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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

GIOVANTE DOUGLAS, an individual;
CARTIER HUNTER, an individual;

Plaintiffs,

v.

CITY OF OAKLAND, a municipal
corporation; PHONG TRAN, in his
individual capacity as a law enforcement
officer for the CITY OF OAKLAND
POLICE DEPARTMENT; and DOES 1-
50, inclusive.

Defendants.

Case No.: 4:23-cv-02820

COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

INTRODUCTION

1. Plaintiffs Giovante Douglas and Cartier Hunter were sentenced to 26 years to life and 50 years to life in prison, respectively, and spent over six (6) years in maximum security prison for a crime that they did not commit – the December 2011 murder of Charles Butler Jr.

2. Mr. Douglas’s and Mr. Hunter’s convictions were the result of egregious and unconstitutional misconduct by the Oakland Police Department (OPD) officers investigating the Butler Jr. shooting, including lead investigator, OPD Officer Phong Tran. After almost two years of a stalled investigation, OPD Defendants manufactured an eyewitness, its star witness, Ms. Aisha Weber, who they claimed witnessed the shooting death of Charles Butler Jr. Making matters worse, for years, OPD Defendants then concealed the blatantly improper means used to obtain this concocted eyewitness.

3. No physical or forensic evidence ever incriminated Mr. Douglas or Mr. Hunter. As Mr. Douglas and Mr. Hunter have steadfastly maintained their innocence, no statements incriminated them either. The sole evidence incriminating them was the manufactured identification unlawfully procured by OPD Officer Tran and other OPD Defendants.

4. OPD Officer Tran committed clear perjury during his various testimonies in relation to the prosecution of Mr. Douglas and Mr. Hunter. On November 14, 2014, Officer Tran testified under oath during the preliminary hearing of Mr. Douglas and Mr. Hunter. At that time, Officer Tran testified that neither the “Oakland Police Department [n]or any type of law enforcement provided [Ms. Weber] any type of reward or anything of that nature for coming forward in this case.” This statement is **demonstrably false** as, on or about February 28, 2022, Officer Tran admitted to members of the Alameda County District Attorney’s Office (ACDAO) that “I gave Ms. Weber cash to help her current situation on occasions. Short on

1 bills, her car being towed, or some emergency. The money provided to Ms. Weber came after it
2 was made known that she was a cooperating witness in the homicide investigation of Charles
3 Butler. I sought money and aid from different sources, Inspector Basa, Catholic Charities,
4 Alameda County VOC, Kadafi Foundation, and I would sometimes give her my own money to
5 help out of a challenging situation.” Additionally, in a sworn declaration executed on May 16,
6 2021, Ms. Weber stated that after she provided OPD Officer Tran and other officers a statement
7 on September 12, 2013, she “began receiving payments from OPD. These payments came in
8 cash and checks. In order to get paid, I met Detective Tran at a Starbucks at Estuary Cover on
9 Embarcadero in Oakland. If I received cash, it was given to me in \$100.00 bills. Checks were
10 made out to my name.” Moreover, at the time of the preliminary hearing, Ms. Weber “was still
11 being paid consistently for my cooperation with the police. My rent was paid. I had spending
12 money. And, at least once, I was put up in a hotel room for a week.” All the aforementioned
13 statements starkly contradict Officer Tran’s preliminary hearing testimony.

15 5. On June 20, 2016, Officer Tran testified under oath during the jury trial of Mr.
16 Douglas and Mr. Hunter. At that time, Officer Tran testified that “the first time [he] had any
17 contact with Ms. Weber [was] in September 2013. . . when she came down to [his] department.”
18 This statement is **patently false**, as on or about February 28, 2022, Officer Tran admitted to
19 members of the ACDAO that he met Ms. Weber in 2011 and “[t]he first time I met Aisha
20 Weber, investigation was headed by Sgt. Anderson. Weber was at the office following up on
21 the investigation in which she was shot; . . . I met Weber in the hallway through casual
22 conversation. She was very knowledgeable about the people near West Oakland and North
23 Oakland, Dog Town. We exchanged phone numbers. Weber did not want to be a CI, but she
24 was interested in passing on information about dangerous people. She advised she occasionally
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1 traffics marijuana near Agpar/West St...”. Additionally, Ms. Weber, in a sworn declaration
2 dated May 16, 2021, admits that she met Officer Tran in 2011 after she was shot when
3 “Detective Tran contacted me to ask me questions about the shooting. I did not say anything to
4 him. This was the first time I remember meeting Detective Tran.” She later added that “I
5 continued to speak to Detective Tran on occasion. He asked me about things that were
6 happening in the neighborhood. I was not a snitch, but I did give him background information
7 about things I knew. I spoke to Detective Tran in passing in 2012 and 2013 about Mr. Butler’s
8 killing.” The aforementioned statements greatly contradict Officer Tran’s trial testimony on
9 this area of inquiry.
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11 6. On information and belief, Aisha Weber was one of OPD Officer Tran’s
12 confidential informants long before Officer Tran fabricated this story where she suddenly
13 became a percipient witness to the Butler fatal shooting. On information and belief, OPD
14 Officer Tran paid Weber more than \$30,000 and provided other benefits in exchange for her
15 testimony.
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17 7. On information and belief, the misconduct related to the concoction of Aisha
18 Weber as a percipient witness was not the only misconduct committed by OPD Officer Tran
19 and other members of the OPD during the investigation and prosecution related to the Butler
20 murder.
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22 8. In clear violation of the Due Process Clause of the United States Constitution
23 and the tenets of *Brady v. Maryland* and its progeny, numerous crucial details regarding Ms.
24 Weber and her testimony were neither disclosed to Mr. Douglas and/or Mr. Hunter, nor were
25 they heard by the jury in the trial of Mr. Douglas and Mr. Hunter. As a result of the blatant
26 misconduct involving the manipulation and manufacturing of evidence, Mr. Douglas and Mr.

Hunter were denied their fundamental rights to a fair and impartial jury trial, which ultimately resulted in them being wrongfully convicted.

9. On September 12, 2022, with the concession of the ACDAO, Mr. Douglas's conviction was reversed after his Habeas Petition to Dismiss the Charges was granted. Mr. Douglas was thereafter ordered released from prison forthwith. He had spent over nine (9) years incarcerated for a crime he did not commit.

10. On February 9, 2023, with the concession of the ACDAO, Mr. Hunter's conviction was reversed after his Habeas Petition to Dismiss the Charges was granted. Mr. Hunter was thereafter ordered released from prison forthwith. He too had spent over nine (9) years incarcerated for a crime he did not commit.

11. At the time of his arrest, Mr. Douglas was a loving son and father to two (2) children, a then two (2) year old daughter and a then one (1) month old son. As a result of his wrongful conviction and over nine (9) years of imprisonment, Mr. Douglas was snatched away from his family and left to come home to a completely fractured relationship with his children. Equally as important, Mr. Douglas is still trying to get reacclimated to life outside the penitentiary.



12. At the time of his arrest, Mr. Hunter was a loving son and expectant father. As a result of his wrongful conviction, Mr. Hunter too was snatched away from his family and forced to both get married and experience his only child's birth behind bars. Mr. Hunter is also in the process of both repairing his familial relationships, as well as adjusting to life outside of the penitentiary.



JURISDICTION

13. This action arises under Title 42 of the United States Code, Section 1983. Jurisdiction is conferred upon this Court by Title 28 of the United States Code, Sections 1331 and 1343. The unlawful acts and practices alleged herein occurred in Alameda County, California, which is within this judicial district.

VENUE

14. Pursuant to 28 United States Code Section 1391(b), venue is proper in the Northern District of California, the judicial district in which the claims arose and in which the Defendants conduct business.

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PARTIES

15. Plaintiff GIOVANTE DOUGLAS (hereinafter “Plaintiff DOUGLAS”) is an adult, and at all times relevant herein was, a resident of California and a citizen of the United States.

16. Plaintiff CARTIER HUNTER (hereinafter “Plaintiff HUNTER”) is an adult, and at all times relevant herein was, a resident of California and a citizen of the United States.

17. Defendant CITY OF OAKLAND (hereinafter “Defendant CITY”) is an incorporated public entity duly authorized and existing as such in and under the laws of the State of California; and at all times herein mentioned, Defendant CITY has possessed the power and authority to adopt policies and prescribe rules, regulations and practices affecting the operation of the Oakland Police Department (hereinafter “OPD”) and its tactics, methods, practices, customs, and usage. At all relevant times, Defendant CITY was the employer of Defendant Phong Tran and DOES 1-50, individually and as peace officers.

18. Defendant PHONG TRAN (hereinafter “Defendant TRAN”) was and at all times herein is a police officer for the OPD and Defendant CITY and is sued in his individual capacity. At the time of the violations of law alleged herein, Defendant TRAN was acting within the course and scope of his employment with the City of Oakland and OPD.

19. Plaintiffs are ignorant of the true names and capacities of Defendants DOES 1 through 50, inclusive, and therefore sues these defendants by such fictitious names. Plaintiffs are informed and believes and thereon alleges that each Defendant so named was employed by Defendant CITY at the time of the conduct alleged herein. Plaintiffs allege that each of Defendants DOES 1 through 50 were responsible for the training, supervision and/or conduct of the police officers and/or agents involved in the conduct alleged herein. Plaintiffs allege that

each of Defendants DOES 1 through 50 was also responsible for and caused the acts and injuries alleged herein. Plaintiffs will amend this Complaint to state the names and capacities of DOES 1 through 50, inclusive, when they have been ascertained.

FACTUAL ALLEGATIONS

Charles Butler Jr.'s Homicide

20. On December 22, 2011 at about 10:25 a.m., 23-year-old Charles Butler Jr. was fatally shot at 46th and West streets in Oakland, California.

21. Plaintiff Giovante Douglas is innocent of this crime-he had nothing to do with the murder of Charles Butler Jr.

22. Plaintiff Cartier Hunter is innocent of this crime-he had nothing to do with the murder of Charles Butler Jr.

Aisha Weber's False Statements and Testimonies

23. On April 10, 2012, Defendant TRAN presented his case against Plaintiff DOUGLAS and/or Plaintiff HUNTER for Butler Jr.'s murder to the Alameda County District Attorney's Office (ACDAO). The ACDAO declined to file charges and found that there was insufficient probable cause to arrest anyone and insufficient probable cause to criminally prosecute anyone for the Butler Jr. homicide. At some point during the investigation, Defendant TRAN became consumed with ensuring that Plaintiff DOUGLAS and/or Plaintiff HUNTER were charged with the Butler Jr. murder.

24. Understanding the probative value of eyewitness identifications, Defendant TRAN became obsessed with securing eyewitness identifications of Plaintiff DOUGLAS and/or Plaintiff HUNTER, the truthfulness and accuracy of such identifications becoming a secondary motive in the mind and operation of Defendant TRAN.

1 25. In addition to the misconduct described herein related to the Weber
2 identifications, Defendant TRAN also attempted to pressure a real percipient witness to the
3 Butler Jr. shooting into falsely identifying Plaintiff DOUGLAS and/or Plaintiff HUNTER as the
4 culprits. Defendant TRAN went as far as attempting to bribe this witness by telling her that he
5 could get robbery charges against her son dropped in exchange for her falsely identifying
6 Plaintiff DOUGLAS and/or Plaintiff HUNTER. Ultimately, even after multiple attempts by
7 Defendant TRAN, this witness chose not to join Defendant TRAN in his “the ends justify the
8 means” approach to crime solving and declined to falsely identify Plaintiff DOUGLAS and/or
9 Plaintiff HUNTER.
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11 26. On September 12, 2013, after almost two (2) years of a stalled investigation into
12 the murder of Charles Butler Jr., Defendant TRAN conducted a recorded interview of Aisha
13 Weber. The recorded interview was conducted under the auspices of Aisha Weber being a
14 percipient witness to the fatal shooting of Charles Butler Jr. who, after years of agonizing,
15 decided to come forward as a witness after watching a September 5, 2013 KTVU broadcast.
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17 27. In reality, Aisha Weber was not a percipient witness, but instead had a pre-
18 existing informant relationship with the lead investigator of the Charles Butler Jr. murder,
19 Defendant TRAN. On information and belief, as of September 2013, Aisha Weber had been
20 acting as a confidential informant for Defendant TRAN since sometime around the time that she
21 was shot in December 2011. In clear violation of *Brady v. Maryland* and its progeny, Ms.
22 Weber’s informant status was neither disclosed to Plaintiff Douglas and/or Plaintiff Hunter, nor
23 was it disclosed to the jury in their trial.

24 28. On information and belief, sometime in September 2013 and prior to her
25 recorded interview, Defendant TRAN contacted Aisha Weber and promised her money and
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1 other benefits in exchange for providing a statement claiming to be a percipient witness to the
2 Charles Butler Jr. murder. On information and belief, prior to her September 2013 recorded
3 interview, Aisha Weber believed that she could get paid by and receive housing from OPD to be
4 a witness in the Charles Butler Jr. case.

5 29. On information and belief, prior to her recorded interview, Aisha Weber told
6 Defendant TRAN that she did not actually witness the fatal shooting of Charles Butler Jr. On
7 information and belief, prior to her recorded statement, Defendant TRAN provided Aisha
8 Weber with specific details about the Charles Butler Jr. murder, including the identity of the
9 suspects.
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11 30. In her recorded interview, Ms. Weber claims that she witnessed the fatal
12 shooting of Butler Jr. and identified Plaintiff DOUGLAS and/or Plaintiff HUNTER as the
13 responsible parties. On information and belief, Weber had not witnessed the fatal shooting of
14 Butler Jr. and was only saying so at the direction and behest of Defendant TRAN.

15 31. On information and belief, sometime after September 13, 2013, Defendant
16 TRAN authored an arrest warrant for Plaintiff DOUGLAS and Plaintiff HUNTER for the
17 murder of Butler Jr. Defendant TRAN's probable cause declaration relied heavily on Weber's
18 lies and made-up statements. On information and belief, ultimately, an Alameda County
19 Superior Court Judge, relying on the faulty probable cause declaration, issued arrest warrants
20 for Plaintiff DOUGLAS and Plaintiff HUNTER. Plaintiff DOUGLAS and Plaintiff HUNTER
21 were arrested on October 1, 2013 and April 30, 2014, respectively.
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23 32. On information and belief, prior to providing any sworn testimony in the Butler
24 Jr. homicide investigation, Aisha Weber had lunch with Defendant TRAN and Butler Jr.'s
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1 family at Buttercup Diner and Bar in Oakland, a tactic used by Defendant TRAN to further
2 stress to Aisha Weber the importance of and need for her testimony and in-court identifications.

3 33. On November 12, 2014, Weber testified at Plaintiff DOUGLAS's and Plaintiff
4 HUNTER's preliminary hearing related to the Butler Jr. homicide. Weber testified consistently
5 to her September 2013 recorded interview, wherein she identified Plaintiff DOUGLAS and/or
6 Plaintiff HUNTER as being responsible for the Butler Jr. homicide. Weber's false testimony
7 was crucial to the magistrate finding probable cause that Plaintiff DOUGLAS and/or Plaintiff
8 HUNTER were guilty of the Butler Jr. murder. However, Weber lied while under oath, as she
9 did not witness the Butler murder and was merely operating under the strict instructions of
10 Defendants TRAN and other OPD officers.

11 34. On June 16, 2016, Weber testified at Plaintiff DOUGLAS's and Plaintiff
12 HUNTER's trial related to the Butler Jr. homicide. Weber testified consistently to both her
13 September 2013 recorded interview and November 2014 preliminary hearing testimony,
14 wherein she identified Plaintiff DOUGLAS and/or Plaintiff HUNTER as being responsible for
15 the Butler Jr. homicide. Weber, the prosecution's star witness, provided critical testimony,
16 which led to the wrongful convictions of Plaintiff DOUGLAS and Plaintiff HUNTER. Weber's
17 testimony was false and made up, as she did not witness the Butler Jr. murder and instead was
18 operating pursuant to the orders of Defendants TRAN and other OPD officers.

19 35. The false statements and fabricated testimonies of star witness Weber were
20 instrumental in securing the June 2016 wrongful convictions of Plaintiff DOUGLAS and
21 Plaintiff HUNTER. For over nine (9) years, Weber's false statements and fabricated
22 testimonies were allowed to stand without contradiction or impeachment, resulting in Plaintiff
23 DOUGLAS and Plaintiff HUNTER wrongly spending almost ten years in the custody of law
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1 enforcement and the California Department of Corrections and Rehabilitation. Throughout,
2 Defendant TRAN knew that he had used illegitimate and unconstitutional means to secure the
3 convictions of Plaintiff DOUGLAS and Plaintiff HUNTER.

4 **Mr. Douglas's Wrongful Imprisonment**

5 36. At the time of Plaintiff DOUGLAS's arrest in October 2013, he was 21-years-
6 old and living in Sacramento, California, where he was raising his two (2) year old daughter and
7 one (1) month old son.

8 37. Plaintiff DOUGLAS was imprisoned at the Santa Rita County Jail until on or
9 about November 2016, when he was thereafter sent to San Quentin State Prison. His two
10 children were then five (5) years old and three (3) years old. While in Santa Rita County Jail,
11 Plaintiff DOUGLAS missed his daughter's third, fourth and fifth birthdays and his son's first,
12 second, and third birthdays.

13 38. Since Plaintiff DOUGLAS was sentenced to life, during his time in prison, he
14 was always housed in a Level 4 maximum-security prison.

15 39. Plaintiff DOUGLAS was housed in the Reception Center at San Quentin for
16 approximately three (3) to four (4) months. At San Quentin, Plaintiff DOUGLAS was on 24-
17 hour lockdown with another person in a cell barely large enough for one person. If Plaintiff
18 DOUGLAS wanted to wash himself, he was forced to shower with nine other people. Simply
19 put, Plaintiff DOUGLAS was forced to endure inhumane living conditions from his first day in
20 prison to his last.

21 40. From San Quentin, sometime in 2017, Plaintiff DOUGLAS was then transferred
22 to Calipatria State Prison, which is in far southern California, hundreds of miles away from his
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1 family. It takes over eight hours to drive from the San Francisco Bay Area to Calipatria.

2 Calipatria is a level 4 prison, which houses some of California's most violent offenders.

3 41. On Plaintiff DOUGLAS's first day on the Calipatria yard, just after receiving his
4 housing assignment, with the temperature scorching and over 100-degrees, Plaintiff DOUGLAS
5 witnessed a Mexican inmate being stabbed to death by other Mexican inmates. Even after the
6 correctional officers laid the yard down and sprayed in the direction of the perpetrators, the
7 perpetrators continued their stabbings until the target of the violent assault was recognizably
8 dead, as indicated by his bloodied limp body dropping to the ground and blood spilling all over
9 the ground.
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11 42. Plaintiff DOUGLAS was immediately and perpetually traumatized by seeing a
12 man killed in front of him. Unfortunately, Plaintiff DOUGLAS witnessed numerous stabbings
13 and killings on the Calipatria yard. When stabbings occur, Plaintiff DOUGLAS, like all non-
14 involved prisoners, would dive to the ground and attempt to crawl out of the way while guards
15 shot at the involved prisoners.

16 43. Plaintiff DOUGLAS's time at Calipatria State Prison was similar to being in an
17 active war zone.

18 44. Additionally, while at Calipatria, Plaintiff DOUGLAS suffered through multiple
19 floodings where his cell and personal belongings were drenched and contaminated with sewage
20 type waste. Plaintiff DOUGLAS diligently tried to preserve his personal belongings, to no
21 avail, as the waste came down in droves.
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23 45. While at Calipatria, Plaintiff DOUGLAS's family was unable to visit him. He
24 did not see his mother, father, sister, friends, or his children.
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1 46. While at Calipatria, Plaintiff DOUGLAS missed all his children's birthdays and
2 other important life events and milestones.

3 47. Phone calls were extraordinarily difficult to get in Calipatria. Plaintiff
4 DOUGLAS rarely had the opportunity to speak with his family while he was there.

5 48. Plaintiff DOUGLAS spent approximately three (3) years at Calipatria and the
6 murderous environment has left an indelible stain on his psyche, which no matter how hard he
7 tries, he still cannot erase from his memory.

8 49. As soon as possible, Plaintiff DOUGLAS requested a transfer to a prison closer
9 to his family. On or about the end of 2019, Plaintiff DOUGLAS was moved to New Folsom
10 State Prison, also a Level 4 prison.

11 50. While at New Folsom, Plaintiff DOUGLAS again witnessed a multitude of
12 stabbings, murders and other unconscionable violence. During his early time at New Folsom,
13 Plaintiff DOUGLAS witnessed an older white inmate being stabbed to death with what is
14 known in prison parlance as a bone crusher, an improvised metal spear that is substantially
15 larger than a typical prison shank.
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17 51. Violence was all around Plaintiff DOUGLAS at New Folsom and Plaintiff
18 DOUGLAS had to be on high alert at all times, as even though Plaintiff DOUGLAS was a
19 civilian and not affiliated with any prison gangs, violence could and did erupt instantaneously
20 from all angles for the most trifling reasons.

21 52. While imprisoned at New Folsom, Plaintiff DOUGLAS again was forced to live
22 in substandard conditions, where he again suffered through multiple floodings, where his cell
23 and personal belongings were drenched and contaminated with sewage type waste.
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1 53. Although prison rules mandate that inmates are not to go 72 hours without a
2 shower, Plaintiff DOUGLAS often went more than 72 hours in between showers. Plaintiff
3 DOUGLAS was often forced to take birdbath showers by using the toilet water to clean himself.
4 Toilet water would also be used to clean his underwear and clothing.

5 54. Plaintiff DOUGLAS had to be on high alert the entire time that he was in prison.
6 Plaintiff DOUGLAS would go to school, but learned very little, as the environment was not one
7 conducive to learning.

8 55. Throughout his incarceration in prison, Plaintiff DOUGLAS witnessed so many
9 stabbings that he stopped counting.

10 56. While Plaintiff DOUGLAS was incarcerated and could not help to support them,
11 his relationship with his children suffered tremendously. Plaintiff DOUGLAS missed numerous
12 of his children's birthdays and other important life milestones, including first days of school. In
13 addition, Plaintiff DOUGLAS was denied the opportunity to be a father and to this day, his
14 relationship with his children continues to be in a state of disrepair.

15 57. Plaintiff DOUGLAS bears the psychological scars of being in custody for over
16 nine (9) years and Plaintiff DOUGLAS's children lost their father for over nine years.

17 58. Plaintiff DOUGLAS also bears the psychological scars of being charged
18 prosecuted and wrongfully convicted for a crime that he did not commit. As a result of all that
19 has transpired, Plaintiff DOUGLAS no longer trusts anyone.

20
21 **Mr. Hunter's Wrongful Imprisonment**

22 59. At the time of Plaintiff HUNTER's arrest in April 2014, he was an expectant
23 father and fiancé. Plaintiff HUNTER was housed at the Santa Rita County Jail for over three
24 (3) years during the pendency of his case.

1 60. About a month after his arrest and incarceration, Plaintiff HUNTER's son was
2 born. Plaintiff HUNTER was denied the opportunity to witness the birth of his only child, a
3 lifelong memory that he can never recover. Plaintiff HUNTER was thereafter denied the
4 opportunity to hold and love on his newborn son, an experience that can never be replaced. For
5 the first three (3) to four (4) years of his son's life, Plaintiff HUNTER was forced to visit with
6 his son on the other side of a glass partition. In fact, the first time Plaintiff HUNTER ever held
7 his son was in a prison visiting room.

8 61. During the over nine (9)-year period that Plaintiff HUNTER was incarcerated,
9 Plaintiff HUNTER was denied the opportunity to witness and participate in all of his son's life
10 milestones, including but not limited to his son's first steps, his son's first words, his son's first
11 birthday, his son's first day of school and his son's promotion from kindergarten. Additionally,
12 during his incarceration, Plaintiff HUNTER was denied the opportunity to participate in his
13 son's rearing.

14 62. While at Santa Rita in 2014, Plaintiff HUNTER married his longtime girlfriend
15 and mother of his son. Unlike most traditional weddings worldwide, Plaintiff HUNTER was
16 forced to get married via a glass partition and was allowed no physical contact with his new
17 bride. The first kiss and other attendant wedding customs were denied to Plaintiff HUNTER.
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19 63. From Santa Rita, Plaintiff HUNTER was transferred to the reception center at
20 San Quentin.

21 64. Since Plaintiff HUNTER was sentenced to life, during his time in prison, he as
22 always housed in either a level four (4) maximum-security prison or in a prison that was eerily
23 reminiscent of a level four (4) prison based on the amount of violence perpetuated.
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1 65. Plaintiff HUNTER spent approximately five (5) to six (6) months at San
2 Quentin. At San Quentin, Plaintiff HUNTER was on 24-hour lockdown with another inmate in
3 a cell sized to barely accommodate one person, let alone two people. If Plaintiff HUNTER
4 wanted to clean himself, he was forced to shower with nine other people with guards watching.
5 Plaintiff HUNTER, much like Plaintiff DOUGLAS, was subjected to inhumane living
6 conditions from day one (1) in prison.

7 66. From San Quentin, Plaintiff HUNTER was transferred to Centinela State Prison,
8 a level four (4) prison that is over 500 miles away from the San Francisco Bay Area. Plaintiff
9 HUNTER was housed at Centinela for four (4) to five (5) months.

10 67. While at Centinela, Plaintiff received no family visits, as the length and cost of
11 the trip from the San Francisco Bay Area was too prohibitive for Plaintiff HUNTER's family
12 members.

13 68. Within days of arriving at Centinela, Plaintiff HUNTER witnessed his first
14 stabbing, as he witnessed two (2) Mexican inmates stabbing another Mexican inmate. The
15 stabbing victim, who miraculously survived, was stabbed approximately 60 to 70 times before
16 the correctional officers laid the yard down.

17 69. Throughout his tenure at Centinela, Plaintiff HUNTER witnessed numerous
18 murders and stabbings.

19 70. Plaintiff HUNTER was transferred to Corcoran State Prison on or about
20 December 2017. Corcoran is a level four (4) prison located over 200 miles from the San
21 Francisco Bay Area.

22 71. While at Corcoran, Plaintiff HUNTER experienced numerous racial riots
23 involving the Blacks/African Americans and Asian inmates. These riots often resulted in
24 involving the Blacks/African Americans and Asian inmates. These riots often resulted in
25 involving the Blacks/African Americans and Asian inmates. These riots often resulted in
26 involving the Blacks/African Americans and Asian inmates. These riots often resulted in

1 numerous stabbings and a laying down of the yard by correctional officers. As a Black man,
2 Plaintiff HUNTER was forced to keep his head on a swivel, as no discretion was exercised by
3 the rioters, e.g. anyone who was classified as Black/African American was susceptible to being
4 harmed.

5 72. Plaintiff HUNTER spent approximately eight (8) to nine (9) months at Corcoran.

6 73. From Corcoran, Plaintiff was transferred to Solano State Prison, which was
7 classified as a level three (3) prison. Plaintiff HUNTER spent approximately one (1) year at
8 Solano.
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10 74. While at Solano, Plaintiff HUNTER again witnessed numerous stabbings and
11 overdoses. For example, Plaintiff HUNTER once witnessed a fellow inmate get stabbed over
12 thirty times before eventually being carted off on a gurney.

13 75. Sometime in 2018, Plaintiff HUNTER was transferred to Salinas Valley State
14 Prison, a level four (4) prison in Soledad, California. Plaintiff HUNTER was in Salinas Valley
15 for the remainder of his time in prison and characterized it as the worst prison ever.

16 76. Salinas Valley was then regarded as one of the most violent prisons in California.
17 There were riots between rival prison gangs, and although Plaintiff HUNTER was a civilian,
18 because he is African American he was also part of the lockdown.

19 77. Lockdown meant that prisoners had to stay in their cell, approximately 6 feet by
20 9 feet, with their cellmate all day and night, every day and night. The tiny cells had a bunk bed,
21 shelves, and a toilet, with the “walking area” being the space between the bunk bed and the
22 shelves. This space was approximately two feet wide, just enough for one person to walk down
23 the bed and back again.
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1 78. During lockdown, prisoners were fed in their cells. During lockdown, packages
2 that could be sent from family members through designated venders were not delivered.
3 Canteen was unavailable also.

4 79. While at Salinas Valley, Plaintiff HUNTER witnessed numerous murders and
5 stabbings. In one instance, Plaintiff HUNTER's good friend was killed and Plaintiff HUNTER
6 had to call his friend's family and inform them of his death. This was extremely taxing on
7 Plaintiff HUNTER, as this was the first and only time that he has ever had to inform a family
8 about their loved one's death. Although he would like to forget it, Plaintiff HUNTER still
9 constantly thinks and grieves about this particular death.
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11 80. Plaintiff HUNTER witnessed so many murders, stabbings and overdoses during
12 his confinement in the California Department of Corrections and Rehabilitation's various prison
13 facilities that he lost count.

14 81. Witnessing this type of violence at such an alarming frequency has permanently
15 altered Plaintiff HUNTER, who still has trouble sleeping, is constantly on high alert and does
16 not feel comfortable around people.

17 82. Plaintiff HUNTER never had an enjoyable birthday or holiday while
18 incarcerated.

19 83. During his prison stint, Plaintiff HUNTER would often go four (4) to five (5)
20 months without seeing his son, wife and other loved ones. Plaintiff HUNTER is still trying to
21 repair his familial relationships.
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23 84. Like Plaintiff DOUGLAS, Plaintiff HUNTER also bears the psychological scars
24 of being in custody over nine (9) years.
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1 85. Plaintiff HUNTER's son lost his father for over nine (9) years and Plaintiff
2 HUNTER's wife lost her husband for over nine (9) years.

3 86. As a result of the wrongful conviction initiated and secured by Defendant
4 TRAN, Plaintiff HUNTER's life has been irreparably damaged.

5 **Monell Facts**

6 87. The Oakland Police Department has an extensive and pervasive history of
7 utilizing "the ends justify the means" approach to solving crimes. This "the ends justify the
8 means" approach includes, among other tactics, manufacturing evidence.

9 88. In fact, the OPD has been under federal monitoring since 2003 as a result of a
10 settlement agreement in *Allen v. City of Oakland (United States Northern District of California*
11 *Case No. 3:00-cv-04599)*. In that case, also known as the "Riders case," it was determined that
12 members of the Oakland Police Department routinely utilized "the ends justify the means
13 approach" whereby they engaged in excessive force, planted/manufactured evidence, kidnapped
14 citizens, and otherwise just engaged in lawlessness and other conduct unbecoming of an officer.

15 89. On or about June 1 2022, OPD was placed on a one (1)-year probationary period
16 for the department to show that it can sustain the reforms it has made thus far in order to move
17 itself out of federal oversight.

18 90. On information and belief, at the time of Defendant TRAN's misconduct related
19 to Plaintiff DOUGLAS and Plaintiff HUNTER, OPD was already a decade into its now twenty-
20 year federal oversight. Defendant TRAN's conduct is precisely the type and quality of
21 misconduct that the federal monitor seeks to not only learn about, but moreover, to eradicate.
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1 91. On information and belief, this is not the only instance in which Defendant
 2 TRAN has utilized “the ends justify the means approach” to law enforcement and manufactured
 3 evidence in order to secure arrests and criminal convictions.

4 92. On information and belief, throughout Defendant TRAN’s tenure as a member of
 5 the OPD, high ranking officials within the OPD knew of, condoned, ratified and turned a blind
 6 eye to Defendant TRAN’s misconduct.

7 **DAMAGES**

8
 9 93. As a direct and proximate consequence of Defendants’ violations of Plaintiffs’
 10 federal civil rights under 42 U.S.C. §1983 and the Fourth Amendment, Plaintiffs were
 11 physically, mentally, emotionally, and financially injured and damaged.

12 94. Plaintiffs found it necessary to engage the services of private counsel to vindicate
 13 their rights under the law. Plaintiffs are therefore entitled to an award of attorneys’ fees and/or
 14 costs pursuant to statute(s) in the event that they are the prevailing party in this action under 42
 15 U.S.C. §§ 1983 and 1988. Plaintiffs are also entitled to punitive damages under 42 U.S.C. §§
 16 1983 and 1988.

17 **CAUSES OF ACTION**

18 **FIRST CAUSE OF ACTION**

19 **(42 U.S.C. Section 1983 Claim for deprivation of liberty without due process of law and**
 20 **violation of right to a fair trial, under the Fourteenth Amendment)**
 21 *(PLAINTIFFs individually against Defendants Tran and DOES 1-25)*

22 95. Plaintiffs hereby re-allege and incorporate by reference each and every
 23 paragraph of this Complaint.

24 96. Defendants TRAN and DOES 1-25 fabricated false evidence of PLAINTIFF
 25 DOUGLAS’s and HUNTER’s guilt and suppressed exculpatory and material evidence of
 26 Plaintiff DOUGLAS’s and HUNTER’s innocence, thereby violating Plaintiff DOUGLAS’s

1 and HUNTER's right to a fair trial and causing them to be deprived of their individual without
2 due process of law.

3 97. Rather than conduct an adequate and legally permissible investigation,
4 Defendants TRAN and DOES 1-25, individually and in concert, acted in a manner that shocks
5 the conscience and followed through with the unlawful prosecution of Plaintiffs DOUGLAS
6 and HUNTER, thereby depriving Plaintiffs DOUGLAS and HUNTER of their right not to be
7 deprived of liberty without due process of law.

8 98. Defendants TRAN and DOES 1-25 fabricated evidence prior to trial, including
9 Aisha Weber's identifications, and they did so knowingly or in reckless disregard for the
10 truth. Weber's identifications were used to prosecute Plaintiffs DOUGLAS and HUNTER.
11 This evidence was actually false, as Weber did not witness the murder of Butler Jr., has no
12 idea if Plaintiffs DOUGLAS and/or HUNTER had anything to do with the Butler Jr. murder
13 and stated she only identified Plaintiffs DOUGLAS and HUNTER at the behest of Defendant
14 TRAN. Weber's falsified identification and testimony was then presented at trial. Without
15 this evidence, the results at trial would have been different.

16 99. Defendants TRAN and DOES 1-25, individually and in concert, deliberately
17 fabricated witness testimony and misrepresented the character of witness Weber. In
18 particular, Defendants urged Weber to lie about seeing the Butler Jr. murder and
19 misrepresented the character of Weber, wherein she was portrayed as a Good Samaritan who
20 just happened to stumble upon some evidence while in the neighborhood, when in actuality,
21 she was Defendant TRAN's longstanding informant, who was being rewarded mightily in
22 exchange for her false testimony.
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1 100. In addition to fabricating evidence, Defendants TRAN and DOES 1-25,
2 individually and in concert, in an effort to secure Plaintiffs DOUGLAS's and HUNTER's
3 convictions without regard to their actual innocence, suppressed material, exculpatory
4 information from Plaintiffs DOUGLAS and HUNTER, Plaintiffs' respective defense counsel,
5 and the prosecution in violation of the Constitution and *Brady v. Maryland* and its progeny.

6 a. Defendants, individually and in concert, failed to memorialize the fact
7 that prior to the September 2013 recorded interview of Weber, Weber
8 informed Defendants that she had not actually witnessed the Butler Jr.
9 murder.

10 b. Defendants, individually and in concert, failed to disclose Weber's
11 status as a paid confidential informant, who had a relationship with
12 Defendant TRAN that predated the Butler Jr. murder investigation.

13 c. Defendants failed to disclose that, prior to testifying at the preliminary
14 hearing in the Butler Jr. homicide, Defendant TRAN and Weber had
15 lunch with the Butler Jr. family at the Buttercup Diner and Bar in
16 Oakland.

17 d. Defendants failed to disclose that after Weber's September 2013
18 interview, prior to testifying at the preliminary hearing in the Butler Jr.
19 homicide, Weber began receiving payments from OPD in the form of
20 cash and checks.

21 e. Defendants failed to disclose that, as of November 12, 2014, the day of
22 her testimony in the Butler Jr. preliminary hearing, Weber was still
23 being paid for her cooperation with the police; her rent was paid, she
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1 had spending money, and on at least one occasion, had been put up in a
2 hotel room for a week.

3 f. Defendants failed to disclose that, as of June 12, 2016, the day of her
4 testimony in the Butler Jr. trial, Weber was being paid for her
5 cooperation with the police and that she felt like she had to testify that
6 she saw Butler Jr. get murdered.

7 g. Defendants failed to disclose that Weber's testimony was wholly
8 manufactured and that she was not truthful while testifying at the
9 preliminary hearing and/or the trial.

10 h. Defendants failed to disclose that Weber was paid more than
11 \$30,000.00 in cash and checks for testifying falsely against Plaintiffs
12 DOUGLAS and/or HUNTER.

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14 101. Evidence of Defendants' misconduct could have been used to undermine key
15 evidence relied on by Defendants in this investigation. Had it been disclosed, it could have
16 been used at trial to impeach Defendants, prosecution witnesses, as well as the quality of the
17 entire investigation.

18 102. Defendants' actions, individually and cumulatively, played a direct and
19 decisive role in the jury's guilty verdicts and were highly prejudicial to Plaintiff's
20 DOUGLAS's and HUNTER's defense. Had Defendants' misconduct been disclosed, the
21 evidence would have tended to prove Plaintiffs DOUGLAS's and HUNTER's innocence, cast
22 doubt on the entire police investigation and prosecution, and most likely would have created a
23 different result at trial.

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25 103. The foregoing acts and omissions were deliberate, reckless, wanton, cruel,
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1 motivated by evil motive or intent, done in bad faith, and/or involved callous indifference to
 2 Plaintiffs' federally protected rights. These acts were perpetrated while Defendants were
 3 acting in their capacities as employees or agents of the City of Oakland and under color of
 4 state law.

5 104. As a direct and proximate result of Defendants' actions, Plaintiff DOUGLAS
 6 and Plaintiff HUNTER were wrongly arrested, detained, charged with murder, prosecuted,
 7 convicted, sentence to 26 years to life and 50 years to life, respectively, incarcerated for over
 8 nine (9) years and suffered the other grievous injuries and damages set forth above.

9 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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 11 **SECOND CAUSE OF ACTION**

12 **(42 U.S.C. § 1983 Claim for Malicious Prosecution and Violation of the Fourth and**
 13 **Fourteenth Amendments)**

14 *(PLAINTIFFs individually against Defendants TRAN and DOES 1-25)*

15 105. Plaintiffs hereby re-allege and incorporate each and every paragraph in
 16 this Complaint as fully set forth here.

17 106. The criminal proceedings initiated against Plaintiff DOUGLAS and
 18 Plaintiff HUNTER in September 2013 have been pursued to a legal termination favorable to
 19 Plaintiff DOUGLAS and/or Plaintiff HUNTER. In particular, in September 2022 and February
 20 2023, the Superior Court of California, County of Alameda dismissed all charges against
 21 Plaintiff DOUGLAS and Plaintiff HUNTER respectively.

22 107. The criminal proceedings initiated against Plaintiff DOUGLAS and
 23 Plaintiff HUNTER in September 2013 were brought without probable cause and without any
 24 reasonable belief in guilt.

1 108. Prior to the September 2013 interview and concocted identification by
2 Weber at the behest of Defendant TRAN, there was no probable cause to arrest Plaintiff
3 DOUGLAS and/or Plaintiff HUNTER. Defendants were aware of this and that is they reason
4 they manufactured this faulty identification by Weber. Defendants thereafter caused the arrest
5 of Plaintiffs under false pretenses, and subsequently, Defendants intentionally continued the
6 prosecution against Plaintiff DOUGLAS and Plaintiff HUNTER on the basis of fabricated
7 inculpatory evidence and suppressed exculpatory evidence, thereby effecting a continuing
8 seizure of Plaintiff DOUGLAS and Plaintiff HUNTER in violation of their Fourth and
9 Fourteenth Amendment rights.

10 109. The criminal proceedings against Plaintiff DOUGLAS and/or Plaintiff
11 HUNTER were initiated on the basis of Defendants' intentional and knowingly false
12 accusations, fabrication of evidence, suppression of exculpatory evidence, and other malicious
13 conduct.

14 110. In falsely arresting Plaintiff DOUGLAS and/or Plaintiff HUNTER
15 despite the absence of probable cause to believe they had committed a crime, Defendants
16 deprived Plaintiff DOUGLAS and/or Plaintiff HUNTER of their liberty prior to the preliminary
17 hearing, and in maliciously prosecuting them despite the absence of probable cause or existence
18 of other evidence linking Plaintiff DOUGLAS and/or Plaintiff HUNTER to the crime,
19 Defendants caused Plaintiff DOUGLAS and/or Plaintiff HUNTER to suffer the indignity of a
20 public trial, the most severe deprivation of liberty, over 10 years of emotional distress while
21 being locked up for a crime they did not commit, and other injuries and damages set forth
22 above.
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111. The criminal proceedings against Plaintiff DOUGLAS and/or Plaintiff HUNTER were initiated with malice in that Defendants caused the charges against Plaintiffs DOUGLAS and HUNTER to be filed by knowingly providing the prosecution misinformation, concealing exculpatory evidence, and otherwise engaging in wrongful and bad faith conduct that was actively instrumental in causing the initiation of the legal proceedings against Plaintiff DOUGLAS and/or Plaintiff HUNTER.

112. Defendants' wrongful prosecution of Plaintiff DOUGLAS and/or Plaintiff HUNTER, which was initiated with malice and without probable cause, and was brought for the purpose of denying Plaintiff DOUGLAS's and/or Plaintiff HUNTER's constitutional rights, including their right to be free from unreasonable searches and seizures, and their right to not be deprived of liberty without due process of law.

113. As a direct and proximate result of Defendants' actions, Plaintiff DOUGLAS and/or Plaintiff HUNTER were wrongly prosecuted, detained, and incarcerated for over nine (9) years and suffered the other grievous injuries and damages set forth above.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

THIRD CAUSE OF ACTION
(42 U.S.C. § 1983 Civil Rights Conspiracy Claim)
(PLAINTIFFs individually against Defendants TRAN and DOES 1-25)

114. Plaintiffs hereby re-allege and incorporate each and every paragraph in this Complaint as fully set forth here.

115. Defendants TRAN and DOES 1-25 agreed among themselves and others to act in concert to deprive Plaintiff DOUGLAS and/or Plaintiff HUNTER of their clearly established constitutional rights as protected by the Fourth, Fifth and Fourteenth Amendments,

1 including their right not to be deprived of liberty without due process of law and be free from
2 illegal seizure.

3 116. As described in detail above, in furtherance of the conspiracy, Defendants
4 engaged in and facilitated numerous overt acts in furtherance of the conspiracy.

5 117. As a direct and proximate result of Defendants' overt acts, Plaintiff
6 DOUGLAS and/or Plaintiff HUNTER were deprived of their constitutional rights; wrongly
7 prosecuted, detained, and incarcerated for over nine (9) years; and subjected to other grievous
8 injuries and damages as set forth above.

9 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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11 **FOURTH CAUSE OF ACTION**
12 **(42 U.S.C. § 1983 claim pursuant to *Tatum v. Moody* for Failure to Disclose Highly**
13 **Significant Exculpatory Information Leading to Plaintiffs' Continued Detention)**
14 **(PLAINTIFF against Defendants TRAN and DOES 1-25)**

15 118. Plaintiffs hereby re-allege and incorporate each and every paragraph in
16 this Complaint as fully set forth here.

17 119. Pursuant to *Tatum v. Moody*, 768 F.3d 806 (9th Cir. 2014) *cert. denied*,
18 135 S. Ct. 2312, 191 L. Ed. 2d 978 (2015), Defendants failed to disclose exculpatory evidence
19 to prosecutors leading to Plaintiff DOUGLAS's and/or Plaintiff HUNTER's lengthy
20 detention, in violation of Plaintiffs' right to due process.

21 120. As mentioned above, Defendants failed to disclose the fabricated nature
22 of Weber's identification and other testimony, and the fact that she was a paid confidential
23 informant, who was receiving significant benefits in exchange for her testimony.

24 121. Defendants knew that this fabricated identification by Weber was the
25 primary evidence being used in the criminal prosecution of Plaintiff DOUGLAS and/or
26 Plaintiff HUNTER. Had Defendants disclosed that Weber informed them that she did not

1 witness the Butler Jr. murder and/or that Weber was a paid confidential informant, this
 2 evidence would have tended to inure toward Plaintiff DOUGLAS's and Plaintiff HUNTER's
 3 innocence, cast doubt on the entire police investigation and prosecution, and led to the end of
 4 Plaintiff DOUGLAS's and Plaintiff HUNTER's pre-trial detention.

5 122. Defendants performed the above-described acts under color of state
 6 law, deliberately, intentionally, with malice or reckless disregard for the truth and Plaintiff
 7 DOUGLAS's and/or Plaintiff HUNTER's rights and with deliberate indifference to Plaintiff
 8 DOUGLAS's and Plaintiff HUNTER's clearly established constitutional rights. No
 9 reasonable officer in 2011, 2012, 2013, 2014, 2015, 2016 to the present would have believed
 10 this conduct was lawful.

11 123. As a direct and proximate result of Defendants' conduct, Plaintiff
 12 DOUGLAS and/or Plaintiff HUNTER were wrongly and maliciously prosecuted, denied bail
 13 and suffered a prolonged pre-trial detention during the approximately three (3) year period
 14 that they were jailed at Santa Rita from 2013 to 2016 and 2014 to 2016, respectively, as well
 15 as the other grievous and continuing damages and injuries set forth above.

16 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

17 FIFTH CAUSE OF ACTION

18 **(42 U.S.C. § 1983 Supervisory and Municipal Liability Claim *Monell*)**

19 *(PLAINTIFFS against Defendants CITY OF OAKLAND and DOES 26-50)*

20 124. Plaintiffs hereby re-allege and incorporate each and every paragraph in
 21 this Complaint as fully set forth here.

22 125. Plaintiff DOUGLAS and/or Plaintiff HUNTER allege that the culture
 23 of lawlessness, manufacturing of evidence and disregard for constitutional rights within the
 24 OPD-as identified throughout this Complaint-was enabled and even encouraged by high-
 25

1 ranking supervisors within the OPD. Plaintiffs' factual allegations demonstrate that this
2 culture within the OPD was pervasive and longstanding. Plaintiffs further allege that said
3 culture motivated Defendants' use of illegal and unconstitutional means to secure criminal
4 convictions.

5 126. As against Defendants CITY OF OAKLAND and/or DOES 26-50 in
6 his/her/their capacity as police supervisor(s) for the CITY OF OAKLAND, Plaintiffs further
7 allege that the acts and/or omissions alleged in the Complaint herein are indicative and
8 representative of a repeated course of conduct within the CITY OF OAKLAND Police
9 Department tantamount to a custom, policy, or repeated practice of permitting, condoning and
10 tacitly encouraging the abuse of police authority, lawlessness, and disregard for the
11 constitutional rights of citizens.

12 127. As a direct and proximate result of the unconstitutional actions,
13 omissions, customs, policies, practices and procedures of Defendants CITY OF OAKLAND
14 and DOES 26-50 as described above, Plaintiff DOUGLAS and/or Plaintiff HUNTER were
15 deprived of their constitutional rights; wrongly prosecuted, detained, and incarcerated for over
16 nine (9) years; and subjected to other grievous injuries and damages as set forth above.

17
18 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

19
20 **JURY DEMAND**

21 Plaintiffs hereby demands a jury trial in this action.

22 **PRAYER**

23 Wherefore, Plaintiffs pray for relief, as follows:

- 24 1. For general damages in a sum according to proof;
25 2. For special damages in a sum according to proof;

3. For punitive damages against Defendants TRAN and DOES 1-50;
4. All other damages, penalties, costs, interest, and attorney fees as allowed by 42 U.S.C. §§ 1983 and 1988, Cal. Civil Code §§ 52 et seq., 52.1 and as otherwise may be allowed by California and/or federal law against Defendant CITY OF OAKLAND and its employees;
5. For cost of suit herein incurred; and
6. For such other and further relief as the Court deems just and proper.

Date: June 8, 2023

Respectfully submitted,

POINTER & BUELNA, LLP
LAWYERS FOR THE PEOPLE

/s/ LATEEF H. GRAY

LATEEF H. GRAY

COUNSEL FOR PLAINTIFFS