

RAY MAIER
116 G Warwickshire Lane
Glen Burnie, Maryland 21061

Plaintiff

v.

SERGEANT PAUL SINCHAK (I-563)
Baltimore City Police Department
Mobile Metro Unit
601 E. Fayette Street
Baltimore, Maryland 21202

OFFICER JEFFREY LYBARGER (J-067)
Baltimore City Police Department
Mobile Metro Unit
601 E. Fayette Street
Baltimore, Maryland 21202

OFFICER BRIANNA BEEBE (J-459)
Baltimore City Police Department
Mobile Metro Unit
601 E. Fayette Street
Baltimore, Maryland 21202

OFFICER CODY DUCHARME (J-133)
Baltimore City Police Department
Mobile Metro Unit
601 E. Fayette Street
Baltimore, Maryland 21202

OFFICER TIMOTHY BOWER (J-737)
Baltimore City Police Department
Mobile Metro Unit
601 E. Fayette Street
Baltimore, Maryland 21202

OFFICER JASON VAN HELTEN (J-719)
Baltimore City Police Department
Mobile Metro Unit
601 E. Fayette Street
Baltimore, Maryland 21202

OFFICER CARLOS ARIAS (I-955)
Baltimore City Police Department

* **IN THE**
* **CIRCUIT COURT**
* **FOR**
* **BALTIMORE CITY**

24-C-22-003716

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CLERK OF COURT
COURT SYSTEM

Mobile Metro Unit *
601 E. Fayette Street *
Baltimore, Maryland 21202 *

OFFICER RALPH DILUCCI (K-270) *
Baltimore City Police Department *
Southeastern District *
5710 Eastern Avenue *
Baltimore, Maryland 21224 *

OFFICER MARK KEENAN (J-835) *
Baltimore City Police Department *
Southeastern District *
5710 Eastern Avenue *
Baltimore, Maryland 21224 *

OFFICER RYAN MESSIMER (J-848) *
Baltimore City Police Department *
Southeastern District *
5710 Eastern Avenue *
Baltimore, Maryland 21224 *

OFFICER PAULO PEREIRA (I-668) *
Baltimore City Police Department *
Eastern District *
1620 Edison Highway *
Baltimore, Maryland 21213 *

OFFICER DEMETRI BEZZEK (J-856) *
Baltimore City Police Department *
Mobile Metro Unit *
601 E. Fayette Street *
Baltimore, Maryland 21202 *

and *

OFFICER ROBERT CRANE (I-367) *
Baltimore City Police Department *
Southeastern District *
5710 Eastern Avenue *
Baltimore, Maryland 21224 *

* * * * * *Defendants* * * * * * **Case No:** * * * * *

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, Ray Maier, by and through her undersigned counsel, Anton L. Iamele and IAMELE & IAMELE, LLP, and hereby sues Defendants, Baltimore City Police Sergeant Paul Sinchak (I-563), Officer Jeffrey Lybarger (J-067), Officer Brianna Beebe (J-459), Officer Cody Ducharme (J-133), Officer Timothy Bowen (J-737), Officer Jason Van Helton (J-719), Officer Carlos Arias (I-955), Officer Ralph Dilucci (K-270), Officer Mark Keenan (J-835), Officer Ryan Messimer (J-848), Officer Paulo Pereira (I-668), Officer Mark Bezzek (J-856), and Officer Robert Crane (I-367), and as reasons therefor states as follows:

Jurisdiction and Parties

1. Pursuant to Maryland Annotated Code, Courts and Judicial Procedures, Article 6-201, *et seq.*, venue is appropriate in the Circuit Court for Baltimore City as all of the events that are the subject of this Complaint occurred in Baltimore City.

2. Notice of the claims advanced herein has been provided in a manner that is consistent with the Local Government Tort Claims Act. On September 27, 2019, a certified letter detailing the claims advanced herein was posted to Baltimore City Solicitor Andre M. Davis. A Return Receipt shows this letter to have been delivered on October 1, 2019. Thereafter, the undersigned had communications with Solicitor Davis about this case and the claims advanced in this Complaint.

3. Plaintiff Ray Maier (herein after referred to as "Plaintiff Maier") is an adult citizen of the State of Maryland with a primary residence at 116 G Warwickshire Lane, Glen Burnie, Maryland 21061.

4. At all times relevant to this Complaint, Sergeant Paul Sinchak (I-563) (hereinafter referred to as "Defendant Sinchak" or "Sinchak") was a duly authorized agent, servant and

employee of the Baltimore City Police Department. Defendant Sinchak is sued in his official and independent capacity.

5. At all times relevant to this Complaint, Officer Jeffrey Lybarger (J-067) (hereinafter referred to as “Defendant Lybarger” or “Lybarger”) was a duly authorized agent, servant and employee of the Baltimore City Police Department. Defendant Lybarger is sued in his official and independent capacity.

6. At all times relevant to this Complaint, Officer Brianna Beebe (J-459) (hereinafter referred to as “Defendant Beebe” or “Beebe”) was a duly authorized agent, servant and employee of the Baltimore City Police Department. Defendant Beebe is sued in her official and independent capacity.

7. At all times relevant to this Complaint, Officer Cody Ducharme (J-133) (hereinafter referred to as “Defendant Ducharme” or “Ducharme”) was a duly authorized agent, servant and employee of the Baltimore City Police Department. Defendant Ducharme is sued in his official and independent capacity.

8. At all times relevant to this Complaint, Officer Timothy Bowen (J-737) (hereinafter referred to as “Defendant Bowen” or “Bowen”) was a duly authorized agent, servant and employee of the Baltimore City Police Department. Defendant Bowen is sued in his official and independent capacity.

9. At all times relevant to this Complaint, Officer Jason Van Helton (J-719) (hereinafter referred to as “Defendant Van Helton” or “Van Helton”) was a duly authorized agent, servant and employee of the Baltimore City Police Department. Defendant Van Helton is sued in his official and independent capacity.

10. At all times relevant to this Complaint, Officer Carlos Arias (I-955) (hereinafter referred to as "Defendant Arias" or "Arias") was a duly authorized agent, servant and employee of the Baltimore City Police Department. Defendant Arias is sued in his official and independent capacity.

11. At all times relevant to this Complaint, Officer Ralph Dilucci (K-270) (hereinafter referred to as "Defendant Dilucci" or "Dilucci") was a duly authorized agent, servant and employee of the Baltimore City Police Department. Defendant Dilucci is sued in his official and independent capacity.

12. At all times relevant to this Complaint, Officer Mark Keenan (J-835) (hereinafter referred to as "Defendant Keenan" or "Keenan") was a duly authorized agent, servant and employee of the Baltimore City Police Department. Defendant Keenan is sued in his official and independent capacity.

13. At all times relevant to this Complaint, Officer Ryan Messimer (J-848) (hereinafter referred to as "Defendant Messimer" or "Messimer") was a duly authorized agent, servant and employee of the Baltimore City Police Department. Defendant Messimer is sued in his official and independent capacity.

14. At all times relevant to this Complaint, Officer Paulo Pereira (I-668) (hereinafter referred to as "Defendant Pereira" or "Pereira") was a duly authorized agent, servant and employee of the Baltimore City Police Department. Defendant Pereira is sued in his official and independent capacity.

15. At all times relevant to this Complaint, Officer Mark Bezzek (J-856) (hereinafter referred to as "Defendant Bezzek" or "Bezzek") was a duly authorized agent, servant and employee of

the Baltimore City Police Department. Defendant Bezzek is sued in his official and independent capacity.

16. At all times relevant to this Complaint, Officer Robert Crane (I-367) (hereinafter referred to as “Defendant Crane” or “Crane”) was a duly authorized agent, servant and employee of the Baltimore City Police Department. Defendant Crane is sued in his official and independent capacity.

Facts Common to All Counts

17. This is an action for monetary damages brought pursuant to the common law of the State of Maryland, and the Maryland Declaration of Rights against the Defendant Baltimore Police Department Officers identified herein.

18. Plaintiff maintains that the Defendant Baltimore Police Department Officers identified herein acted recklessly and with wanton disregard of the safety and/or wellbeing of civilians including Plaintiff Maier; that the Defendant Baltimore Police Department Officers named herein employed unwarranted and excessive force which resulted in painful, permanent and debilitating injuries to Plaintiff Maier; and that, by way of their conduct in this case, the Defendant Baltimore Police Department Officers named herein made an unreasonable seizure of the person of Plaintiff Maier thereby violating her rights under the Maryland Declaration of Rights.

19. This case stems from a police shooting that occurred during the evening on Wednesday, August 28, 2019 (sometime referred to as “the subject occurrence”).

20. The subject occurrence was the culmination of a series of events that did not initially involve Plaintiff Ray Maier. At approximately 10:55 PM on August 28, 2019, Defendant Lybarger and Defendant Van Helton were in full police uniform on foot at the 1400 block of E.

Fayette Street assisting a citizen in connection with a call for service that is unrelated to this matter.

21. While responding to this call, Defendant Lybarger observed a silver-colored Toyota Rav 4 that he believed to be a vehicle described in a "be on the lookout flyer" ("BOLO") distributed to members of the Baltimore Police Department through radio transmission and departmental E-mail.

22. Based upon his recollection of the BOLO, Defendant Lybarger believed that individual operating the vehicle, later identified as Tyrone Banks (hereinafter referred to as "Banks"), had discharged a firearm at police officers the previous day.

23. Defendant Lybarger accordingly asked Defendant Sinchak, who was then operating a marked departmental vehicle in full uniform on the same block of East Fayette Street, to further investigate the "Toyota Rav4."

24. Defendant Sinchak responded and maneuvered his departmental vehicle immediately behind the Toyota Rav4 operated by Banks. According to Defendant Sinchak, Banks stopped the Toyota Rav4 on the on the 1400 block of E. Fayette Street and pointed a handgun at him or other officers on the scene. Banks then reentered his vehicle and drove off.

25. One or more of the Defendant Officers issued a radio broadcast regarding the sighting of Banks and Defendant Lybarger requested aerial support from the "Foxtrot" aviation unit.

26. Defendants Officer Lybarger, Officer Van Helton, and Sergeant Sinchak pursued the vehicle operated by Tyrone Banks. Defendants Officer Lybarger, Officer Van Helton, and Sergeant Sinchak were joined by several other members of the Baltimore Police Department in the pursuit of Banks including, but not limited to, Defendants Officer Brianna Beebe, Officer Cody Ducharme, Officer Timothy Bowen, Officer Jason Van Helton, Officer Carlos Arias,

Officer Ralph Dilucci, Officer Mark Keenan, Officer Ryan Messimer, Officer Paulo Pereira, Officer Mark Bezzek, and Officer Robert Crane. These officers followed the Toyota Rav4 with guidance from the Foxtrot aerial unit.

27. Banks briefly stopped in traffic at the left turn lane of the 1500 block of East Fayette Street. At the time, his Toyota Rav4 was situated amongst a number of civilian vehicles. Banks exited the Toyota Rav4 with what was perceived to be a handgun.

28. Defendant Ducharme fired at Banks through the front window of his vehicle.

29. Banks re-entered his vehicle and initiated a left turn, heading south on Caroline Street.

30. When Banks entered the intersection, members of the general public were visibly present in the vicinity.

31. Plaintiff Maier, who was in the process of commuting home from work, was stopped in a white Ford Focus in the second eastbound lane of East Fayette Street. The front portion of her vehicle was at the painted stop line on the street surface at the intersection with Caroline Street.

32. Defendant Ducharme used his departmental vehicle to strike the rear portion of the Toyota Rav4 operated by Banks as it was turning onto Caroline Street. Banks was caused to drive off the roadway and collide with a tree on the odd sidewalk of the unit block of North Caroline Street.

33. The crash was sufficiently violent to cause the front and side impact airbags in the vehicle to deploy.

34. As Banks was proceeding through turn from Fayette Street onto Caroline and continuing after until after the Toyota Rav4 came to rest against the tree on the side of Caroline, the defendant police officers initiated deadly force by firing weapon in and around the vehicle.

35. Body Worn Camera footage from the Defendant officers, Foxtrot video footage, and a cell phone video posted on social media from the intersection of E. Fayette Street and Caroline Street capture the audio of the gunfire.

36. Defendants Sinchak, Lybarger, Beebe, Ducharme, Bowen, Van Helton, Arias, Dilucci, Keenan, Messimer, Pereira, Bezzek, and Crane opened fire as Banks navigated through the intersection and proceeded down Caroline Street.

37. Following the shooting 154 shell casings were recovered at the scene, all of which were determined to have been discharged from police weapons. It was further determined that the involved defendant officers identified herein had collectively discharged 161 rounds.

38. Defendant Sinchak discharged seven rounds from his departmental .40 caliber Glock 22.

39. Defendant Lybarger discharged fourteen rounds from his departmental .40 caliber Glock 22.

40. Defendant Beebe discharged four rounds from her departmental .40-caliber Glock 22.

41. Defendant Ducharme discharged fourteen rounds from his departmental .40 caliber Glock 22.

42. Defendant Bowen discharged twenty-five rounds from his departmental .223 caliber Colt Model 6920 M4 Carbine Rifle.

43. Defendant Van Helton discharged nine rounds from his departmental .223 caliber Colt Model 6920 M4 Carbine Rifle.

44. Defendant Officer Arias discharged twenty-eight rounds from his departmental .40 caliber Glock 22.

45. Defendant Dilucci discharged two rounds from his departmental .40 caliber Glock 22.

46. Defendant Keenan discharged three rounds from his departmental .40 caliber Glock 22.

47. Defendant Messimer discharged fourteen rounds from his departmental .40 caliber Glock 22.

48. Defendant Pereira discharged six rounds from his departmental .40 caliber Glock 22.

49. Defendant Bezzek discharged fourteen rounds from his departmental .40 caliber Glock 22.

50. Defendant Crane discharged twenty-one rounds from his departmental .40 caliber Glock 22.

51. At all times relevant to this Complaint, the defendant officers identified herein owed a duty to citizens in and around the area, including Plaintiff Maier, to protect the public at large, to avoid an indiscriminate use of deadly force; and to limit any use of force such that it would not pose an unreasonable risk of harm to citizens who were not otherwise engaged with the police.

52. When the defendant officers unleashed the fusillade of projectiles at and in the vicinity of East Fayette Street and Caroline, they failed to account for members of the general public including but not limited to, Plaintiff Maier who was present in the vicinity.

53. When the defendant officers unleashed the fusillade of projectiles at and in the vicinity of East Fayette Street and Caroline, they were engaged in other activities including running, driving and assuming defensive positions that made it difficult and/or impossible to adequately aim and/or restrict the direction of fire to avoid citizens in the vicinity of the happening.

54. The conduct of the defendant officers identified herein placed Plaintiff Maier in a zone of danger without reasonable justification and set in motion a chain of events which the defendant officers knew, or should have known, would lead to the injuries to citizens in and around the area including, but not limited to, Plaintiff Maier.

55. Given the volume of the shots discharged during the course of the subject happening and the manner in which the shots were discharged, the defendant police officers identified herein knew, or reasonably should have known, that their actions posed an unreasonable risk of serious injury and/or death to citizens in and around the area including, but not limited to, Plaintiff Maier.

56. The use of force and "contagious shooting" described herein constituted an ultra-hazardous activity.

57. The defendant police officers' use of deadly force was unreasonable and/or unnecessary at the time of initiation as Banks was in the process of driving and/or was trapped by the airbags in the disabled vehicle while the shooting was ongoing; Banks was subject to ongoing surveillance by the Foxtrot unit and could not reasonably have been expected to elude the ongoing police pursuit; the serious risk of injury or death posed to ordinary citizens in and around the area was foreseeable and easily understood; and the defendant officers could not lessen and/or abate the risk of serious injury and/or death posed to citizens who were in the vicinity of the ongoing happening.

58. By firing 161 projectiles in the occupied city block, the defendant officers identified herein acted with a reckless disregard of the consequences of their actions and the potential effect their actions would have on the life and property of citizens in the area including, but not limited to, Plaintiff Maier.

59. Plaintiff Maier and her vehicle were struck by projectiles fired by the defendant officers identified herein.

60. When members of the Baltimore City Fire Department arrived on the scene of the incident at approximately 11:09 pm, Plaintiff Maier advised the responding paramedics that she

had been sitting in the driver's seat of her vehicle when she heard loud gunshots and then realized she had been wounded.

61. Responding paramedics observed that Plaintiff Maier had visible gunshot wounds to the upper right chest/shoulder, hand and left side of the neck.

62. Plaintiff Maier suffered serious injuries as a direct proximate result of the subject occurrence including, but not limited to, a left anterior wound on the neck approximately two centimeters in length; right hand injuries including a complex four-centimeter laceration on the radial aspect of the index finger with open, severely comminuted, intraarticular fractures and exposed bone at the proximal interphalangeal and distal interphalangeal joints; and a penetrating injury to the left upper anterior chest wall.

63. Radiographic images obtained after the time of the incident were interpreted to show bullet fragments extensively "over the left upper chest, left supraclavicular region, and left lower neck," and other injuries.

64. A bullet jacket fragment recovered from Plaintiff Maier's white Ford Focus contained polygonal rifling commonly associated with Glock Firearms.

65. Banks suffered fatal injuries as a result of the subject occurrence. He was found to be in possession of a 9mm Luger pistol with a 9mm cartridge casing jammed in the chamber of the weapon in a stove-pipe position which rendered the gun inoperable. Banks did not discharge his weapon during the course of the subject occurrence.

66. During a news conference following the above incident, Baltimore Police Commissioner Harrison acknowledged that: "[The Baltimore Police Department and its officers] have to be accountable for where everyone of our rounds ends up and we have to be accountable for collateral injuries, and collateral damage, and collateral deaths so every time we discharge a

firearm that is a concern for us.” Commissioner Harrison stated further: “The number of officers firing, the number of rounds that were fired, becomes a concern for any Chief, any Executive, because as I stated, we have to be accountable for where everyone of our rounds ends up.”

67. At all times relevant to this Complaint, Plaintiff Maier was an innocent bystander who has no involvement with Banks, the Defendant Officers identified herein and/or the interaction between Banks and the Defendant Officers identified herein.

68. Plaintiff Maier did not contribute to the happenings described herein in any respect.

69. Plaintiff Maier did not consent or otherwise signal acquiescence to the battery perpetrated by the Defendant Officers.

70. Throughout the ordeal, Plaintiff Maier did not act in an overtly physical or violent manner towards the Defendant Officers identified herein. Accordingly, the Defendant Officers had no cause or excuse to direct deadly force towards Plaintiff Ray Maier.

71. Moreover, the Plaintiff Maier had not in any way acted to either verbally or physically challenge, protest, resist, or impede the ongoing pursuit of Banks.

72. The Defendant Officers’ collective use of deadly force was excessive, wanton and undertaken without legal justification.

73. As a result of the events described here, Plaintiff Maier suffered physical injuries identified herein which have resulted in permanent residual disabilities and ongoing pain.

74. Plaintiff Maier has and will continue to suffer physical pain, severe mental anguish and suffering.

75. Plaintiff Maier required inpatient surgical care to remedy these injuries and has been caused to expend in the past and will be required to make expenditures in the future of money for treatment of her serious and disabling injuries.

76. Plaintiff Maier was also rendered unable to work and suffered lost wages and has suffered a diminished earning potential as a direct proximate result of the subject occurrence.

77. Plaintiff Maier has suffered additional damages which are not expressly set forth herein.

COUNT I – GROSS NEGLIGENCE

(Plaintiff Ray Maier v. Defendants Sergeant Paul Sinchak, Officer Jeffrey Lybarger, Officer Brianna Beebe, Officer Cody Ducharme, Officer Timothy Bowen, Officer Jason Van Helton, Officer Carlos Arias, Officer Ralph Dilucci, Officer Mark Keenan, Officer Ryan Messimer, Officer Paulo Pereira, Officer Mark Bezzek, and Officer Robert Crane)

78. Plaintiff Ray Maier hereby incorporates Paragraphs 1 through 77 as if fully set forth herein.

79. Defendants Officers' use of deadly force described herein amounted to gross negligence as Defendant Officers initiated deadly force, as described herein, on a public street, in the vicinity of the general public, in a wanton and reckless manner, without any regard to the safety of other traveling in the vicinity and/or on the public roadways.

80. Defendant Officers otherwise acted in a wanton and reckless manner by engaging in the use of deadly force.

81. Defendant Officers acted in a wanton and reckless manner, was careless, and grossly negligent as they initiated and maintained the use of deadly force; utilizing deadly force in an indiscriminate manner; utilizing deadly force in a manner which posed an unreasonable risk of harm to citizens who were not otherwise engaged with the police; failing to account for members of the general public including but not limited to Plaintiff Ray Maier prior to initiating the use of deadly force; utilizing deadly force when they were engaged in other activities including, running, driving, and assuming defensive possession that made it difficult and/or impossible to adequately aim and/or restrict the direction of fire to avoid citizens in the vicinity of the happening; utilizing excessive force in an unreasonable and imprudent manner which created and

actual danger to bystanders, drivers, and pedestrians who were lawfully on the public roadway; excessive use of deadly force; failing to adhere to Baltimore City Police Department policies, procedures, rules, and/or regulations; utilizing deadly force in a reckless and careless manner and in violation of the Baltimore City Police Department General Orders; the use of force and “contagious shooting” described herein created actual danger to the general public in the vicinity, drivers and pedestrians who were lawfully on the public roadway; and in other respects not known to Plaintiff Ray Maier, but which may become known prior to the time of trial.

82. But for the Defendant Officers’ collective use of deadly forces, the shooting of Ray Maier and her corresponding injuries would have never occurred.

83. At all times relevant herein, Plaintiff Ray Maier was free of any negligence and/or contributory negligence.

84. As a direct and proximate result of the aforesaid gross negligence and gross carelessness, Plaintiff Ray Maier suffered serious injuries, including but not limited to the following: a left anterior wound on the neck approximately two centimeters in length; right hand injuries including a complex four-centimeter laceration on the radial aspect of the index finger with open, severely comminuted, intraarticular fractures and exposed bone at the proximal interphalangeal and distal interphalangeal joints; and a penetrating injury to the left upper anterior chest wall.

COUNT II – BATTERY

(Plaintiff Ray Maier v. Defendants Sergeant Paul Sinchak, Officer Jeffrey Lybarger, Officer Brianna Beebe, Officer Cody Ducharme, Officer Timothy Bowen, Officer Jason Van Helton, Officer Carlos Arias, Officer Ralph Dilucci, Officer Mark Keenan, Officer Ryan Messimer, Officer Paulo Pereira, Officer Mark Bezzek, and Officer Robert Crane)

85. Plaintiff Ray Maier hereby incorporates Paragraphs 1 through 77 as if fully set forth herein.

86. Defendant Officers set in motion and carried out a physical assault upon Plaintiff Ray Maier during the course of the incident described herein.

87. Plaintiff Ray Maier asserts that Defendant Officers engaged in intentional acts of unlawful contact with the Plaintiff Ray Maier such that she sustained serious injuries.

88. Moreover, Plaintiff Ray Maier asserts that Defendant Officers utilized unreasonable, unlawful, and excessive force during the course of the incident described herein.

89. Plaintiff Ray Maier in no way consented to the described contact by Defendant Officers. Moreover, it is specifically averred that Plaintiff Ray Maier in no way provoked, contributed to, or any way presented any cause for the Defendants to act as they did. Plaintiff Ray Maier did nothing to contribute to the unlawful touching or injury that Defendants Officers engaged in and inflicted upon the Plaintiff Ray Maier.

90. The conduct of Defendant Officers was without legal justification and was improperly motivated by ill will and actual malice -- including, but not limited to, a desire to inflict pain, suffering, and injury upon the Plaintiff Ray Maier.

91. As a direct proximate consequence of Defendant Officers' actions, the Plaintiff Ray Maier was deprived of her liberty; caused to suffer physical, emotional, and mental injuries; and has suffered, and will continue to suffer, economic loss due to sums of money spent to alleviate the injuries that were inflicted by these Defendants. The Plaintiff has also suffered additional injuries that are not expressly enumerated herein.

**COUNT III – VIOLATION OF
MARYLAND STATE DECLARATION OF RIGHTS**

(Plaintiff Ray Maier v. Defendants Sergeant Paul Sinchak, Officer Jeffrey Lybarger, Officer Brianna Beebe, Officer Cody Ducharme, Officer Timothy Bowen, Officer Jason Van Helton, Officer Carlos Arias, Officer Ralph Dilucci, Officer Mark Keenan, Officer Ryan Messimer, Officer Paulo Pereira, Officer Mark Bezzek, and Officer Robert Crane)

92. Plaintiff Ray Maier hereby incorporates Paragraph 1 through 91 as if fully restated herein.

93. The actions of Defendant Officers, all of which were committed under the color of their authority as a members of the Baltimore City Police Department and while acting in the capacity of duly authorized police officers, violated Plaintiff Ray Maier's clearly established and well settled state constitutional rights under the Maryland Declaration of Rights Articles 24 and 26 including, but not limited to: (a) Freedom from the unreasonable seizure of her person; and (2) Freedom from the use of excessive, unreasonable and unjustified force against her person.

94. As a direct proximate result of the actions and omissions of the Defendant Officers described herein, all committed under the color of their authority as a Baltimore City Police Officers and while acting in that capacity, the Plaintiff Ray Maier suffered grievous bodily harm and incurred additional damages that are not expressly stated herein, all of which are in violation of her rights under the Maryland Declaration of Rights.

95. As a result of the above-described acts, the Plaintiff Ray Maier was deprived of rights and immunities secured to her by way of the Maryland Declaration of Rights—in particular, her rights to the security of her person and freedom from arrest except upon probable cause; her right not to be deprived of liberty without due process of law; and her right not to be exposed to unnecessary and unwarranted force during the course of Defendant Officers in fact struck Plaintiff Ray Maier with multiple bullets without probable cause or articulable suspicion. Said rights are guaranteed to Plaintiff by Articles 24 and 26 of the Maryland Declaration of Rights.

WHEREFORE, Plaintiff Ray Maier hereby requests that this Honorable Court:

(A) Award the Plaintiff actual, compensatory, consequential, and punitive damages in an amount to be determined at trial against Defendants Sergeant Paul Sinchak, Officer Jeffrey

Lybarger, Officer Brianna Beebe, Officer Cody Ducharme, Officer Timothy Bowen, Officer Jason Van Helton, Officer Carlos Arias, Officer Ralph Dilucci, Officer Mark Keenan, Officer Ryan Messimer, Officer Paulo Pereira, Officer Mark Bezzek, and Officer Robert Crane, jointly and severally;

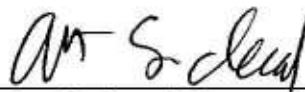
(B) Award damages against Defendants Sergeant Paul Sinchak, Officer Jeffrey Lybarger, Officer Brianna Beebe, Officer Cody Ducharme, Officer Timothy Bowen, Officer Jason Van Helton, Officer Carlos Arias, Officer Ralph Dilucci, Officer Mark Keenan, Officer Ryan Messimer, Officer Paulo Pereira, Officer Mark Bezzek, and/or Officer Robert Crane to the full extent permissible under the Local Government Tort Claims Act, MARYLAND ANNOTATED CODE, *Courts and Judicial Proceedings* §§ 5-301, *et seq.*

(C) Award the Plaintiff reasonable attorney's fees and costs incurred in pursuing this action; and

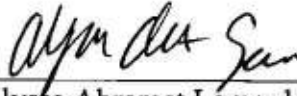
(D) Award such other and further relief as this Court may deem to be just and appropriate.

Respectfully submitted,

IAMELE & IAMELE, L.L.P.



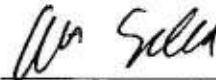
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PRAYER FOR JURY TRIAL

Plaintiff requests that all issues triable by jury herein be decided by way of a jury trial.



Anton L. Iamele