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PROTHONOTARY
Filed and Attested by
PROTHONOTARY
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KALOGRIAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY

NAFIS PINKNEY	:	**COURT OF COMMON PLEAS**
8 East Third Street	:	
Weldon, North Carolina 27870	:	
	:	**OF PHILADELPHIA COUNTY**
Plaintiff,	:	
vs.	:	**TERM, 2014**
	:	
DETECTIVE JAMES PITTS	:	**NO.**
Badge Number 9040	:	
City of Philadelphia	:	
1515 Arch Street, 15th Floor	:	**JURY TRIAL DEMANDED**
Philadelphia, PA 19103	:	
and	:	
DETECTIVE JENKINS	:	
Badge Number	:	
City of Philadelphia	:	
1515 Arch Street, 15th Floor	:	
Philadelphia, PA 19103	:	
Defendants	:	

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT, if you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint is served, by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHER EYOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE
1101 Market Street, 11th Floor
Philadelphia, PA 19107-2955
(215) 238-6333

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	:	
Defendants	:	

COMPLAINT

THIS IS NOT AN ARBITRATION CASE. JURY TRIAL DEMANDED. HEARING FOR ASSESSMENT OF DAMAGES IS REQUIRED.

PARTIES

1. Plaintiff, Nafis Pinkney is an adult citizen and at all times relevant to this Complaint, a resident of Philadelphia, Pennsylvania.

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2. Defendant, Detective James Pitts, Badge No. 9040, is and was at all times relevant to this Complaint, a detective of the Homicide Division of the Philadelphia Police Department.

3. Detective Ohmar Jenkins, Badge No. 8150, is and was at all times relevant to this Complaint, a detective of the Homicide Division of the Philadelphia Police Department.

INTRODUCTION

4. On August 29, 2009 at approximately 11:30 a.m., the bodies of Jon Pitts (not related to Defendant Detective Pitts) and Nakeisha Finks were discovered in a second floor bedroom of the residence of Jon Pitts at 5545 Delancey Street in Philadelphia, Pennsylvania. Both of the decedents were found with their eyes covered, their wrists and ankles bound by duct tape, and each had a gunshot wound to the back of the head. Following an interrogation that lasted, off and on, for twenty-four (24) hours, using psychological coercion. The Defendants obtained a false confession from the Plaintiff in which he admitted to his participation in a plan to burglarize, and rob his lifelong friend, Jon Pitts, the result of which was a double murder. The Plaintiff spent almost four years in jail awaiting trial. In October of 2013, the Plaintiff was tried for the murders of his friend Jon Pitts, and Pitt's girlfriend, Nakeisha Finks. The Plaintiff asserted that the "confession" extracted from him by the Defendants was false. After a weeklong trial, the jury found the Plaintiff not guilty of all charges. The Plaintiff brings this cause of action for damages for the actions by the Defendants that caused him the loss of liberty, extreme fear, anxiety, and psychological injury.

FACTS

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5. On the morning of August 29, 2009 the Plaintiff passed 56th and Delancey and noticed a police car outside of 5545 Delancey Street, the residence of his lifelong friend, Jon Pitts. Curious about the police presence, the Plaintiff parked his car and approached the house. At that moment he saw a friend of Nakeisha Finks, speaking to police officers outside the home.

6. Upon information and belief several witnesses informed police at the scene that every night Jon Pitts leaves his home at 2:00 a.m. to close his mother's bar, which is located at the corner. Another witness informed the police that the decedent's home had previously been burglarized, and that drugs were sold inside the bar. The same witness also informed the police that there was a safe inside the bar.

7. Upon his arrival, the Plaintiff was informed by the sister of Nakeisha Finks and her friend, that Nakeisha Finks did not show up for work, and that neither she, nor Jon Pitts answered the door. The Plaintiff informed the police officers on the scene that he was a friend of Jon Pitts, and he and two other friends had been inside the decedent's residence the night before. The Plaintiff further stated that he and his friends left shortly after Jon's girlfriend, Nakeisha arrived.

8. In an effort to assist police in contacting Jon, the Plaintiff went home in order to get his phone unlocked, and then call Jon. The Plaintiff needed to call his phone company to unlock his cell phone. The Plaintiff called Jon's number but did not receive an answer.

9. Upon the Plaintiff's return to 5545 Delancey, the police obtained a key from the decedent's mother and attempted to open the front door without success. It was later determined that the front door was double locked from inside of the property.

10. Eventually, the police were alerted to the rear of the property where they observed

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the husband of the decedent's mother on a ladder at a window which overlooked the backyard of the property. The police ordered him to get down and observed that the window air-conditioning unit had been pushed in, and the window above the air conditioner was open. The police later determined that earlier that morning the ladder had been placed in a position to access the same window by a neighbor.

11. Once a police supervisor arrived on the scene, the backdoor was pushed open and the police entered the property. In the second floor front bedroom the police discovered the bodies of Jon Pitts and Nakeisha Finks.

12. Upon receiving information regarding the double homicide, and based on the Plaintiff's statement that he and two friends had been inside the decedent's house the night before, the police asked the Plaintiff to accompany them to the Homicide Unit for a formal interview.

13. Upon information and belief, the Defendants failed to properly investigate critical facts that were provided by witnesses on the scene just prior to, and following, the discovery of the double homicide. The decision to focus on Plaintiff as a suspect was not based on evidence, but rather assumptions, speculation and conjecture.

14. Eventually, Plaintiff was transported by a uniformed officer to the Homicide Unit of the Philadelphia Police Department at 8th and Race Streets. While awaiting what he believed to be an interview, Plaintiff stepped outside of the office area of the Homicide Unit to make a phone call. Defendant Pitts confronted him, snatched his cell phone, and ordered him back into the interrogation area.

15. At approximately noon on August 29, 2009 the Plaintiff was taken to an

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interrogation room where he was locked inside. Based entirely on speculation and conjecture, Defendants Pitts and Jenkins concluded that Plaintiff was the primary suspect. Without probable cause, or reasonable belief that Plaintiff was involved in the double murder, Defendant Pitts and Defendant Jenkins held the Plaintiff in the interrogation room against his will for twenty -four (24) hours.

16. During the first few hours of the interrogation the Plaintiff informed Defendants Pitts and Jenkins, that on August 28, 2009, shortly before midnight, the Plaintiff and their mutual friends, went to the home of the decedent Jon Pitts. The decedent Jon Pitts and the Plaintiff had been friends since preschool, while his two friends had known the decedent since grade school. The Plaintiff informed the Defendants Pitts and Jenkins that during their visit with Jon, the decedent's his girlfriend, Nakeisha, arrived at 5545 Delancey Street. The Plaintiff informed the Defendants that this occurred shortly after midnight. The Plaintiff and friends left the decedent's residence as the decedent wanted to be alone with his girlfriend.

17. Upon leaving 5545 Delancey Street, after midnight on August 29, 2009, the Plaintiff called his girlfriend. The Plaintiff was picked up by his girlfriend and they both went to the Plaintiff's house and went to bed.

18. The Defendants Pitts and Jenkins rejected the Plaintiff's statement and eventually informed the Plaintiff that they did not believe him. Shortly after the Plaintiff's initial statement setting forth the events of the previous evening, and denying any involvement in the plan to burglarize and rob the residence of his lifelong friend, the Defendants began an intense, lengthy interrogation process. The Plaintiff, having never been interrogated by police before, was

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interrogated, on and off, for a period of twenty-four (24) hours. From the beginning the interrogation of the Plaintiff conducted by Defendant Pitts and Defendant Jenkins, was intended to coerce a confession through threats, intimidation, false statements, and false promises. The interrogation, conducted almost exclusively by Defendants Pitts and Jenkins, was held in a small, windowless room. Over the course of the interrogation Defendant Pitts and Defendant Jenkins became increasingly aggressive, using threats and abusive language throughout.

19. While the Plaintiff was locked in the interrogation room, Defendant Pitts and Defendant Jenkins began to gather information from other witnesses in an attempt to shape the evidence in an effort to establish that the Plaintiff was either directly responsible, or knew who was responsible for the murders. In addition, Defendants Pitts and Defendant Jenkins ignored exculpatory evidence, or failed to investigate exculpatory evidence that clearly indicated Plaintiff was not involved in planning of the burglary/ robbery which resulted in the murders.

20. After a day of intense interrogation, deprived sleep and food, and with the promise that he would be freed if he provided a confession, the Plaintiff signed a statement containing a fabricated account. In this coerced confession, the Plaintiff falsely admitted to his participation in the plan to conduct a burglary and robbery of his childhood friend that ultimately resulted in a double homicide. This false confession, a product of psychological coercion, incorporated facts provided to him by the Defendant Pitts and Defendant Jenkins and others.

21. On August 31, 2009, the Plaintiff signed the confession. Shortly after the fabricated statement had been signed by the Plaintiff, search warrants were obtained for the homes of the two alleged "co-conspirators." No evidence from either search corroborated the theory that

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Plaintiff was involved in the double homicide.

22. The physical evidence obtained from the crime scene included fingerprint and DNA evidence. This evidence was collected from the duct tape and other areas from the crime scene. The fingerprints were compared several times to the Plaintiff, the decedent John Pitts, and two other individuals falsely implicated in the Plaintiff's statement. The prints did not match any of the individuals. Additionally, the DNA evidence that was recovered did not match Plaintiff, decedent, or the two other individuals.

23. Defendants Pitts and Defendant Jenkins ignored, or failed to investigate witnesses that would have confirmed that the decedent was seen in the early morning hours of August 29, 2009 going to his mother's bar, located on the corner of his street, to collect the proceeds from that evening. The time that the decedent was observed going to the bar was well after the Plaintiff and his friends had left the decedent's residence. Upon information and belief, this information was never investigated by Defendant Pitts or Defendant Jenkins, or any other Philadelphia police officers.

24. Without probable cause or any legal justification, and based solely on the false confession coerced from the Plaintiff by Defendants Pitts and Defendant Jenkins, the Defendants caused the Plaintiff to be arrested and charged with two counts of murder in the first degree and related charges.

25. In January, 2010 the prosecution filed a notice designating the case a capital case, putting the Plaintiff on notice that he was facing the death penalty. The case remained a capital case until June 14, 2012 when the Commonwealth filed a notice to remove the capital designation.

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The Plaintiff still faced life in prison without the possibility of parole.

26. While incarcerated, the Plaintiff received death threats. The Plaintiff was eventually was placed in administrative segregation, confined to a cell twenty-three (23) hours a day.

27. In October of 2014, almost four years after his arrest, the Plaintiff was found not guilty of all charges and released from custody.

COUNT I – MALICIOUS PROSECUTION

28. Paragraphs 1 through 27 of this Complaint are incorporated herein by reference.

29. The Defendant Detectives Pitts and Jenkins, as well as other yet to be identified police officers, without probable cause or legal justification, falsely arrested and caused false charges to be filed against the Plaintiff alleging that he was involved in a conspiracy to commit a burglary/robbery as well as first degree murder charges. Defendant Pitts and Defendant Jenkins directly influenced the prosecutors in filing these charges knowing that the probable cause for his arrest was based on the false, coerced, confession from the Plaintiff. Defendants Pitts and Jenkins, without probable cause and with an improper purpose, were responsible for initiating the criminal proceedings with malicious intent by making statements to prosecutors with the intent to exert influence in order to cause criminal charges to be filed.

30. The prosecution of the Plaintiff was malicious as the evidence supporting probable cause for Plaintiff's arrest and prosecution was based on the false confession coerced from the Plaintiff. This false confession was produced after a grueling interrogation process conducted while the Plaintiff was confined in a small windowless interrogation room inside the

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Homicide Unit of the Philadelphia Police Department at 8th and Race Streets, Philadelphia PA. During the twenty-four (24) hours of confinement the Plaintiff could not communicate with the outside world. The conduct of both Defendant Pitts and Jenkins by coercing the Plaintiff's statement in which he falsely confessed his role in the double homicide of his friend Jon Pitts and Pitts' girlfriend, was done with malicious intent .

31. On October 11, 2013 the case was resolved in the Plaintiff's favor as a jury found the Plaintiff not guilty of all charges. As a result of the Defendant's Pitts and Jenkins initiating a malicious prosecution, the Plaintiff suffered the damages described herein. The Defendants actions in charging the Plaintiff with criminal offenses was malicious and done so with the intent to prosecute these false charges against him.

32. As a direct and proximate result of the Defendants' actions, the Plaintiff suffered the injuries, deprivation and damages including:

(a) Deprivation of liberty through his pre-trial incarceration for a period of almost four years;

(b) Psychological pain and suffering, physical pain, as well as emotional trauma which may be permanent;

(c) Interference with his family relationships, and

(d) Loss of his job which resulted in tremendous financial hardship

COUNT II: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

33. Paragraphs 1 through 31 of this Complaint are incorporated herein by reference.

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34. As a direct and proximate cause of the conduct of Defendant Pitts and Defendant Jenkins in coercing a false confession from the Plaintiff, causing his arrest and influencing the prosecution to file double murder charges against him, the Plaintiff suffered extreme emotional and mental distress, outrage, shock and humiliation, that began at the time of his false arrest and lasted through his trial in October of 2013.

35. The Defendants acted with a malicious, willful or wanton intent which was so extreme and outrageous, and did so with the intent to cause Plaintiff to suffer severe emotional distress. Furthermore, the actions of the Defendants did, in fact, cause Plaintiff to suffer severe emotional distress that began at the time of his false arrest and lasted through his trial in October of 2013 which warrants punitive damages.

36. As a direct and proximate result of the Defendants' actions, the Plaintiff suffered the injuries, deprivation and damages including:

(a) Deprivation of liberty through his pre-trial incarceration for a period of almost four years;

(b) Psychological pain and suffering, physical pain, as well as emotional trauma which may be permanent;

(c) Interference with his family relationships, and

(d) Loss of his job which resulted in tremendous financial hardship

COUNT III: CONSPIRACY TO COMMIT MALICIOUS PROSECUTION

37. Paragraphs 1 through 36 of this Complaint are incorporated herein by reference.

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38. The Defendants, Detectives Pitts and Jenkins as well as yet to be named police officers, jointly and in concert with one another, without probable cause or legal justification, acted with malicious intent by conspiring to coerce a false confession from the Plaintiff such that he would falsely implicate himself in a burglary/robbery that resulted in a double homicide. This coerced and fabricated confession was the only evidence to support probable cause for Plaintiff's arrest on the charges of first degree murder and related charges. The agreement entered into by the Defendants to coerce a false confession from the Plaintiff was done so in order to prosecute him for these crimes, and therefore was done with malice, willfulness and with reckless indifference to the Plaintiff's rights.

39. The Defendants conspired to improperly subject the Plaintiff to the judicial proceedings for which there was no probable cause. These judicial proceedings, which were instituted maliciously by the defendants, were terminated in favor of the Plaintiff.

40. As a direct and proximate result of the Defendants' actions, the Plaintiff suffered the injuries, deprivation and damages including:

(a) Deprivation of liberty through his pre-trial incarceration for a period of almost four years;

(b) Psychological pain and suffering, physical pain, as well as emotional trauma which may be permanent;

(c) Interference with his family relationships, and

(d) Loss of his job which resulted in tremendous financial hardship

WHEREFORE, the Plaintiff requests the following relief in an amount in excess of Fifty

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Thousand Dollars ($50,000.00):

(a) Compensatory damages to the Plaintiff against the Defendants jointly and severally;

(b) Punitive damages to the Plaintiff against the Defendants jointly and severally;

(c) Reasonable attorney's fees and costs to the Plaintiff on Counts One, Two, Three and Six of the Complaint;

(d) Such other and further relief as appears reasonable and just.

Respectfully submitted,

/s/ Paul J. Hetznecker, Esquire
PAUL J. HETZNECKER, ESQUIRE
Attorney for Plaintiff, Nafis Pinkney

Date: February 2, 2015

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CERTIFICATE OF SERVICE

I, Paul J. Hetznecker, Esquire, do hereby certify that a true and correct copy of Plaintiff's Complaint was served on this date via First Class Mail upon the following:

City of Philadelphia
Law Department
One Parkway, 1515 Arch Street
Philadelphia, PA 19102-1579

/s/ Paul J. Hetznecker, Esquire
Paul J. Hetznecker, Esquire
Attorney for Plaintiff, Nafis Pinkney

Date: February 2, 2015

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