

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES RICE,

Plaintiff

v.

CITY OF PHILADELPHIA, JOHN CRAIG,
NEAL AITKEN, ROBERT SPADACCINI,
FRANCIS KELLY, ANTHONY VEGA,
JOHN LANDIS, JAMES COOK, AND
UNKNOWN EMPLOYEES OF THE CITY
OF PHILADELPHIA POLICE
DEPARTMENT,

Defendants

CASE #2:24-CV-4882

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff CHARLES RICE, by his attorneys, sues Defendants THE CITY OF PHILADELPHIA (hereinafter “the City”), JOHN CRAIG, NEAL AITKEN, ROBERT SPADACCINI, FRANCIS KELLY, ANTHONY VEGA, JOHN LANDIS, JAMES COOK, AND UNKNOWN EMPLOYEES OF THE CITY OF PHILADELPHIA POLICE DEPARTMENT (collectively “Defendant Officers”), and states the following:

INTRODUCTION

1. Plaintiff, Charles (“C.J.”) Rice was wrongfully convicted of a shooting for which he is absolutely innocent. Arrested at only 17 years old, Plaintiff spent over 12 years in prison for a crime that he did not commit.

2. The shooting happened on September 25, 2011. The victims and 911 callers could not identify the shooters, but stated only that the offenders were black men who were seen running from the scene.

3. Rather than conduct a legitimate investigation, the Defendant Officers short-circuited the process, fabricating and withholding evidence to close the case. In particular, the Defendant Officers fabricated that Plaintiff and his then-co-defendant Tyler Linder shot at the victims in retaliation for a shooting that had happened a few weeks earlier in which Plaintiff was a victim.

4. The problem for the Defendant Officers, however, was there was no evidence of this fabricated theory. Worse yet, Plaintiff was seriously injured when he was shot—his pelvis was shattered and he required surgery to remove the bullet lodged in his body, which was closed with over 30 staples. During his nine-day long hospital stay, Plaintiff also contracted pneumonia, further setting back his recovery. As a result, Plaintiff could hardly walk, let alone run at the time of the September 25 shooting.

5. Moreover, Plaintiff's co-defendant had an airtight alibi: He was working with his mother and brother, which was captured on video surveillance.

6. Undeterred by the lack of evidence—and significant evidence of Plaintiff's innocence—the Defendants simply made up a case against Plaintiff. For example, the Defendant Officers manufactured identifications from the victims, and then withheld the manner in which that evidence was created. The Defendant Officers further withheld evidence that the Plaintiff could have used to prove his innocence.

7. It was not until over a decade later, with the consistent support of Plaintiff's doctor who testified that it would have been impossible for Plaintiff to run without rupturing his sutures, and an investigation by *The Atlantic*, that Plaintiff's conviction was finally overturned. Among other things, the prosecution admitted that there was no legitimate evidence of the Defendant Officers' retaliation theory and that Plaintiff's conviction could not stand.

8. Plaintiff's case, unfortunately, was not an isolated occurrence. The Philadelphia Police Department (PPD) has a long history of similar misconduct by its officers that has gone unchecked and uncorrected for decades. Indeed, at the time of Plaintiff's arrest, prosecution and conviction, the PPD had policies and practices, and constitutionally deficient training, supervision and discipline that led to Plaintiff's wrongful conviction.

9. This lawsuit seeks redress for Plaintiff's injuries from all of the actors that could and should have prevented it: the Defendant Officers and the Defendant City of Philadelphia.

JURISDICTION

10. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution.

11. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 1367.

12. Venue is proper under 28 U.S.C. § 1391(b). The events and omissions giving rise to this complaint occurred in this judicial district.

THE PARTIES

13. Plaintiff is a 30-year-old who was born and raised in Philadelphia. During his wrongful incarceration, Plaintiff obtained his high school diploma and graduated early. Since being released, Plaintiff has successfully completed Georgetown University's Intensive Paralegal Studies Program.

14. At all relevant times, John Craig, Neal Aitken, Robert Spadaccini, Francis Kelly, Anthony Vega, John Landis, James Cook, and other unknown police personnel were employees of the Philadelphia Police Department. Plaintiff sues these defendants in their individual capacities, acting under color of law and within the scope of their employment during the investigation of the September 25 shooting of Latoya Lane, Latrice Johnson, Denean Thomas,

and Kalief Ladson, and related events and circumstances (“September 25 shooting”).

15. Defendant City of Philadelphia is a Pennsylvania municipal corporation and is or was the employer of each of the Defendant Officers. The City of Philadelphia is a person within the meaning of 42 U.S.C. § 1983.

16. Each of the individual Defendants named in this complaint acted at all relevant times as agents or employees of the City of Philadelphia.

17. Additionally, the City of Philadelphia is responsible for the policies and practices of the Philadelphia Police Department.

Plaintiff is Shot

18. On or about September 3, 2011, in the early evening, Plaintiff and his friend Tyler Linder were near the intersection of South 4th Street and Wharton Street in South Philadelphia.

19. A car passed by, and an occupant pointed a gun out of the window and started shooting.

20. Linder was not struck by any of the bullets, but Plaintiff was shot multiple times.

21. Plaintiff was struck in his abdomen, left flank, and left buttocks. One of the bullets hit Plaintiff’s pelvis causing a comminuted fracture.

22. Plaintiff was transported to Thomas Jefferson University Hospital. At the hospital, Plaintiff underwent an exploratory laparotomy, which resulted in an incision from Plaintiff’s breastbone to pelvis, about 10 to 11 inches long. After the surgery, the incision was closed with more than 30 staples.

23. During Plaintiff’s hospital stay, Plaintiff contracted pneumonia and had to be placed on a course of antibiotics.

24. Plaintiff was discharged from the hospital on or about September 11, 2011.

25. For weeks following the surgery, Plaintiff had difficulty moving. He struggled to sit up and lie down, needed assistance to do basic tasks like taking a shower, and walked hunched over with a hobbled gait.

26. Defendant Officers were assigned to investigate the September 3 shooting.

27. Defendant Officers, including Defendants Landis, Vega, and Spadaccini were aware of Plaintiff's injuries and hospitalization.

28. On September 16, 2011, Plaintiff voluntarily went to the station and was interviewed by Defendant Officers, including Defendants Vega and Spadaccini. During the interview, Plaintiff truthfully told Defendant Officers that he could not identify the shooter. During the interview, Plaintiff also showed Defendant Officers his stapled incision.

29. Plaintiff's statement that he could not identify the shooter was consistent with Linder's, who was interviewed by Defendant Officers, including Defendant Landis, on the day of the shooting. Linder also told the police that he could not identify the shooter.

30. The investigation into the shooting went cold.

31. To this day, the shooting remains unsolved.

Unknown Perpetrator(s) Shoot Towards 1618 South 18th Street

32. On or about September 25, 2011, around 9:30pm, Latrice Johnson and some of her family members were outside of 1618 South 18th Street, south of the intersection of Fernon and South 18th Streets.

33. Johnson was on the porch with her six-year-old niece Denean Thomas and her son, Kalief Ladson., Johnson's stepdaughter, Latoya Lane, was standing across the street on her cellphone. At least one man approached and began shooting in the direction of 1618 South 18th

Street.

34. Neither Johnson nor Ladson could not make out the perpetrator due to the poor lighting near the corner, as depicted in the following crime scene photograph:



35. Additionally, from where Ladson and Johnson were seated, the perpetrator was over 60 feet away and their vision of the corner was blocked by two parked cars.

36. Lane did not see the shooter approach either.

37. At the sounds of the gunshots, Johnson and Ladson ran inside 1618 South 18th Street. Johnson carried Thomas inside the house with her. Lane, alerted by the sound of gunfire, also ran across the street into the house.

38. After the shooting, Johnson called 911 and gave an account of the event. Johnson could only provide vague details: two Black males, at the corner of 18th Street and Fernon Street, one wearing a black hoodie, and the other wearing a grey hoodie.

39. Johnson and multiple 911 callers reported that the assailant(s) ran away from the crime scene immediately after the shooting.

40. Johnson, Lane, Ladson, and Thomas were all transported to the hospital.

41. Over the course of the evening, Johnson was asked on at least three additional occasions to describe the shooting. Each time, she was unable to identify the shooter.

42. Johnson was interviewed by Officer Charles Forrest as he transported Thomas and her to the hospital. During the interview, Johnson stated that there were two Black males, one wearing a black hoodie and the other wearing a grey hoodie, both wearing black sweatpants. Forrest asked Johnson who shot her, and Johnson could not provide any identifying information.

43. Once Forrest and Johnson arrived at the hospital, Forrest again asked Johnson if she could provide additional information about the shooting. Johnson again was unable to provide more information about who committed the shooting.

44. At the hospital, Johnson was also interviewed by hospital personnel about the shooting. During this interview, Johnson did not mention even seeing a shooter. Rather, Johnson admitted that she was sitting on the porch, heard shots, and ran into the house.

45. Police also separately interviewed Ladson and Lane that night after they arrived at the hospital. Like Johnson, Ladson and Lane gave only vague descriptions about the shooting.

46. Ladson stated that two to three unknown Black men in dark hoodies started shooting from the other side of the street.

47. Lane's account was even more sparse, reporting that she heard gunshots, saw two to three Black males, and ran into the house.

48. The interviewing officer asked both Ladson and Lane to provide more specific details, including the identity of the shooter. Neither of them was able to do so.

Defendant Officers Obtain False and Fabricated Witness Identifications

49. Shortly after the shooting, on or around September 25, 2011, Defendant Officers, including Defendants Craig and Aitken were assigned to the case.

50. They reviewed all the reports generated on September 25, 2011, including statements from Johnson, Lane, and Ladson noting that they could not identify any perpetrator.

51. Around this time, Defendant Officers, including Defendants Kelly and Cook, who were assigned to the Criminal Intelligence Unit, allegedly received information from a confidential source that Plaintiff may have been involved in the shooting.

52. Defendant Officers had no information corroborating this alleged tip, if it occurred. Indeed, Defendant Officers knew this information was not reliable because at the time of the shooting, Lane, Johnson, and Ladson had known Plaintiff for years and did not identify Plaintiff as being the shooter or involved in the shooting.

53. Other than this uncorroborated and unreliable purported tip from an unidentified person, nothing connected Plaintiff to the September 25 shooting.

54. Additionally, Defendant Officers, including Spadaccini and Vega, knew the purported tip was false because Defendant Officers knew that the 911 callers reported that the shooter ran from the scene. Defendant Officers knew Plaintiff's injuries would have prevented him from running on September 25. Indeed, Defendants Spadaccini and Vega saw Plaintiff a little over a week before the shooting and observed the difficulty Plaintiff had even walking.

55. Nevertheless, Defendant Officers conspired with one another to use this unreliable alleged tip to fabricate a theory that Plaintiff targeted Ladson in retaliation for Plaintiff's being shot on September 3, 2011.

56. As Linder was also present when Plaintiff was shot, Defendant Officers also

conspired and fabricated a theory that Linder was one of the perpetrators.

57. Defendant Officers, however, had no legitimate evidence that Ladson was involved in or even had knowledge of the September 3 shooting. On information and belief, Ladson's name did not even appear anywhere in the police file for the September 3 shooting.

58. On September 26, Defendant Officers, including Defendants Craig and Aitken, went to the hospital to interview Lane and Johnson.

59. Although Defendant Officers knew that neither Lane nor Johnson could identify the suspect—as they had repeatedly indicated in the hours after the shooting—Defendant Officers brought with them two photo arrays: one featuring Plaintiff's picture and another featuring Linder's photograph.

60. Defendant Officers knew it was improper to show witnesses a photo array when they had repeatedly stated that they could not identify the shooter(s).

61. Defendant Officers interviewed both Lane and Johnson in Lane's hospital room.

62. Defendant Officers did not separate Johnson and Lane during the interview—a procedure Defendant Officers knew or should have known violated generally accepted police practices and greatly increased the likelihood of a false identification.

63. By 2011, it had long been established as standard police procedure that, with very limited (and inapplicable) exceptions, witnesses should be separately interviewed to prevent the risk of one witness's account contaminating or otherwise influencing or altering another witness's memory, and the Defendants knew it. The same was true for showing witnesses photo arrays.

64. Notwithstanding their knowledge of this standard practice, Defendant Officers interviewed the adult witnesses Lane and Johnson in the same room. Defendant Officers also

showed Johnson a photo array while Lane was present in the same room with Johnson. All of the foregoing was intended to, and did, create a false identification.

65. The interviews were unrecorded.

66. Contrary to the generally accepted police practices at the time, Defendants Officers selectively memorialized the witness interviews in a manner designed to suppress relevant information.

67. For example, Defendant Officers chose not to memorialize how the photo identifications were administered, who was present for the identification procedures, what information was conveyed during the identification procedure, and who introduced Plaintiff's and Linder's names during the interviews.

68. During the unrecorded interviews, Defendant Officers showed Johnson one photo array—the array featuring Plaintiff's photograph—in an effort to have Johnson falsely identify Plaintiff.

69. On information and belief, Plaintiff was the only individual depicted who was familiar to Johnson.

70. In accordance with Defendant Officers' plan, Johnson purportedly identified Plaintiff as the shooter. Defendant Officers knew or had reason to know this identification was false for multiple reasons including: Defendant Officers were aware that (1) Johnson knew Plaintiff, and yet Johnson had told Officer Forrest that she did not know who shot her; (2) Johnson informed medical personnel that she only heard the shooting; (3) police documentation reflected that the crime scene was too dark to make an accurate identification; (4) police documentation also showed Johnson's vision was blocked by two parked cars; and (5) Defendant Officers were informed that the shooter immediately ran after the shooting and Defendant

Officers knew Plaintiff had been shot and hospitalized three weeks prior, and due to his injuries, Plaintiff was unable to run.

71. Defendant Officers committed the same misconduct with Lane. During her unrecorded interview, Defendant Officers showed Lane one photo array—the array featuring Linder’s photograph—in an effort to have Lane falsely identify Linder as a shooter.

72. On information and belief, Linder was the only person depicted who was familiar to Lane.

73. In accordance with Defendant Officers’ plan, Lane purportedly identified Linder as the shooter.

74. As with Johnson’s identification, Defendant Officers knew Lane’s identification was false because Defendant Officers knew Lane reported to police that she only heard gunshots and when asked if she knew who shot her, Lane could not identify the shooter. Defendant Officers knew that Lane knew Linder for many years prior to the shooting and yet did not previously name Linder as the shooter.

75. To bolster these false identifications, Defendant Officers also obtained signed false witness statements from Lane and Johnson falsely stating that they were shot by Linder and Plaintiff, respectively.

76. Defendant Officers did not disclose to prosecutors, Plaintiff, or Plaintiff’s defense counsel, how they obtained Lane’s and Johnson’s false identifications and false witness statements implicating Plaintiff and Linder in the shooting.

Ladson Truthfully Tells Defendant Officers That He Cannot Identify the Shooter

77. Defendant Officers also interviewed Ladson at the police station. During the interview, Ladson repeatedly told Defendant Officers that he did not see anything and could not

make any identifications. In response to Ladson's truthful statements, Defendant Officers got angry with Ladson and pressed him to identify someone. Ladson continued to maintain that he could not make an identification.

78. Defendant Officers suppressed from prosecutors, Plaintiff, and Plaintiff's defense counsel that Ladson explicitly told them he could not identify the perpetrators. In fact, Defendants Officers falsely disclosed to prosecutors and Plaintiff's defense counsel that they were unable to ever speak to Ladson about the shooting.

79. As a result of Defendant Officers' suppression, Plaintiff was deprived of the opportunity to use Ladson's statement to impeach Johnson's purported identification as Ladson was sitting next to Johnson at the time of the shooting.

**Defendants Officers Rely on the Fabricated Identifications
and Statements to Arrest Plaintiff and Linder**

80. Despite substantial evidence demonstrating the falsity of Johnson's identification, Defendant Officers relied on Johnson's and Lane's false and fabricated witness identifications and statements to obtain warrants for Linder's and Plaintiff's arrest.

81. On September 27, 2011, Plaintiff, having been notified of a warrant for his arrest, went to the police station voluntarily to surrender.

82. Plaintiff turned himself in knowing that he was innocent and had evidence to prove it. When he arrived at the station, Plaintiff was accompanied by his godmother, Deania Duncan, who had knowledge of Plaintiff's alibi.

83. At the time of the shooting, Plaintiff was staying with Duncan in West Philadelphia and was generally housebound. Duncan and her family members were taking care of Plaintiff and helped Plaintiff perform basic tasks and kept him company.

84. On the day of the shooting, which Plaintiff had nothing to do with, Plaintiff was

home and accompanied by Duncan's family members for the entire night.

85. Defendant Officers, including Defendants Spadaccini, Cook, and Kelly were present when Plaintiff turned himself in. They observed that Plaintiff still had difficulty walking.

86. Further, when Plaintiff was being processed, Plaintiff showed Defendant Officers, including Defendant Kelly, his stapled wound. The staples were still intact. If Plaintiff had participated in the shooting and ran away, as alleged, Plaintiff's wound would have ruptured, and Defendants knew it.

87. Duncan informed Defendant Officers that she wanted to provide a statement about Plaintiff's alibi. Defendants Officers, however, refused to take any information from Duncan.

88. Plaintiff was arrested and charged with attempted murder of Lane, Ladson, Thomas, and Johnson.

89. Consistent with his innocence, Linder also turned himself in on September 27, 2011. Like Plaintiff, Linder also had an alibi.

90. In particular, at the time of the shooting, Linder was working with his mother and younger brother at Allegheny Iron and Metal assisting his mother with her cleaning job. Defendant Officers obtained a copy of surveillance video from one of the building's security cameras depicting Linder at the property before the shooting, and a car matching Linder's mother's vehicle leaving the property close to 10 p.m.—after the shooting occurred.

91. Additionally, Defendant Officers, including Defendants Vega and Spadaccini, interviewed Linder's alibi witnesses—Linder's mother and little brother—who stated that Linder was with them until after the shooting had been committed.

92. Notwithstanding his alibi, Linder was arrested on charges of attempted murder of

Lane, Ladson, Thomas, and Johnson.

93. Defendant Officers repeated Lane's and Johnson's false and fabricated identifications and witness statements in their affidavit for probable cause, and misled the prosecutor and court into believing that these were legitimate identifications notwithstanding the Defendant Officers' knowledge or reckless disregard for the fact that they were not.

94. On December 9, 2011, at a preliminary hearing, Lane and Johnson provided testimony consistent with the false and fabricated evidence Defendant Officers procured. Based on this testimony, the court held all charges against Plaintiff and Linder.

95. Also based on the same false and fabricated evidence, Plaintiff and Linder were charged by information with multiple crimes stemming from the shooting, including attempted murder of Lane, Ladson, Thomas, and Johnson.

The Jury Relies on Defendant Officers' False and Fabricated Evidence

96. On January 30, 2013, Plaintiff and Linder went to trial.

97. At trial, Lane and Johnson again testified consistent with their false and fabricated identifications and witness statements. Both of their witness statements and photo identifications were admitted into evidence.

98. To bolster the fabricated witness statements and identifications, Defendant Officers fabricated evidence to link the September 3 and September 25 shootings.

99. Defendants Vega and Spadaccini testified that Ladson was a person of interest in Plaintiff's September 3 shooting investigation. However, there was no legitimate evidence corroborating this testimony.

100. Neither Plaintiff nor Linder ever identified Ladson in connection with the shooting, and Defendant Officers could not specifically identify the source of the alleged

information connecting Ladson to the September 3 shooting. Nevertheless, the Defendant Officers communicated this fabricated evidence to the prosecutor and testified to it at trial.

101. The Commonwealth used this false and fabricated evidence to argue that Plaintiff had a motive to shoot at Ladson and Ladson's family members and participated in the September 25 shooting in retaliation for being shot on September 3.

102. The Commonwealth argued that the alleged motive evidence was "extremely, extremely important" to the Commonwealth's case.

103. Indeed it was, because no physical evidence linked Plaintiff or Linder to the shooting, and both Linder and Plaintiff presented alibi evidence. Additionally, Plaintiff presented testimony from multiple witnesses, including his pediatrician, about his inability to walk normally, much less run, and other physical limitations caused by his gunshot wounds and attendant surgery.

104. After multiple days of deliberation, on February 8, 2013, in reliance on the fabricated and false evidence, a jury returned a guilty verdict against Plaintiff on all charges, including the charges of attempted murder of Ladson, Lane, Thomas, and Johnson.

105. Linder was acquitted.

106. On May 24, 2013, the Court sentenced Plaintiff to 30 to 60 years of imprisonment.

Plaintiff's Exoneration

107. After Plaintiff was wrongfully convicted, Plaintiff continued to fight to prove his innocence.

108. On December 21, 2022, Plaintiff filed a petition for a writ of habeas corpus, based, in part, on the false and fabricated evidence presented to the jury about Plaintiff's

purported motive.

109. In the Commonwealth's response to Plaintiff's petition, the Commonwealth conceded the case against Plaintiff was weak and rested "almost entirely on one problematic eyewitness identification." The Commonwealth further conceded that there was no "concrete evidence" supporting the Defendant Officers' claim that Ladson was a suspect in the September 3 shooting.

110. On November 27, 2023, the court granted Plaintiff's petition and vacated his conviction.

111. Plaintiff was wrongfully imprisoned from September 27, 2011 until approximately December 19, 2023. However, Plaintiff's release was conditional and his movement was extremely restricted.

112. On March 18, 2024, the Commonwealth dismissed the charges against Plaintiff.

113. After over 12 years of wrongful imprisonment, Plaintiff was free.

**The Philadelphia Police Department's Policy and Practice
of Conducting Flawed Investigations**

114. The City of Philadelphia has a long history of conducting profoundly flawed criminal investigations.

115. In particular, at the time of Defendant Officers' investigation into the September 25 shooting, the City of Philadelphia had a policy and practice of fabricating and withholding evidence, coercing witnesses, failing to properly conduct and document investigations, including victim and witness interviews, using suggestive identification practices, fabricating and improperly using confidential sources and/or informants and databases, and failing to properly train, supervise and discipline Philadelphia Police Department ("PPD") officers.

116. This policy and practice was well known to the City and its policymakers as a result of newspaper articles, government investigations, complaints from lawyers and civilians, prior litigation and internal police investigations.

117. For example, as early as 1977, the City of Philadelphia was aware that its police officers were committing serious misconduct. At that time, the *Philadelphia Inquirer* published an article describing a pattern of coercive interrogations of homicide suspects and witnesses in the PPD. The study conducted by the *Philadelphia Inquirer* showed that detectives, in beating or coercing suspects and later denying it under oath, had come to accept breaking the law as part of their job.

118. This misconduct continued into the 1990s, including as exposed by the 39th District Corruption Scandal (“Scandal”). That Scandal involved widespread misconduct, which went unchecked and uncorrected despite knowledge of the same. By 1997, eight PPD officers pled guilty to corruption charges, including framing, robbing and beating suspects, and perjuring themselves in court. The officers involved in the Scandal fabricated evidence, withheld evidence, used coercive interrogation practices and made false allegations of criminal conduct. As a result of this Scandal and the investigation into it, approximately 170 convictions were overturned and the City paid millions of dollars to settle cases filed by people who were wrongfully accused and imprisoned.

119. As a result of the Scandal and an attendant class action that numerous public interest groups were planning to file, in 1996, the City created the Internal Accountability Office (“IAO”). The IAO was formed to deter police misconduct and hold PPD officers accountable for their actions.

120. The IAO was ineffective—and the City and policymakers knew it. In March 2001, the IAO released a report that identified serious failings in the disciplinary system of the PPD. Ellen Ceisler, then-director of the IAO described the disciplinary system as “haphazard, not standardized, politics and personality play too great a role, and the core values of the department are vague”

121. In response to the report, the then Mayor formed the Task Force on Police Discipline. In 2001, the Task Force issued findings which concluded that the disciplinary system in the PPD was woefully inadequate and in need of an overhaul. According to the Task Force, the current system did nothing to ensure that officers who committed misconduct were disciplined, trained or counseled in any meaningful way.

122. Two years later, the IAO released another report, this time discussing whether the PPD had done anything to address either the 2001 IAO report or the Task Force report. IAO found that the PPD did not address any of the serious concerns previously reported. The 2003 report concluded that the PPD was “simply not interested in achieving true reform.” Two years later, the IAO was shut down.

123. As a result, the misconduct in the PPD continued unabated. In 2009, the *Philadelphia Inquirer* again published a story about PPD misconduct. In this article, the *Philadelphia Inquirer* described how PPD officers were faking informant evidence during criminal investigations, which led to the arrest and incarceration of innocent people.

124. Again, this misconduct was not met with serious reforms or changes by the PPD. Instead, the misuse of confidential sources/informants and fabrication of evidence continued well into the next decade. For example, in 2017, officers in PPD’s narcotics unit sued their bosses for allegedly ordering them to lie on arrest paperwork about their informants.

125. Additionally, in December 2022, former PPD detective Philip Nordo was sentenced to 24.5 to 49 years in prison for egregious misconduct in connection with witnesses and informants. The Philadelphia District Attorney admitted that Nordo had been committing these crimes since at least 2005, but was not fired from the PPD until over a decade later.

126. In July 2024, former PPD detective James Pitts was convicted of perjury and obstruction of justice after beating a suspect to obtain a confession and then lying about it in court. Pitts has a long history of misconduct that went unchecked in the PPD. In particular, between 2001 and 2013, Pitts had 37 complaints lodged against him, including for similar misconduct relating to interrogations.

127. This misconduct, along with additional misconduct which mirrors that which occurred in Plaintiff's case, led to the wrongful arrest, prosecution and conviction of innocent people. The Philadelphia District Attorneys' Office reports that there have been 49 exonerations since December 2016. Those exonerations as well as the exonerations that predate them, demonstrate the pervasive patterns, practices and customs of misconduct in the City, including but not limited to the exonerations of:

- a. Hassan Bennett: Bennett was convicted in December 2008 of second-degree murder, aggravated assault, criminal conspiracy, and possessing an instrument of crime, based in part on officer misconduct by James Pitts and other homicide detectives that included perjury and coerced false statements from witnesses through threats and physical violence. Bennett was subsequently acquitted at a retrial.
- b. Rafiq Dixon: Dixon was wrongfully convicted in 2012 of murder. His conviction rested on fabricated witness identifications that were procured by

PPD detectives, including Detective Nordo. Dixon's conviction was overturned in April 2022 based on his counsel's failure to call his alibi witnesses. The prosecution then declined to retry him after Nordo's misconduct came to light.

- c. Christopher Goodwin: Goodwin was wrongfully convicted of a 2011 murder. His conviction was the result of two fabricated witness statements, which were given only after the witnesses were each held for over 12 hours and threatened by former PPD detective James Pitts. Goodwin's conviction was vacated in July 2022 when a judge found that the government failed to disclose Pitts's lengthy Internal Affairs' complaint history.
- d. Keith Graves: Graves was wrongfully convicted in 2002 of a robbery. The PPD detectives withheld evidence of the real perpetrator, who ultimately confessed to the crime. More than two decades later, in May 2024, Graves's conviction was vacated and the charges against him were dismissed.
- e. Dwayne Handy: Handy was wrongfully convicted of a 2011 murder based in part on fabricated statements, which were the by-product of coercion by PPD detectives. Two of the detectives involved in Handy's case—Detectives Nordo and Williams—were both subsequently arrested for crimes. Nordo's crimes are described above; Williams was charged with tampering with evidence, unsworn falsification and obstruction of justice. Handy's conviction was reversed after this misconduct came to light, and he was re-tried and acquitted in April 2024.

- f. Termaine Hicks: Hicks was wrongfully convicted in 2002 of sexual assault. His conviction was the result of the PPD withholding critical video surveillance footage, and fabricating testimony about Hicks's possessing a gun and actions upon the PPD's arrival at the scene. Once that fabrication and attendant false testimony came to light, in December 2020, the Commonwealth agreed to vacate the conviction and dismiss the charges.
- g. Marvin Hill: Hill was wrongfully convicted of a 2010 murder based on the fabricated witness testimony and a fabricated identification. Hill also alleged that the government failed to disclose Nordo's misconduct, cell phone records and a complete dispatch report. Hill's conviction was overturned in January 2023 on other grounds and the Commonwealth dismissed the charges against him a month later.
- h. Marcia Hintz: Hintz was wrongfully convicted in 2009 of drug possession. PPD detectives, including Detectives Walker and Liciardello, fabricated evidence from a purported confidential informant that Hintz sold Xanax. The charges were dismissed after Walker was arrested for and subsequently pled guilty to federal charges of corruption and theft; and Licardello was indicted of the same (but ultimately acquitted).
- i. Kareem Johnson: Johnson was wrongfully convicted in 2007 of murder. The conviction was largely based on a fabricated and misleading police report suggesting that the victim's blood had been found on a hat with Johnson's DNA when in fact there was no blood, let alone the victim's blood, on that

hat. The Pennsylvania Supreme Court barred retrial of Johnson once the falsehood came to light.

- j. William Johnson and Mumin Slaughter: William Johnson and Mumin Slaughter were wrongfully convicted in 2009 of the murder of a police officer. Their convictions were the result of faulty witness identifications, fabricated witness statements and withheld evidence, including a recantation from a key prosecution witness. That witness stated that the detectives threatened her with arrest if she did not parrot back what they told her to say. Both convictions were overturned once this evidence came to light.
- k. Tyree Lawson: Lawson was wrongfully convicted in 2009 of an attempted murder. Lawson alleged that the PPD detective fabricated notes relating to the victim's statement and attendant identification of Lawson, and that the police also fabricated evidence relating to his blue SUV. Lawson's conviction was vacated and the charges against him were dismissed in 2018.
- l. Steven Lazar: Lazar was convicted of a 2007 murder as a result of PPD detectives fabricating witness statements and securing a false confession. Lazar's conviction was vacated in March 2023 based on the discovery of suppressed evidence after Lazar spent approximately 16 years in prison.
- m. Terrance Lewis: Lewis was convicted in 1999 of a murder that he did not commit. During his post-conviction proceedings, Lewis discovered police notes that demonstrated that the Commonwealth's sole eyewitness had identified someone other than Lewis as the perpetrator, a person who shared

the same nickname as Lewis—“Stink.” Lewis’s conviction was vacated after spending more than 21 years in custody.

- n. John Miller: Miller was convicted in 1998 of murder based largely on a single witness who recanted his testimony, explaining that the police threatened him and fed him the details of the crime. After his conviction, Miller discovered two police reports that had not been disclosed to him that would have further cast doubt on the Commonwealth’s witness. In 2019, Miller’s habeas was granted based on the prosecution’s failure to disclose these reports, and the prosecution thereafter moved to dismiss the charges against Miller.
- o. Obina Onyiah: Onyiah was wrongfully convicted of a 2010 murder. His conviction was based, in part, on a confession that was beaten out of him by former detective Pitts. During post-conviction proceedings, Onyiah alleged that the Commonwealth had failed to disclose Pitts’s history of misconduct, an allegation that the Commonwealth did not dispute because it admitted the prosecution had not been aware of it. In May 2021, Onyiah’s conviction was overturned and the charges against him were dismissed.
- p. Donald Outlaw: Outlaw was wrongfully convicted in 2004 of murder. He was only 16 years old at the time of the shooting. Outlaw’s conviction rested largely on false and fabricated witness statements that were the by-product of lengthy interrogations, physical coercion, harassment and promises of leniency. During post-conviction proceedings, the prosecution disclosed the homicide file to Outlaw and Outlaw discovered that the police had withheld evidence of an alternative suspect and evidence that he could have used to

impeach the prosecution's key witness. In 2020, Outlaw's conviction was vacated and the charges were dismissed.

- q. **Dontia Patterson:** Patterson was wrongfully convicted of murder in 2009. Patterson was only 17 years old when he was arrested, and the victim was his friend, who the prosecution admitted Patterson had no motive to shoot and kill. Patterson's wrongful conviction was the result of police withholding substantial evidence both of an alternative perpetrator and motive to murder the victim. When this evidence came to light, the prosecution agreed to vacate the conviction and dismiss the charges, but not before Patterson spent a decade incarcerated for a crime he did not commit.
- r. **Donta Regustors:** Regustors was wrongfully convicted of a 2010 murder. Regustors's conviction rested on the coerced and fabricated testimony of two witnesses. The witnesses both recanted, claiming that the detectives, including former detective Nordo, fed them information and promised them leniency and/or help finding a job. After Nordo's indictment, the Conviction Integrity Unit re-investigated the case and determined that Nordo had falsely testified in Regustors's case and failed to disclose his extensive history of misconduct. In 2023, Regustors's conviction was vacated and all charges were dismissed.
- s. **Jamaal Simmons:** Simmons was wrongfully convicted of a 2009 murder. Simmons's conviction was largely based on the testimony of one witness, who recanted his testimony and stated that former detective Nordo threatened and intimidated him into implicating Simmons. The witness further explained that his statement inculping Simmons contained information he never provided.

Following Nordo's indictment and the Conviction Integrity Unit's re-investigation, Simmons's conviction was vacated and the charges against him were dismissed.

- t. David Sparks: Sparks was wrongfully convicted in 2008 of murder. Arrested at only 16 years old, Sparks's conviction rested on the testimony of three witnesses, each of whom recanted. Sparks's conviction was overturned and charges were dismissed when the prosecution discovered that the police failed to disclose to the prosecutor exculpatory evidence pointing to an alternative offender.
- u. Dwayne Thorpe: Thorpe was wrongfully convicted in 2009 of murder. Among other misconduct that led to his wrongful conviction, former detective Pitts threatened and physically abused a witness to get him to falsely implicate Thorpe. Thorpe filed a post-conviction petition and a hearing was held on that petition. Following that hearing, the court held that Pitts had "habitually coercive conduct toward witnesses in custodial interrogations." Thorpe's conviction was subsequently vacated and the charges against him were dismissed.

128. Notwithstanding its knowledge of the policies, patterns and customs of misconduct in conducting criminal investigations as described above, the City and its policymakers did nothing to change the policies, practices or customs. At all relevant times, those policies, patterns and customs were entrenched in the City and led to Plaintiff's wrongful arrest, prosecution and conviction.

129. In addition, at the time of the investigation and prosecution of Plaintiff, and for years before and after, the City failed to properly train its officers in how to conduct proper criminal investigations, including but not limited to:

- a. Interviewing suspects and witnesses
- b. Use of confidential sources and/or informants
- c. Use and maintenance of criminal intelligence and/or databases
- d. Conducting identification procedures
- e. Documenting the criminal investigation; and
- f. Disclosing evidence to the prosecutor

130. Former detectives have described training as nonexistent; instead, the standard was simply to get the case solved as they saw fit.

131. The City was aware that it needed to conduct this training, including because the need was obvious and because the pervasive misconduct described above put the City on notice that it needed to train its officers in the categories described above. Nonetheless and notwithstanding that notice, the City was deliberately indifferent to this need and did not provide that training.

132. The City was also deliberately indifferent to the need to properly supervise and discipline its employees. At all relevant times, PPD has failed to provide an internal disciplinary mechanism that imposes meaningful disciplinary and remedial actions. That includes but is not limited to: the failure to properly investigate disciplinary complaints; the failure to properly train PPD or other personnel to conduct those investigations; the failure to challenge and correct invalid investigations, findings and conclusions of disciplinary complaints; and a concomitant failure to effectively discipline officers found to have engaged in misconduct. The City of Philadelphia failed to institute an Early Warning system to identify problem officers, discipline and subsequently train and/or remove those officers from the PPD.

Plaintiff's Damages

133. When Plaintiff was wrongfully arrested and convicted, Plaintiff had a bright future. Plaintiff was an honor roll student and was considering his options of attending college or joining the United States Army to serve his country. Sadly, this future was derailed by Defendants' misconduct.

134. As a result of Defendants' misconduct, Plaintiff was forced to live in a cage for more than a decade and serve a punishment for crimes he did not commit.

135. Plaintiff was only 17 when he was first wrongfully detained. During his wrongful conviction, Plaintiff spent over a year in solitary confinement, including his eighteenth birthday.

136. Plaintiff's wrongful incarceration was dehumanizing and degrading. He was verbally abused by correctional officers, and forced to live in squalid conditions.

137. While wrongfully incarcerated, Plaintiff was stripped of the various pleasures of basic human experience, from the simplest to the most important, which all free people enjoy as a matter of right. Wrongfully incarcerated as a teenager, he missed out on prom and graduation, and other ordinary milestones that adolescents and young adults experience. He missed out on the ability to share holidays, births, and other life events with loved ones. Most fundamentally, he missed out on the ability to live his life as an autonomous human being.

138. For example, Plaintiff's father died while Plaintiff was imprisoned and Plaintiff was unable attend his father's funeral. Plaintiff's father, who consistently believed in Plaintiff's innocence, was not able to witness his child being exonerated and freed.

139. Plaintiff's more than 12 years of wrongful incarceration forced him into a world of isolation in which he lost contact with many of his friends and family in the outside world.

140. Plaintiff must now attempt to make a life for himself outside of prison without the benefit of more than a decade of life experiences, which normally equip adults for the task.

141. As a result of the foregoing, Plaintiff has suffered tremendous damage, including psychological trauma, emotional damage, and physical sickness and injury, all caused by the Defendants' misconduct.

Count I – 42 U.S.C. § 1983

Violation of Due Process (Against Defendant Officers)

142. Each paragraph of this Complaint is incorporated as if restated fully herein.

143. As described more fully above, the Defendant Officers, while acting individually, jointly, and/or in conspiracy, as well as under color of law and within the scope of their employment, deprived Plaintiff of his constitutional right to a fair trial.

144. In the manner described more fully above, the Defendant Officers, individually, jointly, and/or in concert and in conspiracy fabricated false reports and false evidence, and committed deliberate deception.

145. In the manner described more fully above, the Defendant Officers also deliberately withheld exculpatory evidence. In doing so, the Defendant Officers violated their clearly established duty to report all material exculpatory and impeachment information to prosecutors.

146. Further, the Defendant Officers conducted suggestive identification procedures, leading to the false and fabricated identification of Plaintiff.

147. Absent the Defendant Officers' misconduct, the prosecution of Plaintiff could not and would not have been pursued, and Plaintiff would not have been convicted.

148. The Defendant Officers' misconduct directly and proximately resulted in the unjust and wrongful criminal conviction of Plaintiff and his continuing wrongful imprisonment, thereby denying him his constitutional right to a fair trial, in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

149. As a direct and proximate result of this due process violation, Plaintiff suffered injuries, including but not limited to loss of liberty, physical sickness and injury, and psychological and emotional distress.

150. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and willful indifference to Plaintiff's clearly established constitutional rights.

151. The misconduct described in this Count by the Defendant Officers was undertaken pursuant to the policy and practice of the City of Philadelphia, in the manner more fully described above and in Count V below.

Count II – 42 U.S.C. § 1983

Federal Malicious Prosecution and Unlawful Pretrial Detention

(Against Defendant Officers)

152. Each paragraph of this Complaint is incorporated as if restated fully herein.

153. In the manner described more fully above, Defendant Officers, while acting as investigators, individually, jointly, and in conspiracy with each other, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and in spite of the fact that they knew Plaintiff was innocent. The Defendant Officers further continued to perpetuate their misconduct during Plaintiff's trial.

154. In doing so, Defendant Officers caused Plaintiff to be unreasonably seized without probable cause and deprived of his liberty, in violation of Plaintiff's rights secured by the Fourth and Fourteenth Amendments.

155. The false judicial proceedings against Plaintiff were instituted and continued maliciously by the Defendant Officers, resulting in injury.

156. Defendant Officers deprived Plaintiff of fair state criminal proceedings, including the chance to defend himself during those proceedings, resulting in a deprivation of his liberty.

157. In addition, Defendant Officers subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiff was deliberately and intentionally framed for a crime of which he was totally innocent. This was accomplished through Defendant Officers' fabrication and suppression of evidence, and use of unduly suggestive identification procedures.

158. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's clear innocence.

159. The Defendant Officers' actions were taken under color of law and within the scope of their employment.

160. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and willful indifference to Plaintiffs' clearly established constitutional rights.

161. The misconduct described in this Count by the Defendant Officers was undertaken pursuant to the policy and practice of the City of Philadelphia, in the manner more fully described above and in Count V below.

Count III – 42 U.S.C. § 1983

Failure to Intervene (Against Defendant Officers)

162. Each paragraph of this Complaint is incorporated as if restated fully herein.

163. In the manner described above, by their conduct and under color of law, during the constitutional violations described herein, one or more of the Defendant Officers stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity to do so.

164. As a direct and proximate result of the Defendant Officers' failure to intervene to prevent the violation of Plaintiff's constitutional rights, Plaintiff suffered injuries, including but not limited to loss of liberty, physical injury and sickness, and psychological and emotional distress. These Defendant Officers had a reasonable opportunity to prevent this harm, but failed to do so.

165. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and willful indifference to Plaintiffs' clearly established constitutional rights.

166. The misconduct described in this Count by the Defendant Officers was undertaken pursuant to the policy and practice of the City of Philadelphia, in the manner more fully described above and in Count V below.

Count IV – 42 U.S.C. § 1983

Conspiracy to Deprive Constitutional Rights (Against Defendant Officers)

167. Each paragraph of this Complaint is incorporated as if restated fully herein.

168. After the September 25, 2011 shooting, the Defendant Officers, acting within the scope of their employment and under color of law, agreed among themselves and with other

individuals to act in concert in order to deprive Plaintiff of his constitutional rights, including his rights to due process and to a fair trial, all as described in the various paragraphs of this Complaint.

169. Additionally, before and after Plaintiff's conviction, the Defendant Officers further conspired to deprive Plaintiff of exculpatory information to which he was lawfully entitled and which would have led either to his not being charged, his acquittal, or his more timely exoneration.

170. In this manner, the Defendant Officers, acting in concert with other unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

171. In furtherance of the conspiracy, each of the co-conspirators engaged in and facilitated numerous overt acts, including but not limited to those set forth above—such as fabricating evidence, conducting unduly suggestive lineups, withholding exculpatory evidence, and committing perjury during hearings and trials—and was an otherwise willful participant in joint activity.

172. As a direct and proximate result of the illicit prior agreement and actions in furtherance of the conspiracy referenced above, Plaintiff's rights were violated, and he suffered injuries, including but not limited to loss of liberty, psychological injury, and emotional distress.

173. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and willful indifference to Plaintiffs' clearly established constitutional rights.

174. The misconduct described in this Count by the Defendant Officers was undertaken pursuant to the policy and practice of the City of Philadelphia, in the manner more fully described above and in Count V below.

Count V – 42 U.S.C. § 1983

Monell Policy Claims (Against the City of Philadelphia)

175. Each paragraph of this Complaint is incorporated as if restated fully herein.

176. The actions of all the Defendants were undertaken pursuant to policies and practices of the City of Philadelphia, described above, which were ratified by policymakers with final policymaking authority. These policies and practices included the failure to adequately train, supervise, and discipline officers who engaged in the alleged constitutional violations, as set forth in greater detail above. The policies and practices also included the failure to conduct proper investigations, including the failure to properly document the investigation, and conduct and report on witness interviews. The policies and practices also includes the failure to turn over exculpatory evidence and to rely on fabricated evidence, including fabricated police reports.

177. The policies and practices described in this Count were maintained and implemented by the City of Philadelphia with deliberate indifference to Plaintiff's constitutional rights.

178. As a direct and proximate result of the City of Philadelphia's actions, Plaintiff's constitutional rights were violated and he suffered injuries and damages, as set forth in this Complaint.

179. The City of Philadelphia is therefore liable for the misconduct committed by the Officer Defendants.

Count VI – State Law Claim

Malicious Prosecution (Against Defendant Officers)

180. Each paragraph of this Complaint is incorporated as if restated fully herein.

181. The Defendant Officers accused Plaintiff of criminal activity knowing those accusations to be without probable cause, and they made statements to prosecutors with the intent of exerting influence and to institute and continue the judicial proceedings.

182. The Defendant Officers caused Plaintiff to be improperly subjected to judicial proceedings for which there was no probable cause, resulting in injury.

183. The Defendant Officers fabricated evidence and withheld exculpatory evidence that would have demonstrated Plaintiff's absolute innocence. The Defendant Officers were aware that, as described more fully above, no true or reliable evidence implicated Plaintiff in any crime whatsoever.

184. The misconduct described in this Count was undertaken intentionally, with malice, and reckless indifference to the rights of others.

185. On March 18, 2024, the prosecution terminated in Plaintiff's favor when his habeas petition was granted and the charges were dismissed.

186. As a direct and proximate result of this misconduct, Plaintiff sustained, and continues to sustain, injuries as set forth above, including loss of liberty, physical sickness and injury, and psychological and emotional distress.

Count VII – State Law Claim

Intentional Infliction of Emotional Distress (Against Defendant Officers)

187. The acts and conduct of the Defendant Officers as set forth above were extreme and outrageous. The Defendant Officers' actions were rooted in an abuse of power or authority,

and they were undertaken with intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

188. As a direct and proximate result of the Defendant Officers' actions, Plaintiff suffered and continues to suffer physical injuries, and psychological and emotional distress.

Count VIII – State Law Claim

Civil Conspiracy (Against Defendant Officers)

189. Each paragraph of this Complaint is incorporated as if restated fully herein.

190. As described more fully in the preceding paragraphs, the Defendant Officers, acting in concert with each other and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

191. In furtherance of the conspiracy, the Defendant Officers committed overt acts and were otherwise willful participants in joint activity including but not limited to the malicious prosecution of Plaintiff and the intentional infliction of emotional distress upon him.

192. The misconduct described in this Count was undertaken intentionally, with malice, willfulness, and reckless indifference to the rights of others.

193. As a direct and proximate result of the Defendant Officers' conspiracy, Plaintiff suffered damages, including physical sickness and injury, and psychological and emotional distress, as is more fully alleged above.

Count IX – State Law Claim

Indemnification (Against the City of Philadelphia)

194. Each paragraph of this Complaint is incorporated as if restated fully herein.

195. Pennsylvania law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

196. The Defendant Officers are or were employees of the City of Philadelphia, who acted within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff respectfully request that this Court enter judgment in his favor and against Defendants, THE CITY OF PHILADELPHIA, JOHN CRAIG, NEAL AITKEN, ROBERT SPADACCINI, FRANCIS KELLY, ANTHONY VEGA, JOHN LANDIS, JAMES COOK, AND UNKNOWN EMPLOYEES OF THE CITY OF PHILADELPHIA POLICE DEPARTMENT, awarding compensatory damages, attorneys' fees, and costs against each Defendant, and punitive damages against each of the Defendant Officers, as well as any other relief this Court deems appropriate.

JURY DEMAND

Plaintiff, CHARLES RICE, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

/s/Andrew Montroy

One of Plaintiff's attorneys

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