

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT
NEW HAVEN DIVISION

JESSE MORRELL,

PLAINTIFF,

vs.

CITY OF NEW HAVEN,
FRANCISCO ORTIZ, JR. , in his official
capacity as Chief of Police of the
City of New Haven Police Department,
JOHN LALLI, individually and in his
official capacity as police officer, and
DAVID COPPOLA, individually and in
his official capacity as police officer

DEFENDANTS.

CIVIL ACTION NO.: **305CV00782**

RNC

VERIFIED COMPLAINT FOR
INJUNCTIVE RELIEF,
DECLARATORY RELIEF AND
DAMAGES PURSUANT TO
42 U.S.C. § 1983

INTRODUCTION

1. This is a civil rights action brought by Plaintiff Jesse Morrell, seeking injunctive relief, declaratory relief, and damages, pursuant to 42 U.S.C. §§1983 and 1988, against Defendants City of New Haven, Francisco Ortiz, Jr., in his official capacity as Chief of Police of the City of New Haven Police Department, John Lalli, individually and in his official capacity as police officer, and David Coppola, individually and in his official capacity as police officer.

2. This action is premised on the United States Constitution concerning the denial of Plaintiff Jesse Morrell's fundamental rights of free speech, free exercise of religion, due process and equal protection by Defendants named herein.

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U.S. DISTRICT COURT
NEW HAVEN, CT

3. Defendants' actions have deprived and will continue to deprive Plaintiff Jesse Morrell of his paramount rights and guarantees provided under the United States Constitution.

4. Each and every act of Defendants alleged herein were committed by Defendants, each and every one of them, under the color of state law and municipal authority.

JURISDICTION AND VENUE

5. This Court has jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. §§1331 and 1343. This Court has jurisdiction over the request for declaratory relief pursuant to 28 U.S.C. §§2201 and 2202.

6. Venue is proper in the District Court of Connecticut pursuant to 28 U.S.C. §1391(b), because the claims arise in this district and defendants reside in this district.

PLAINTIFF

7. Plaintiff Jesse Morrell ("Mr. Morrell") is a resident of Cheshire, Connecticut and is currently involved in an internship in Tyler, Texas.

DEFENDANTS

8. Defendant City of New Haven ("New Haven") is a municipal authority, subdivision of the State of Connecticut.

9. Defendant Francisco Ortiz, Jr., is Chief of Police of the New Haven Police Department and, in his official capacity, interprets and applies the laws and ordinances of New Haven.

10. Defendant John Lalli (“Officer Lalli”) is a police officer with the New Haven Police Department and, in his official capacity, enforces the laws and ordinances of New Haven.

11. Defendant David Coppola (“Officer Coppola”) is a police officer with the New Haven Police Department and, in his official capacity, enforces the laws and ordinances of New Haven.

FACTS

12. Mr. Morrell is a Christian, and as a tenet of his faith, he attempts to share his religious beliefs with others on public ways. Mr. Morrell discharges a religious duty by publicly proclaiming and orally communicating his Christian beliefs.

13. Mr. Morrell has no intent to physically touch or harass anyone, or to express himself in any way other than in a peaceful manner.

14. Mr. Morrell engages in speech activities for numerous reasons, namely, to express his views about his faith, to object to activities contrary to the tenets of his faith, to associate with others who embrace like views concerning his faith, to counsel individuals regarding his faith, and to engage in religious activities, such as singing of hymns, reading and quoting the Bible, preaching and praying.

15. In furtherance of his religious beliefs and convictions, as set out herein, Mr. Morrell wishes to convey his message in public areas and ways in the New Haven, Connecticut area.

16. On or about May 16, 2004, Mr. Morrell attempted to engage in public expression about his Christian beliefs in four (4) different public ways in New Haven. Each time, however, his effort was thwarted.

17. At first, he placed himself on a public sidewalk in front of an establishment known as the "Irish Pub," on Route 10 in New Haven.

18. Upon his arrival, a police officer from the New Haven Police Department, Officer Lalli (badge number 124) approached Mr. Morrell and informed Mr. Morrell that he would be arrested if he did not immediately cease his speech.

19. Under threat of arrest, Mr. Morrell left the area with the hope of speaking somewhere else in New Haven.

20. Mr. Morrell then went to a public way outside of the "Neat Lounge," also on Route 10, where he encountered a different police officer from the New Haven Police Department, Officer Coppola (badge number 488).

21. Mr. Morrell brought with him a step stool for speech purposes and placed it on the ground so he could speak to those around him. But before he had an opportunity to begin speaking, Officer Coppola approached Mr. Morrell in a very aggressive manner and forced Mr. Morrell to halt his speech.

22. Mr. Morrell advised Officer Coppola that he was there to speak about his Christian beliefs. Mr. Morrell also advised Officer Coppola that he was recording their conversation with his tape recorder.

23. Without any provocation, Officer Coppola abruptly ripped the tape recorder's wire out of Mr. Morrell's tape recorder. In so doing, Officer Coppola made plain to Mr. Morrell that if Mr. Morrell ever attempted to speak in that area, he would be arrested.

24. Mr. Morrell informed Officer Coppola that he would promptly leave, but then Officer Coppola, for no apparent reason, threw Mr. Morrell's step stool into a nearby garbage can.

25. Officer Coppola then threatened Mr. Morrell with arrest if he did not immediately leave the area. Mr. Morrell immediately left the area.

26. Mr. Morrell then went to a public way in front of "Alchemy", likewise an establishment located adjacent to Route 10. There, Mr. Morrell was instructed by an unidentified police officer for New Haven that he would be arrested for engaging in his desired expression.

27. For fear of arrest, Mr. Morrell was forced to forego his expression and leave the area.

28. Mr. Morrell then went to a public way in front of "Back Room Cafe", also located on Route 10. At this location Mr. Morrell was instructed by yet another New Haven police officer, also unidentified, that he would be arrested for engaging in his desired expression in that particular area as well.

29. Mr. Morrell, once again, for fear of arrest, left the area.

30. As a result of these four (4) episodes, Mr. Morrell finally gave up any hope of speaking on public ways in New Haven, Connecticut, and abandoned his First Amendment rights for fear of arrest.

31. Mr. Morrell strongly desires to share his religious message on public ways in New Haven, and would do so, but he is chilled and deterred from expressing his message on said public ways in New Haven for fear of arrest.

32. The impact of chilling and deterring Mr. Morrell from exercising his constitutional rights on public ways in New Haven constitutes irreparable harm to Mr. Morrell.

33. Mr. Morrell has no adequate remedy at law for the loss of his constitutional rights.

34. Further, as a direct and proximate result of the malicious and outrageous conduct of Defendants, Mr. Morrell suffered personal injuries, including but not limited to damage to personal property and mental anguish.

FEDERAL CLAIMS

35. The conduct of the Defendants, as set out herein, acts as a violation of freedom of speech under the First and Fourteenth Amendments to the United States Constitution.

36. The conduct of the Defendants, as set out herein, acts as a violation of the free exercise of religion under the First and Fourteenth Amendments to the Constitution of the United States.

37. The conduct of the Defendants, as set out herein, acts as a violation of due process under the First and Fourteenth Amendments to the Constitution of the United States.

38. The conduct of the Defendants, as set out herein, acts as a violation of equal protection under the Fourteenth Amendment to the United States Constitution.

STATE CLAIMS

39. The conduct of the Defendant Officer Coppola, in destroying personal property of Mr. Morrell, in a threatening manner, on May 16, 2004, also constitutes

assault, battery, tortious destruction of private property, and intentional infliction of emotional distress under state law of Connecticut.

PUNITIVE CLAIM

40. The acts of Defendants, particularly Defendant Officer Coppola, as set out herein, were wanton, malicious, and oppressive, thus entitling Mr. Morrell to an award of punitive damages.

PRAYER FOR RELIEF

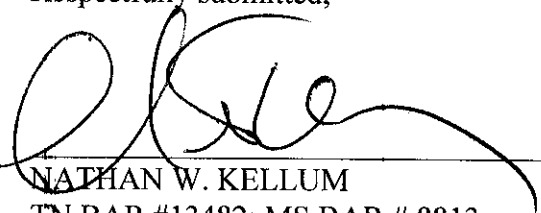
WHEREFORE, Plaintiff Jesse Morrell prays for relief against Defendants, City of New Haven, Francisco Ortiz, Jr., in his official capacity as Chief of Police for the City of New Haven Police Department, John Lalli, individually and in his official capacity as a police officer for the City of New Haven Police Department, and David Coppola, individually and in his official capacity as a police officer for the City of New Haven Police Department, and respectfully requests that this Court grant the following:

- a. Assume jurisdiction over this action;
- b. Enter a judgment and decree declaring that Defendants' actions were unconstitutional under the United States Constitution because the acts of Defendants violate Plaintiff's rights of freedom of speech, free exercise of religion, due process, and equal protection guaranteed by the First and Fourteenth Amendments to the United States Constitution;
- c. Enter a preliminary and permanent injunction enjoining Defendants, their agents, employees and all persons in active concert or participation with them, or any of them, from enforcing any ordinance, law or policy prohibiting Mr. Morrell's desired religious speech activities in public areas in New Haven, Connecticut;

- d. Award Plaintiff compensatory damages in an amount to be determined at trial;
- e. Award Plaintiff punitive damages in an amount to be determined at trial;
- f. Award Plaintiff his reasonable costs and expenses in this action, including attorney's fees, pursuant to 42 U.S.C. §1988; and
- g. Grant such other and further relief as appears to the Court to be equitable and just.

Respectfully submitted,

BY:



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TN BAR #13482; MS BAR # 8813
(pending admission pro hac vice)
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Attorneys for Plaintiff Jesse Morrell

I, Jesse Morrell, a citizen of the United States, and a resident of Connecticut, hereby declare that I have read the foregoing Verified Complaint and the factual allegations therein, and the facts as alleged therein are true and correct.

Date: March 19th, 2005

Jesse Morrell
JESSE MORRELL

Sworn to and subscribed before me this the 19th day of March, 2005.

My Commission expires:

4/20/08

[Signature]
NOTARY PUBLIC
ANDREW WEIBERT
Notary Public, State of Texas
My Commission Expires
April 20, 2008