

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

VERNON EVANDER GREEN, II

Plaintiff,

v.

Civil Action No.

THE CITY OF NEWPORT NEWS
POLICE DEPARTMENT ; STEVE
R. DREW individually and in
his official capacity as chief

COMPLAINT

Defendant

I. JURISDICTION AND VENUE

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The courts has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3). Plaintiff Green seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff Green claims compensatory damages in violation of 42 U.S.C. Section 1983; excessive force. Plaintiff Green claims punitive damages in violation of 42 U.S.C. Section 1983; excessive force.

2. The Eastern District of Virginia is an appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise

to this claim occurred.

II. PLAINTIFF

3. Plaintiff, Vernon Green, is in Federal custody. He is currently an inmate at Hampton Roads Regional Jail, in Portsmouth, Virginia.

III. DEFENDANT

4. Defendant Steve R. Drew is the chief of Newport News Police Department. He is legally responsible for the sufficiency of trained officers, welfare and safety of citizens, the need to protect and serve, in color of state laws and constitutional rights and for the police department policy on use of force.

5. Defendant is sued in his official capacity and individually. At all times mentioned in this complaint acted under color of state law.

IV. FACTS

6. On January 23, 2020, at approximately 6:30 pm., Green and a female passenger were sitting in Green's car, which was backed into a parking slot at the Monitor-Merrimack Overlook Park in the City of Newport News.

7. While Green was parked, a Newport News police officer monitoring the parking lot via camera noticed a vehicle

(Mercedes) with a sunroof occupied by two occupants, a driver and a passenger. These occupants engaged in behavior that led the officer to believe they were smoking marijuana. The officer relayed this information to Officers Meier and Thyne, who proceeded to the Overlook parking lot to investigate.

8. Officer Meier arrived first, parked his police car across 16th Street from the Overlook, and approached Green's car from the rear on foot. He initiated contact with the occupants by knocking on the passenger side window and then Officer Meier open the door. He asked the passenger to step out of the car.

9. At about this time, Officer Thyne arrived and parked her police car in the Overlook parking lot. Her emergency lights were never activated. Upon approaching Green's car at the driver's side, she initiated contact with Green by opening the driver's side door. Officer Thyne never identified herself.

10. After placing the passenger in handcuffs, Meier joined Thyne at the driver's side door, where both officers ordered Green to get out the car. When Green requested an explanation, Meier told him that he was being detained for a narcotics investigation. Green then requested further explanation from the officers.

11. The officers and Green repeated their respective demands that Green get out the car and that the officers provide more detailed explanation for the detention.

12. When Green refused to get out of the car, the officers attempted to remove him by force. Green's pleas of "Please I'm not resisting" and "why are yawl trynna pull me out my car" did not defer the officers from their continued force to remove him.

13. At a moments break, Green placed his car in gear and abruptly drove forward out of the parking space. Officer Thyne jumped inside the open car door, grabbing Green around his neck, choking him as the car left the parking lot.

14. The car travelled through the parking lot, toward 16th street, turned right, the vehicle went up on the curb and begin to spin, striking a tree on the driver's side, resulting in fatal injuries to Officer Thyne.

15. Green's car came to rest in the yard of a home on 16th street after going over a brick retaining wall bordering the property and the sidewalk.

16. Green left the car on foot, taking with him a lunch cooler.

17. After Green's arrest less than 15 minutes after the collision. He was transported to the nearest hospital where he suffer fractured ribs throughout the left side of his body, injuries to his knees and legs and bruises and cuts on his face.

V. LEGAL CLAIMS

18. Plaintiff reallege and incorporate by reference paragraphs 1-17

19. The Officer Katherine Thyne (deceased) used excessive force against Plaintiff Vernon Green by choking him when Green posed no eminent or immediate threat to the officer or community, in his attempt to avoid apprehension, which caused a fatal collision. This action violated Plaintiff Green's constitutional rights, causing pain, suffering, physical injury and emotional distress.

20. The Fourth Amendment to the United States Constitution, for purpose of this case, to use excessive force to prevent the escape of a nondangerous and nonviolent suspect, is constitutionally unreasonable.

21. The Eighth Amendment to the United States Constitution, for purpose of this case, to use excessive force for plaintiff failure to comply with officers' command, is constitutionally unreasonable.

22. Defendant Steve R. Drew is largely responsible for the lack of proper training of Officer Thyne in nonviolent circumstances and Officer failure to employ instructed guidelines that make up the department policy on use of force, in nonviolent arrest/custody procedure and failure of the officers need to protect and serve in violation of the plaintiffs' constitutional rights.

23. Plaintiff has no plain, adequate or complete remedy at law

to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendant unless this court grants the declaratory and compensatory relief which plaintiff seeks.

VI. PRAYER FOR RELIEF

24. WHEREFORE, plaintiff respectfully prays that this court enter judgment granting plaintiff:

25. A declaration that the acts and omissions described herein violated plaintiff's rights under the Constitution and laws of the United States.

26. Compensatory damages in the amount of \$750,000. against the defendant.

27. Punitive damages in the amount of \$350,000. against the defendant.

28. A jury trial on all issues triable by jury.

29. Plaintiff's cost in this suit.

30. Any additional relief this court deems just, proper, and equitable.

Dated: January 5, 2022

Respectfully submitted,

Vernon Green

#0044792

Hampton Roads Regional Jail

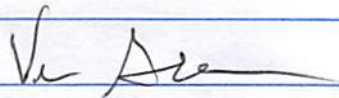
2690 Elmhurst Lane

Portsmouth, Virginia 23701

VERIFICATION

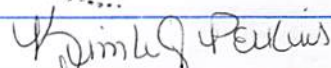
I have read the foregoing complaint and hereby verify that matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Portsmouth, Virginia on January 5, 2022



Vernon Evander Green, II




Jan. 5, 2022

IN THE UNITED STATES
DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

VERNON EVANDER GREEN, II

Plaintiff,

v.

Civil Action No.

THE CITY OF NEWPORT NEWS
POLICE DEPARTMENT ; STEVE
R. DREW individually and in
his official capacity as chief

SUMMONS

Defendant

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon plaintiff,
whose address is 2690 Elmhurst Lane Portsmouth, Virginia
23701 an answer to the complaint which is herewith served
upon you, within 20 days after service of this summons
upon you, exclusive of the day of service, or 60 days if
the U.S. Government or officer/agent thereof is a defendant
If you fail to do so, judgment by default will be taken
against you for the relief demanded in the complaint.

Clerk of the Court

Date:

January 7, 2022

Vernon Green

#0044792

Hampton Roads Regional Jail

2690 Elmhurst Lane

Portsmouth, Virginia 23701

Walter E. Huffman, clerk

United States Courthouse

600 Granby Street Room 193B

Norfolk, Virginia 23510

Dear Mr. Huffman:

I am filing a claim against the defendant in this court. I, Vernon Green am the plaintiff in the enclosed case and I am filing in prose. Due to COVID-19 or coronavirus pandemic, dated 2020 the facility has restricted movement and has suspended access to the law library for the proper filing forms or means in order to prepare a claim. Therefore, I humbly ask this court to respectfully accept my complaint. Also I ask for this court to send me a pro se packet containing all the information and necessary documents in order to move forward with my claim. Please include forms: Motion for appointment of counsel; In forma pauperis; Declaration any other application towards claim.

Thank you,

Vernon Green
Ver Aree

Green

192

n Roads Regional Jail

Emhurst Lane

outh, Virginia 23701



U.S. MARSHALS
INSPECTED

Mr. Walter E. Huffman, Clerk
United States Courthouse
600 Granby Street Room 193B
Norfolk, Virginia 23510

LINMATE

