.

The defendant in this action resides at 80 Division Street, Bridgeton New Jersey, 08302, in the County of Cumberland, State of New Jersey.

1. Plaintiff suffered an eleven day incarcerated period.
2. Plaintiff suffered lost of his opportunity to improve his life through educating himself in college.
3. Plaintiff been ashamed, mortified, ridiculed, and scorned.

Wherefore, plaintiff requests relief and judgments against defendants for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

Dated: 4-28-14

Signature: 

CERTIFICATION OF NO OTHER ACTIONS