

UNITED STATES DISTRICT COURT

SOUTHERN District of NEW YORK

STANLEY RIDLEY,

Plaintiff,

SUMMONS IN A CIVIL ACTION

-against-

Case No.

JANET DiFIORE, individually and in her capacity as District Attorney for the County of Westchester, New York ROBIN MARTIN, individually, FRANK OLIVERI, individually, JOSE CALERO, individually, CHRISTIAN GUTIERREZ, individually, THOMAS BELFIORE, Individually, MILLARD HYLAND, individually, ANDREW SPANO, individually, and the COUNTY OF WESTCHESTER, New York,

09 CIV. 8879

JUDGE SEIBEL

JUDGE SEIBEL

Defendants.

TO: (Name and Address of Defendant)

Janet DiFiore, District Attorney, 111 Dr. Martin Luther King Jr. Blvd, White Plains, New York
Robin Martin, Westchester County Dept. of Public Safety, Saw Mill River Road, Hawthorne, New York
Frank Oliveri, Westchester County Dept. of Public Safety, Saw Mill River Road, Hawthorne, New York
Jose Calero, Westchester County Dept. of Public Safety, Saw Mill River Road, Hawthorne, New York
Christian Gutierrez, Westchester County Dept. of Public Safety, Saw Mill River Road, Hawthorne, New York
Thomas Belfiore, Commissioner, Westchester County Dept. of Public Safety, Saw Mill River Road, Hawthorne, New York
Millard Hyland, Medical Examiner, 10 Dana Road, Valhalla, New York
Andrew Spano, County Executive, 148 Martine Avenue, White Plains, New York
County of Westchester, New York, 148 Martine Avenue, White Plains, New York

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY.

Jonathan Lovett, Esq.
222 Bloomingdale Road
White Plains, New York 10605
(914) 428-8401

an Answer to the Complaint which is herewith served upon you, within twenty days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

APR 10 2009

CLERK

DATE

BY DEPUTY CLERK

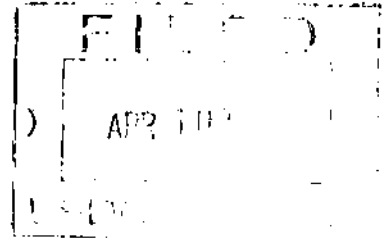
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
STANLEY RIDLEY,

Plaintiff,

09 Civ. ()



-against-

JANET DiFIORE, individually and in her capacity as District Attorney for the County of Westchester, New York, ROBIN MARTIN, individually, FRANK OLIVERI, individually, JOSE CALERO, individually, CHRISTIAN GUTIERREZ, individually, THOMAS BELFIORE, individually, MILLARD HYLAND, individually, ANDREW SPANO, individually, and the COUNTY OF WESTCHESTER, New York,

COMPLAINT

09 CIV. 8379

JUDGE SEIBEL

Defendants.
-----x

Jury Trial Demanded

Plaintiff STANLEY RIDLEY, by his attorney Jonathan Lovett, for his complaint respectfully states:

NATURE OF THE ACTION

1. This is an action for compensatory and punitive damages, proximately resulting from Defendants' conduct as engaged in while acting in concert under color of the laws of the State of New York, for violations of Plaintiff's rights as guaranteed by 42 U.S.C. §§1983, 1985(3).

JURISDICTION

2. The Court's jurisdiction is invoked pursuant to 28 U.S.C. §§1331, 1343.

THE PARTIES

3. Plaintiff STANLEY RIDLEY is an African-American citizen of the United States, a domiciliary of the State of New York, and a resident of the Northern Counties. He is the biological father of Christopher Ridley (hereinafter "Officer Ridley"), an African American and a Mount Vernon, New York, Police Officer who at age twenty-three was executed by Defendant Oliveri on Friday January 25, 2008.

4. Defendant JANET DiFIORE (hereinafter "DiFiore"), who is sued in her individual and official capacities, at all times relevant to this complaint was the District Attorney of the County of Westchester, New York.

5. Defendant ROBIN MARTIN (hereinafter "Martin"), who is sued in his individual and official capacities, at all times relevant to this complaint was a Detective employed in the Westchester County Department of Public Safety Services (hereinafter the "Department").

6. Defendant FRANK OLIVERI (hereinafter "Oliveri"), who is sued in his individual and official capacities, at all times relevant to this complaint was a Police Officer employed in the Department. Oliveri is Caucasian.

7. Defendants JOSE CALERO (hereinafter "Calero") and CHRISTIAN GUTIERREZ (hereinafter "Gutierrez"), both of whom are sued in their individual and official capacities, at all times relevant to this complaint were Police Officers employed in the Department.

8. Defendant THOMAS BELFIORE (hereinafter "Belfiore"), who is sued in his individual and official capacities, at all times relevant to this complaint was the Commissioner of the Department.

9. Defendant MILLARD HYLAND (hereinafter "Hyland"), who is sued in his individual and official capacities, at all times relevant to this complaint was the Medical Examiner for the Defendant County.

10. Defendant ANDREW SPANO (hereinafter "Spano"), who is sued in his individual and official capacities, at all times relevant to this complaint was the duly elected County Executive of the Defendant COUNTY OF WESTCHESTER, New York (hereinafter "County"). The County is a municipal corporate subdivision of the State of New York duly existing by reason of and pursuant to the laws of said State.

THE FACTS

11. At or about 5:00 p.m. on January 25, 2008, Officer Ridley while off-duty and out of uniform observed an assault in progress in front of 85 Court Street in the City of White Plains, New York. The assailant, Anthony Jacobs (hereinafter "Jacobs"), was a mentally ill homeless individual who earlier that day had told other homeless persons with whom he was lodged by Volunteers of American that he wanted to kill someone.

12. Officer Ridley exited his automobile, ran into the County Office Building (situated at Court Street and Martine Avenue) in order to summon on-duty County Police Officers to assist him, and then returned to Court Street where he attempted to arrest Jacobs. Jacobs in turn became assaultive with Officer Ridley.

13. In the ensuing struggle Ridley's off-duty firearm fell to the ground and discharged.

14. Martin and Calero (on duty at 85 Court Street) and Gutierrez and Oliveri (on duty at the County Office Building) responded to the scene at which time Officer Ridley

retrieved his police badge from the sidewalk with his right hand and his firearm with his left hand.

15. As he extended both arms to his sides, parallel with the sidewalk - - displaying his badge and offering no resistance and/or threat to Martin, Calero, Gutierrez and/or Oliveri - - Gutierrez and Calero shot Officer Ridley several times in the midsection.

16. When, as a result Officer Ridley dropped both his gun and badge and began falling defenselessly to the sidewalk, Oliveri approached him, put his duty weapon to Officer Ridley's head, and at point blank range shot him once above the left eye intentionally killing him instantly.

17. Before White Plains police officers responded to the scene Oliveri retrieved Officer Ridley's badge from the sidewalk and secreted it - - so that it could be later "discovered" in Officer Ridley's automobile - - a circumstance later used by the Defendants to justify the County Police's killing Officer Ridley on the pretext that he did not identify himself as a policeman.

18. The entire incident was captured on at least four security video cameras and the resulting video footage was of such clarity as to permit the identification of multiple witnesses at the scene by DiFiore and/or her staff.

19. The ensuing autopsy performed by Hyland and/or a subordinate assistant medical examiner under his supervision disclosed the gun shot wounds to Officer Ridley's torso and the fatal head shot fired by Oliveri - - delivered at such close range that it left powder burns on Officer Ridley's forehead. The autopsy further revealed no exit wound in Officer Ridley's head, the back of which bulged outward as a result of the force of the bullet's impact.

20. On January 25, 2008, DiFiore determined that a cover-up would better serve her politically - - rather than investigating/prosecuting a self-evidently racist murder of an African-American Police Officer by a Caucasian County Police Officer. As a result she enlisted the "cooperation" of her co-defendants to hide from Officer Ridley's father the circumstances under which his son had been executed. The veil of secrecy that DiFiore thus imposed was intended by her and her co-conspirators to prevent Officer Ridley's biological father from learning the truth and bringing a federal civil rights action to *inter alia* clear Officer Ridley's name.

21. In that connection DiFiore directed and Hyland agreed, to keep secret the Medical Examiner's report regarding Officer Ridley's autopsy, even though that document is a public record - - because it would prove the fatal albeit unnecessary point blank gun shot to Officer Ridley's forehead. In furtherance of that secrecy, Hyland arranged to have the upper portion of Officer Ridley's head bandaged while he was in the morgue so that Plaintiff could not see either the entry wound above his left eye or the bulge in the rear of Officer Ridley's skull.

22. For the same reason DiFiore refused to release the video recordings which would also show that the murder of Officer Ridley by Oliveri, a Caucasian apparently motivated by racial animus, was not justifiable, but instead was a brutal execution.

23. Belfiore agreed to cooperate with DiFiore in the cover-up and at her request and direction convinced Martin, Calero, Gutierrez and Oliveri to remain silent as to the true circumstances of Officer Ridley's murder. Martin, Calero, Gutierrez and Oliveri voluntarily agreed to the cover-up and as a result have refused to disclose the truth to

**AS AND FOR A SECOND CLAIM
AGAINST OLIVERI AND THE COUNTY**

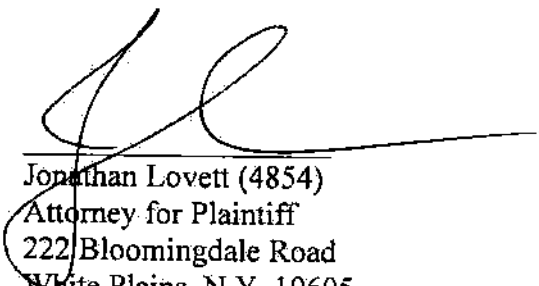
28. Repeats and realleges as if fully set forth the allegations of fact contained in paragraphs "1" to "25", inclusive.

29. Oliveri's execution of Officer Ridley - - as endorsed, ratified, condoned and/or approved by Defendants Spano, DiFiore, Belfiore and Hyland - - violated Plaintiff's right as guaranteed by the Fourteenth Amendment to the United States Constitution, 42 U.S.C. §1983.

WHEREFORE a judgment is respectfully requested:

- a. Awarding against each of the individually named Defendants such punitive damages, in a sum no less than \$10,000,000, as the jury may impose,
- b. Awarding against all Defendants such compensatory damages as the jury may determine,
- c. Awarding reasonable attorney's fees and costs, and,
- d. Granting such other and further relief as to the Court seems just and proper.

Dated: White Plains, N.Y.
April 10, 2009


Jonathan Lovett (4854)
Attorney for Plaintiff
222 Bloomingdale Road
White Plains, N.Y. 10605
914-428-8401