

1 GEORGE G. MGDESYAN, ESQ. (STATE BAR NO. 225476)
2 MGDESYAN LAW FIRM
3 15260 VENTURA BLVD., SUITE 800
4 SHERMAN OAKS, CA 91403
5 TELEPHONE: (818) 386-6777
6 FACSIMILE: (818) 754-6778

7 Attorney for Plaintiffs,
8 INGRID CRAWFORD SMITH an individual and Successor in Interest to
9 decedent AUGUSTUS JOSHUA CRAWFORD; A.C. By and Through
10 His Guardian Ad Litem Tyshika Williams, an individual and Successor in
11 Interest to decedent AUGUSTUS JOSHUA CRAWFORD

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 INGRID CRAWFORD SMITH an
15 individual and Successor in Interest
16 to decedent AUGUSTUS JOSHUA
17 CRAWFORD; A.C. By and Through
18 His Guardian Ad Litem Tyshika
19 Williams, an individual and
20 Successor in Interest to decedent
21 AUGUSTUS JOSHUA CRAWFORD
22 Plaintiffs,

23 V.

24 CITY OF BAKERSFIELD,
25 BAKERSFIELD POLICE
26 DEPARTMENT, COUNTY OF
27 KERN, BAKERSFIELD POLICE
28 CHIEF LYLE MARTIN IN HIS
INDIVIDUAL AND OFFICIAL
CAPACITY, OFFICER WARREN
MARTIN, and DOES 1 to 10,
inclusive,
Defendants.

) Case Number:

) PLAINTIFFS' COMPLAINT
) FOR DAMAGES:

-) 1. Wrongful Death
) 2. Violation of Decedent's Civil
) Rights 42 U.S.C § 1983-
) Excessive Force (Individual
) Liability and Monell Claim)
) 3. Violation of California Civil
) Code §§ 43, 52.1; California
) Constitution Article 1 § 13
) 4. Assault and Battery

) **[JURY TRIAL DEMAND]**

PRELIMINARY STATEMENT

1
2 This is a civil rights wrongful death/survivor action for money damages
3 arising from the unreasonable shooting and death of decedent AUGUSTUS
4 JOSHUA CRAWFORD on November 04, 2017, in Bakersfield, California,
5 against all defendants for violations of California tort law and United States
6 Constitutionally guaranteed rights. AUGUSTUS JOSHUA CRAWFORD was
7 twenty (20) years old at the time of his death, unmarried and with issue Plaintiff
8 A.C. Plaintiffs, INGRID CRAWFORD SMITH and A.C. individually, and as
9 Successors in Interest to AUGUSTUS JOSHUA CRAWFORD, deceased, hereby
10 assert and allege as follows:
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JURISDICTION AND VENUE

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16 1. This action is brought pursuant to 42 U.S.C. § 1983 & 1988 and the
17 Fourth and Fourteenth Amendments to the United States Constitution and
18 California wrongful death and survivorship law. This court has jurisdiction
19 pursuant to 28 U.S.C. §§ 1331 and 1343. This court has supplemental jurisdiction
20 over plaintiffs’ state law claims pursuant to 28 U.S.C. § 1367.
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22
23 2. At all relevant times to the facts underlying the present complaint,
24 Plaintiffs INGRID CRAWFORD SMITH and A.C. (hereinafter Plaintiffs”) are and
25 were residents of Bakersfield, California, at the time of the allegations set forth
26 herein.
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28 3. Venue is proper in the Central District of California under 28

1 U.S.C. § 139(a) and (b).

2 **PARTIES**

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4 4. Plaintiff, INGRID CRAWFORD SMITH is the natural parent, heir,
5 successor in interest and survivors of decedent, AUGUSTUS JOSHUA
6 CRAWFORD. Attached as Exhibit A is Plaintiff's declaration required by
7 California Code of Civil Procedure § 377.32. Attached as Exhibit B is Decedent's
8 redacted death certificate. Plaintiff, A.C. is the natural child and issue, heir,
9 successor in interest and survivor of decedent AUGUSTUS JOSHUA
10 CRAWFORD. Attached as Exhibit C is Plaintiff A.C.'s declaration by and through
11 his Guardian Ad Litem Tyshika Williams required by California Code of Civil
12 Procedure § 377.32. Plaintiffs are persons described in California Code of Civil
13 Procedure § 377.60(a) as persons who may bring a wrongful death action and
14 would be entitled to the property of the decedent by intestate succession. In their
15 own right, they bring their Claim for Wrongful Death and Survivorship and their
16 Claim under 42 U.S.C. § 1983 for deliberate indifference to their constitutionally
17 protected interests in the companionship of AUGUSTUS JOSHUA CRAWFORD.
18 They bring their claims under 42 U.S.C §1983 for violations of AUGUSTUS
19 JOSHUA CRAWFORD's Constitutional rights, as successors in interest to
20 AUGUSTUS JOSHUA CRAWFORD.
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1 5. Plaintiffs are the successors in interest to the decedent AUGUSTUS
2 JOSHUA CRAWFORD, and pursuant to California Probate Code as child and
3 parent have standing and are entitled to bring the causes of actions herein alleged.
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5 6. Defendant COUNTY OF KERN (hereinafter “COUNTY”)
6 is and at all times mentioned herein was, a municipal corporation or political
7 subdivision of the United States organized and existing under the laws of the State
8 of California. Defendant COUNTY has possessed the power and authority to adopt
9 policies and prescribe rules, regulations and practices affecting the operation of the
10 COUNTY.
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13 7. Defendant BAKERSFIELD POLICE DEPARTMENT, (hereinafter
14 “BAKERSFIELD PD”) is and at all times mentioned herein was, a municipal
15 corporation or political subdivision of the United States organized and existing
16 under the laws of the State of California.
17

18 8. Defendant CITY OF BAKERSFIELD (hereinafter “CITY OF
19 BAKERSFIELD”) is and at all times mentioned herein was, a municipal
20 corporation or political subdivision of the United States organized and existing
21 under the laws of the State of California. Defendant CITY OF BAKERSFIELD
22 has possessed the power and authority to adopt policies and prescribe rules,
23 regulations and practices affecting the operation of the BAKERSFIELD PD, and
24 particularly said Department’s training, tactics, methods, practices, customs and
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1 usages related to internal investigations, personnel supervision and records
2 maintenance, the use and deployment of dangerous weapons, and the use of force.

3
4 9. In this case, the COUNTY and CITY OF BAKERSFIELD acted through
5 its agents, employees, and servants, including the policymakers for
6 defendant the BAKERSFIELD PD, and through defendant
7 BAKERSFIELD POLICE CHIEF LYLE MARTIN. Defendant LYLE
8 MARTIN was Chief of Bakersfield PD at the time of the facts alleged in
9 this Complaint and was employed by Bakersfield PD at all times relevant
10 to the Complaint. Defendant LYLE MARTIN is sued in both his official
11 and individual capacities.
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14 10. At all relevant times, Defendants COUNTY, CITY, AND LYLE
15 MARTIN and each of them, possessed the power and authority to adopt
16 policies and prescribe rules, regulations, and practices affecting all facets
17 of the training, supervision, control, employment, assignment and
18 removal of individual members of the BAKERSFIELD PD, including
19 those individuals charged with protecting the health and safety of the
20 public, including decedent AUGUSTUS JOSHUA CRAWFORD, and to
21 assure that said actions, policies, rules, regulations, customs, practices
22 and procedures of the BAKERSFIELD PD and its employees and agents
23 complied with the laws and constitutions of the United States and the
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1 State of California. At all relevant times, the COUNTY and CITY was
2 the employer of each of the individually named defendants.

3
4 11. Defendant OFFICER WARREN MARTIN (“Warren Martin”) was at all
5 times relevant to this complaint an officer with the BAKERSFIELD
6 POLICE DEPARTMENT. At all relevant times, OFFICER WARREN
7 MARTIN was a duly authorized employee and agent of the COUNTY
8 AND CITY, subject to oversight and supervision by the COUNTY’S
9 AND CITY’S elected and non-elected officials, and was acting under
10 color of law and within the course and scope of his duties as an officer
11 for the BAKERSFIELD POLICE DEPARTMENT and with complete
12 authority and ratification of the principal, COUNTY and CITY. In
13 committing the acts alleged herein, OFFICER WARREN MARTIN acted
14 within the scope of his respective employment and under color of law.
15 OFFICER WARREN MARTIN is sued in both his official and individual
16 capacities.
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21 12. On May 1, 2018, a timely claim for damages was filed with
22 the COUNTY and CITY OF BAKERSFIELD in substantial compliance with
23 California Government Code § 910, et seq. Plaintiffs’ claims were rejected.

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25 13. Plaintiff is informed and believes and thereon alleges that Defendants
26 sued herein as DOES 1 through 10, inclusive, were employees of the
27 COUNTY or CITY, and were at all relevant times acting in the course
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1 and scope of their employment and agency. Each Defendant is the agent
2 of the other. Plaintiffs allege that each of the Defendants named as a
3 "DOE" was in some manner responsible for the acts and omissions
4 alleged herein, and Plaintiff will ask leave of this Court to amend the
5 Complaint to allege such names and responsibility when that information
6 is ascertained. Each individually named Doe defendant, like each
7 individually named defendant, acted under color of law and within the
8 scope of his or her agency and employment with the County or City.
9 Each Doe is sued in both his/her official and individual capacities.
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13 **FACTS COMMON TO ALL CAUSES OF ACTION**

14 14. This complaint concerns a fatal officer involved shooting which
15 occurred on November 4, 2017 at or near the 1800 Block of Planz Road in
16 Bakersfield, CA.
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18 15. On the aforementioned date, AUGUSTUS JOSHUA CRAWFORD
19 was attending his child, A.C.'s first birthday party. After leaving the party, he was
20 picked up by a friend, Tyresha Ward. As Ms. Ward was traveling westbound on
21 Planz Street, she noticed a Bakersfield Police Department vehicle attempting to
22 initiate a stop. Ms. Ward stopped her vehicle, at which point her passenger
23 AUGUSTUS CRAWFORD exited the vehicle on foot.
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26 16. AUGUSTUS CRAWFORD while running away from officers was
27 shot in the back multiple times by BAKERSFIELD PD officers. WARREN
28

1 MARTIN, son of Bakersfield Police Chief LYLE MARTIN was identified as one
2 of the shooting officers.

3 17. AUGUSTUS CRAWFORD had no weapons in his possession and
4 posed no threat to officers or the public. Despite the fact that CRAWFORD had no
5 weapons and posed no threat, officers nonetheless shot at him several times in the
6 back, AUGUSTUS CRAWFORD was determined dead within the hour.
7 AUGUSTUS CRAWFORD's cause of death was determined to be multiple
8 gunshot wounds.
9

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11 18. Officers, whose names are unknown at this time and are herein sued
12 as DOES 1-10 inclusive, were employed by and acting in the course and scope of
13 their employment with the COUNTY and CITY. Without warning, the officers,
14 sued herein as DOES 1-10 inclusive and Officer WARREN MARTIN repeatedly
15 and unjustifiably discharged their department issued firearm at the person of
16 AUGUSTUS CRAWFORD, inflicting multiple gunshot wounds, which proved to
17 be fatal. At no time during the course of these events did AUGUSTUS
18 CRAWFORD pose any reasonable threat of violence to the officers, nor did he do
19 anything to justify the force used against him, and the same was deadly, excessive,
20 unnecessary, and unlawful. The death of AUGUSTUS CRAWFORD was a direct
21 and proximate result of gunshot wounds inflicted upon his person by Officer
22 WARREN MARTIN and DOE Defendants.
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1 19. Both prior to and during the time in which he was shot, AUGUSTUS
2 CRAWFORD posed no threats, made no aggressive movements, no
3 furtive gestures, and no physical movements which would suggest to a
4 reasonable officer that he had the will, or the ability to inflict substantial
5 bodily harm against any individual.
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8 20. Both prior to and during the time in which Defendants, and each
9 of them, shot AUGUSTUS CRAWFORD, Defendants individually, were not faced
10 with any circumstances which would have led a reasonable officer to believe that
11 AUGUSTUS CRAWFORD posed the risk of death, or serious bodily injury to any
12 person.
13

14 21. Defendants engaged in actions intended by them to cause injury to the
15 Decedent AUGUSTUS CRAWFORD. Discharging over several gunshots at a
16 single unarmed individual posing no threat is clearly malicious and at the very
17 least oppressive. These actions by said Defendants and said DOE Defendants were
18 in conscious disregard of the rights and safety of Decedent AUGUSTUS
19 CRAWFORD.
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22 **FIRST CAUSE OF ACTION**

23 **WRONGFUL DEATH**

24 **[California Government Code § 815.2(a)]**

25 **(By Plaintiffs against all Defendants)**
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1 22.Plaintiff realleges all prior paragraphs of this complaint and incorporates
2 the same herein by this reference.

3 23. PLAINTIFFS, A.C. and INGRID CRAWFORD SMITH are successors
4 in interest to the decedent AUGUSTUS CRAWFORD, and pursuant to California
5 Probate Code, as parent and issue, have standing and are entitled to bring this
6 wrongful death action.
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8 24. On November 4, 2017, DOE Defendants and WARREN MARTIN,
9 while acting in the course and scope of their employment with the COUNTY,
10 CITY, and BAKERSFIELD PD were negligent, and used excessive and
11 unreasonable force against AUGUSTUS CRAWFORD by acts which included, but
12 were not limited to, violently assaulting and battering AUGUSTUS CRAWFORD
13 by acts which included, but were not limited to, unjustifiably and excessively
14 discharging department issued gun at the person of AUGUSTUS CRAWFORD
15 causing multiple gunshot wounds several of which were fatal.
16

17 25. On November 4, 2017, said DOE Defendants and WARREN
18 MARTIN failed to exercise the due care of an ordinary person in such
19 circumstances by unjustifiably and excessively discharging over several gun shots
20 at unarmed and nonthreatening individual AUGUSTUS CRAWFORD, in breach
21 of their legal duty, and as a direct and proximate result causing the death of said
22 individual, AUGUSTUS CRAWFORD.
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1 26. Following the shooting, and on November 4, 2017 AUGUSTUS
2 CRAWFORD died as a direct and proximate result of the aforementioned
3 gunshot wounds.
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5 27. Furthermore, Plaintiffs are informed and believe and thereon allege
6 that DOE Defendants and WARREN MARTIN, and each of them, failed to
7 exercise reasonable and ordinary care in committing the acts alleged herein, by
8 actions and inactions which include, but are not limited to, negligently using
9 excessive and unreasonable physical force upon the person of AUGUSTUS
10 CRAWFORD when the same was unnecessary and unjustified, negligently failing
11 to determine that AUGUSTUS CRAWFORD posed no threat of physical harm to
12 any person when he was assaulted and battered, and negligently inflicting physical
13 injury upon AUGUSTUS CRAWFORD as described herein. All of these negligent
14 acts proximately caused the death of AUGUSTUS CRAWFORD as described
15 herein.
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20 28. Plaintiff believes and thereon asserts that said DOE Defendants and
21 WARREN MARTIN are thereby directly liable pursuant to statute including
22 California Government Code §820.
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24 29. Plaintiff believes and thereon asserts that Defendant COUNTY are
25 vicariously liable under the doctrine of respondeat superior pursuant to California
26 Government Code §815.2 for the actions of said employees sued herein as DOE
27 Defendants.
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1 30. Plaintiff believes and thereon asserts that Defendants COUNTY,
2 CITY, BAKERSFIELD PD, AND LYLE MARTIN are also directly liable as they
3 negligently hired, trained, supervised, employed and managed DOE Defendants,
4 said employees of the BAKERSFIELD PD, even when they knew or, in the
5 exercise of reasonable diligence, should have known, that said officers were
6 dangerous and violent employees, prone to provoke and initiate physical
7 confrontation without reasonable justification, and in a manner that demonstrates
8 callous disregard for the rights and safety of civilian citizens, and assault and
9 battery of persons and/or use unnecessary, unreasonable, deadly, and/or unlawful
10 physical force without reasonable justification. Defendants knew or should have
11 known of officer Defendants dangerous propensities, but nevertheless hired,
12 retained and failed to properly supervise said employees. (See *C.A. v. William S.*
13 *Hart Union High Sch. Dist.*, 53 Cal. 4th 861, 875 (2012)).
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18 31. All of these negligent acts proximately caused the death of
19 AUGUSTUS CRAWFORD as described herein.
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21 32. As a proximate result of all of the above-mentioned conduct of
22 Defendants, and each of them, AUGUSTUS CRAWFORD was shot and killed on
23 or about November 4, 2017, and Defendants are both directly liable, and also
24 vicariously liable pursuant to California Government Code § 815.2(a), and DOE
25 Defendants are directly liable pursuant to statute including California Government
26 Code §820.
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1 33. As a proximate result of the death of the AUGUSTUS CRAWFORD
2 and the above-described conduct of Defendants, and each of them,
3 Plaintiffs have sustained substantial economic and non-economic
4 damages resulting from the loss of love, comfort, companionship,
5 society, attention, services and support of AUGUSTUS CRAWFORD in
6 an amount according to proof at trial.
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9 34. As a further proximate result of the above-described conduct of
10 the Defendants, each of them, and the ensuing death of the AUGUSTUS
11 CRAWFORD Plaintiffs have incurred funeral and burial expenses in an amount
12 according to proof at trial.
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14 **SECOND CAUSE OF ACTION**

15 **VIOLATION OF CIVIL RIGHTS – EXCESSIVE FORCE**

16 **[42 U.S.C. §1983]**

17 **(By Plaintiffs against all Defendants)**

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20 35. Plaintiffs reallege all prior paragraphs of this complaint and
21 incorporates the same herein by this reference.

22 36. The cause of action is brought on behalf of AUGUSTUS
23 CRAWFORD, by and through his successors in interest and surviving
24 heirs, Plaintiffs, who would, but for his death, be entitled to bring this
25 cause of action himself, and is set forth herein to redress the deprivation,
26 under color of statute, ordinance, regulation, policy, custom, practice or
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1 usage of a right, privilege, and immunity secured to AUGUSTUS
2 CRAWFORD by the Fourth Amendment to the United States
3 Constitution.
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5 37. Plaintiffs are informed, believe, and therefore allege, that on or about
6 November 4, 2017, WARREN MARTIN and DOE Defendants, and each of them,
7 fatally assaulted, shot, and killed AUGUSTUS CRAWFORD as previously
8 described, all of which constituted deadly, excessive, unjustifiable, and
9 unreasonable force in violation of and with deliberate indifference to AUGUSTUS
10 CRAWFORD's Fourth Amendment right to be free from unreasonable searches
11 and seizures. By causing the death of AUGUSTUS CRAWFORD, the actions
12 additionally violated Plaintiffs' Fourteenth Amendment right to substantive due
13 process, privacy, as well as their right to enjoy the care, companionship, familial
14 relationship, and society of AUGUSTUS CRAWFORD, and their right to be free
15 from arbitrary and unreasonable government intrusions into their family unit. DOE
16 Defendants, and each of them individually, intruded upon their family unit with
17 deliberate indifference and in a manner that shocks the conscience, when they used
18 deadly and excessive force upon AUGUSTUS CRAWFORD.
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24 38. The above articulated constitutional violations were proximately
25 caused by the Defendants', COUNTY, CITY, and LYLE MARTIN's deliberate
26 indifference to the maintenance, training, and control of the BAKERSFIELD PD
27 officers, Warren Martin, and said DOE Defendants.
28

1 39. Additionally, DOE Defendants have engaged in a well-known pattern
2 and practice of misconduct in violation of the Constitution and federal law in a
3 number of ways, including: the use of unreasonable force in violation of the Fourth
4 Amendment as recognized by the United States Department of Justice.
5

6 40. The injuries and constitutional violations set forth herein were
7 proximately caused by the customs, practices, policies and decisions of Defendants
8 COUNTY, CITY, and LYLE MARTIN including, but not limited to, inadequately
9 training and supervising and failing to provide a different kind of training to
10 BAKERSFIELD PD and its officers, with respect to the reasonable and proper use
11 of deadly force against civilians.
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14 41. Plaintiffs are informed and believe, and thereupon allege, that on
15 or before November 4, 2017, the COUNTY, the CITY, and LYLE MARTIN hired,
16 trained, supervised, employed and/or managed the individual officers, with
17 conscious disregard of an deliberate indifference to the constitutional rights of
18 third parties, in that it was plainly obvious to said Defendants that these officers
19 were dangerous and violent employees, prone to fire their firearms without
20 reasonable justification, and in a manner that demonstrates callous disregard for
21 the rights and safety of third parties, and conduct assault and battery on persons
22 and/or use unnecessary, unreasonable, deadly, and/or unlawful physical force
23 without reasonable justification. Because adequate scrutiny of these individual
24 Warren Martin and DOE Defendants' background would have led the COUNTY
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1 CITY, and LYLE MARTIN to conclude that the plainly obvious consequence of
2 the decision to hire these individual DOE Defendants and Warren Martin would be
3 the deprivation of a third party's Fourth Amendment right to be free from
4 unreasonable and excessive force, the COUNTY, CITY, LYLE MARTIN were
5 deliberately indifferent to Decedent's and Plaintiffs' federally protected rights
6 when the individual Defendants named herein were hired, retained, and later
7 inadequately supervised.
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10 42. As set forth in the foregoing paragraphs of this Complaint, the
11 Defendants' shooting of AUGUSTUS CRAWFORD was an unconstitutional
12 display of unreasonable, excessive and deadly force, which violated AUGUSTUS
13 CRAWFORD'S Fourth Amendment right to be free from unreasonable seizures.
14 Plaintiffs are informed and believe, and thereupon allege the details of this incident
15 have been revealed to the authorized policymakers within the COUNTY and the
16 CITY, and LYLE MARTIN and that such policymakers have direct knowledge of
17 the fact that the shooting of AUGUSTUS CRAWFORD was unjust and
18 represented an unconstitutional display of unreasonable, excessive and deadly
19 force. Notwithstanding this knowledge, the authorized policymakers within the
20 COUNTY, CITY, AND LYLE MARTIN had approved of the Defendants, and
21 each of them individually, shooting of AUGUSTUS CRAWFORD, and have made
22 a deliberate choice to endorse the Defendants, and each of them individually,
23 shooting of AUGUSTUS CRAWFORD, and the basis for that shooting. By so
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1 doing, the authorized policymakers within the COUNTY, CITY, and LYLE
2 MARTIN have shown affirmative agreement with the individual Defendant's
3 actions, and have ratified the unconstitutional acts of the individual Defendant
4 officers.
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6 43. These policies and custom in failing to supervise and train said
7 individual Defendants were the moving force and the reason behind the individual
8 Defendants violation of Decedent's and Plaintiff's constitutional rights.
9

10 44. Despite the fact that COUNTY, CITY, and LYLE MARTIN knew or
11 should have known of the fact that these acts, omissions, decisions, practices,
12 customs and policies, both formal and informal, were being carried out by its
13 agents and employees, COUNTY, CITY, and LYLE MARTIN have taken no steps
14 or efforts to prevent this course of conduct, nor to make redress to the Plaintiffs or
15 other civilian citizens injured thereby, and have failed to take any disciplinary
16 action whatsoever against any of its employees or agents.
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20 45. The above acts or omission of acts of the Defendants and the
21 individual Defendants were undertaken while under color of state law and resulted
22 in the violation of Plaintiff's constitutional rights, as stated herein. Likewise, the
23 customs, practices, policies, and decisions of the COUNTY, CITY, and LYLE
24 MARTIN alleged herein and as applied to AUGUSTUS CRAWFORD, resulted in
25 violation of Plaintiffs' constitutional rights.
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1 46. AUGUSTUS CRAWFORD had the right to be free from
2 unreasonable searches and seizures, and the right to be free from the use
3 of unreasonable and excessive force. These rights and privileges are
4 secured to AUGUSTUS CRAWFORD by the provisions of the Fourth
5 Amendment to the United States Constitution, and by 42 U.S.C. §1983.
6 All of these interests were implicated by the wrongful conduct of the
7 Defendants which proximately caused the death of AUGUSTUS
8 CRAWFORD.
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11 47. Plaintiffs had a Fourteenth Amendment right to substantive due
12 process, privacy, as well as a fundamental right to associate with their son, and a
13 right to enjoy the care, companionship, familial relationship, and society of their
14 son, and a right to be free from arbitrary and unreasonable government intrusions
15 into their family unit. All of these rights and privileges are secured to Plaintiffs by
16 the provisions of the Fourteenth Amendment to the United States Constitution, and
17 by 42 U.S.C. §1983. All of these interests were implicated by the wrongful
18 conduct of the Defendants which proximately caused AUGUSTUS
19 CRAWFORD's death.
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24 48. Each of the individual Defendants, and the municipal Defendants
25 acted willfully, knowingly, with reckless disregard and deliberate indifference to
26 the known consequences of their acts and omissions, and purposefully with the
27 intent to deprive Plaintiffs and AUGUSTUS CRAWFORD of their federally
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1 protected rights and privileges, and did in fact violate those rights and privileges,
2 entitling Plaintiffs to punitive and exemplary damages in an amount to be proven
3 at the trial of this matter.
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5 49. As a direct and proximate result of the aforesaid acts, omissions,
6 customs, practices, policies and decisions of the Defendants and each of them,
7 Plaintiffs A.C., and INGRID CRAWFORD SMITH, and decedent AUGUSTUS
8 CRAWFORD have suffered great mental and physical pain, anguish fright,
9 nervousness, anxiety, grief, shock, humiliation, indignity, embarrassment,
10 apprehension, and the loss of love, comfort, society, companionship, solace and
11 support, all to their damage in a sum to be determined at trial. Additionally,
12 Plaintiffs have been forced to incur substantial amounts for attorney's fees and
13 other expenses in the prosecution of the above-articulated constitutional violations.
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17 50. Plaintiffs are entitled to and hereby demand costs, attorney fees
18 and expenses pursuant to 42 U.S.C. §1 988.
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20 51. By reason of the aforementioned acts and omissions of acts of
21 Defendants, and each of them, Plaintiffs suffered severe mental anguish, emotional
22 distress, and financial losses as alleged.
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THIRD CAUSE OF ACTION

Violation of California Civil Code § 43, 52.1;

California Constitution, Article 1, §13

(By Plaintiffs against all Defendants)

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6 52.Plaintiffs reallege all prior paragraphs of this complaint and incorporates
7 the same herein by this reference.
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9 53.The cause of action is brought on behalf of decedent AUGUSTUS
10 CRAWFORD by and through his successors in interest, Plaintiffs, who
11 would, but for his death, be entitled to bring this cause of action, and is
12 set forth herein to redress the deprivation, under color of statute,
13 ordinance, regulation, policy, custom, practice or usage of a right,
14 privilege, and immunity secured to AUGUSTUS CRAWFORD by the
15 Constitution of the State of California and the California Civil Code, §§
16 43 and 52.1.
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20 54.At all times mentioned herein, the Defendants COUNTY and CITY
21 employed the individual Defendants herein. Said Defendants COUNTY,
22 CITY, AND LYLE MARTIN provided its individual Defendant
23 employees and agents with official badges and identification cards which
24 designated and described the bearers as employees of the COUNTY and
25 CITY.
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28 55.During all times mentioned herein, the DOE Defendants, and

1 each of them, separately and in concert, acted under color and pretense of
2 law, under color of statutes, ordinances, regulations, policies, practices,
3 customs and usages of the COUNTY and CITY. Each of the individual
4 Defendant Officers herein, separately and in concert, deprived
5 AUGUSTUS CRAWFORD of the rights, privileges and immunities
6 secured to him by the Constitution of the State of California, Article 1,
7 section 13, as well as the California Civil Code, §§ 43 and 52.1.
8

9
10 56.Plaintiffs are informed, believe and therefore allege, that on or about
11 November 4, 2017, DOE Defendants and WARREN MARTIN fatally
12 assaulted, battered, shot, and killed AUGUSTUS CRAWFORD as
13 previously described, all of which constituted deadly, excessive,
14 unjustifiable, and unreasonable force in violation of and with deliberate
15 indifference to AUGUSTUS CRAWFORD statutory and constitutional right
16 to be free from unreasonable searches and seizures. Further, the violent
17 conduct of DOE Defendants as described herein, directly interfered with
18 AUGUSTUS CRAWFORD constitutional and statutorily guaranteed rights.
19

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21 57.AUGUSTUS CRAWFORD had the rights to be free from unreasonable
22 search and seizures, and the right to be free from the use of unreasonable
23 and excessive force. These rights and privileges are secured to
24 AUGUSTUS CRAWFORD by the provisions of the California
25 Constitution, Article 1, section 13, and by CALIFORNIA Civil Code §§
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1 43 and 523.1. All of these interests were implicated by the wrongful
2 conduct of the DOE Defendants which proximately caused the death
3 AUGUSTUS CRAWFORD.
4

5 58. Each of the individual DOE Defendants and the municipal Defendants
6 acted in concert, acted outside the scope of his/her jurisdiction and
7 without authorization of law and each of the individual Defendants,
8 separately and in concert, acted willfully, knowingly, with reckless
9 disregard and deliberate indifference to the known consequences of their
10 acts and omission of acts, and purposefully with the intent to deprive
11 AUGUSTUS CRAWFORD and civilian citizens of their protected rights
12 and privileges, and did in fact violate those rights and privileges, entitling
13 Plaintiffs to statutory, punitive and exemplary damages against the
14 individual Defendants, in an amount to be proven at the trial of this
15 matter pursuant to Cal. Civil Code §§52 et seq., 52.1(b), and 52.1(h).
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20 59. As a direct and proximate result of the aforesaid acts, omission of acts,
21 customs, practices, policies and decisions of the Defendants and each of
22 them, Plaintiffs and Decedent suffered great mental and physical pain,
23 suffering, anguish, fright, nervousness, anxiety, grief, shock, humiliation,
24 indignity, embarrassment, apprehension, and the loss of love, comfort,
25 society, solace and support, all to their damage in a sum to be determined
26 at trial. Additionally, Plaintiffs have been forced to incur substantial
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1 amounts for attorneys' fees and other expenses in the prosecution of the
2 above-articulated violations.

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4 60.As a further result of these acts, Plaintiffs have lost past and future
5 earnings and wages resulting from the loss of the support and services of
6 AUGUSTUS CRAWFORD in an amount to be determined according to
7 proof at trial.

8
9 61.Plaintiffs have also incurred funeral and burial expenses as a result of the
10 wrongful acts of Defendants, and each of them.

11
12 62.Plaintiffs are entitled to and hereby demand costs, attorney fees
13 and expenses pursuant to California Civil Code §§ 52 et seq. and 52.1(h).

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16 **FOURTH CAUSE OF ACTION**

17 **ASSAULT AND BATTERY**
18 **(By Plaintiffs Against Individual Defendant)**

19 37. Plaintiffs reallege all the foregoing paragraphs, as well as any
20 subsequent paragraphs contained in the complaint, as if fully set forth herein.

21
22 38. Defendant Warren Martin and DOE Defendants intentionally and
23 spitefully committed the above acts of battery against Decedent AUGSTUS
24 CRAWFORD.

25
26 39. Defendant Warren Martin and Doe Defendants, acting within the
27 scope of their employment as an officer with Bakersfield Police Department in
28

1 and for the County of Kern and City of Bakersfield, assaulted and battered
2 Decedent Augustus Crawford causing his physical injuries and unfortunate death.

3 40. By the conduct alleged above including, but not limited to, multiple
4 gunshot wounds, Defendant Warren Martin and Doe Defendants are liable for
5 assault and battery.
6

7 41. Deputy Warren Martin and Doe Defendants intentionally shot, and
8 assaulted decedent, with the intent to harm him
9

10 42. Decedent did not consent to the conduct and a reasonable person in
11 decedent's position would have been offended by the conduct of the
12 officers. The individual officers' actions were excessive and
13 unreasonable.
14

15 43. The conduct Officer Warren Martin and Doe Defendants were
16 willful, wanton, malicious, and done with reckless disregard for the rights and
17 safety of decedent and therefore warrants the imposition of exemplary and
18 punitive damages as to Warren Martin and Doe Defendants.
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20 44. As a direct and proximate cause of Warren Martin and Doe
21 Defendants' actions, decedent was killed, and his heirs Plaintiffs' herein suffered
22 extreme mental anguish and pain and has been injured in the mind and body, in
23 an amount to be proven.
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JURY DEMAND

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2 Plaintiffs hereby demand that a jury be empanelled for the trial of
3 this matter.

4
5 WHEREFORE, Plaintiffs prays for judgment against Defendants as
6 follows;

- 7
8 1. General and compensatory damages in an amount according to proof;
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10 2. Special damages in an amount according to proof;
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12 3. Exemplary and punitive damages against each Defendant, except the
13 COUNTY and CITY, in an amount according to proof;
14
15 4. Costs of suit, including attorneys' fees, under 42 U.S.C. § 1988,
16 California Code of Civil Procedure § 1021.5 and any other applicable
17 provision of law;
18
19 5. For burial and funeral related expenses according to proof at trial;
20
21 6. Such other relief as may be warranted or as is just and proper.

22
23 DATED: October 30, 2018

Respectfully Submitted,

24 /s/ George G. Mgdesyan
George G. Mgdesyan, Esq.
Attorney for Plaintiffs

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JURY DEMAND

Trial by jury of all issues is demanded.

DATED: October 30, 2018

Respectfully Submitted,

/s/ George G. Mgdesyan

George G. Mgdesyan, Esq.
Attorney for Plaintiffs

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