

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

MAR - 8 2016

ANGELA REGINA GARRETT GDC#1001635876

(Enter above the full name and prisoner
identification number of the plaintiff, GDC
number if a state prisoner.)

By: JAMES N. HATTEN Clerk
[Signature] Deputy Clerk

1:16-CV-0755

^{-vs-}
SERGEANT D.K. ABLASHI; OFFICER A.A. CHILTON;
OFFICER R.R. McEWAIN; OFFICER S.D. AUBIN;
COBB COUNTY DEPARTMENT OF PUBLIC SAFETY; COBB COUNTY JAIL;
COBB COUNTY CIRCUIT DEFENDER'S OFFICE; LEE ARRENDALE STATE PRISON;
RANDY HARRIS, ESQ.; JOHN ALLEN HILDEBRAND, ESQ.;
JULIANNA PETERSON, ESQ.; HOWARD WEINTRAUB, PA
(Enter above the full name of the defendant(s).)

I. Previous Lawsuits

A. Have you filed other lawsuits in federal court while incarcerated in any institution?

Yes () No (✓)

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (name the district):

3. Docket Number: _____

1. Previous Lawsuits (Cont'd)

4. Name of judge to whom case was assigned: _____

5. Did the previous case involve the same facts? () Yes () No

6. Disposition (Was the case dismissed? Was it appealed? Is it still pending?)

7. Approximate date of filing lawsuit: _____

8. Approximate date of disposition: _____

11. Exhaustion of administrative Remedies

Pursuant to 28 U.S.C. 1997e (a), no prisoner civil rights action shall be brought in federal court until all available administrative remedies are exhausted. Exhaustion of administrative remedies is a precondition to suit, and the prisoner plaintiff must establish that he/she has exhausted the entire institutional grievance procedure in order to state a claim for relief.

A. Place of Present Confinement: Whitworth Women's Facility

B. Is there a prisoner grievance procedure in this institution? () Yes (✓) No

C. Did you present the facts relating to your complaint under the institution's grievance procedure? () Yes (✓) No

D. If your answer is YES:

1. What steps did you take and what were the results?

2. If your answer is NO, explain why: This is PI's 3rd custodial transfer.

In the absence of State corrective process while incarcerated PI exhausted all remedies available and thus herein complains of inadequate access to the courts.

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank.)

A. Name of Plaintiff: Angela Regina Garrett

Address(es): 18721 NW 11 Place Miami, FL 33109

(In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Do the same for each additional defendant, if any.)

B. Defendant(s): A.A. Chilton; RR. McEwain; SD Aubin; DK Ablash;
Juliana Peterson; John Allen Hildebrand; Randy Harris; Howard Weintraub, P.A.;
Cobb County Circuit Defenders Office; Cobb County Department of Public Safety
Cobb County Jail; Lee Arrendale State Prison
 Employed as Police officers; District Attorney; Circuit Defender
Law Firm; Police Department; County Jail; State Prison
 at Cobb County Dept of Public Safety; Cobb County Solicitors Office,
Cobb County Circuit Defender, Cobb County Ga; Habersham, GA.

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

March 26, 2014 Def's Chilton + McEwain did unlawfully detain PI at the door
of her residence based solely on the uncorroborated testimony of an unknown
person. Said person contacted 911 and alleged that a terroristic threat was
made by an African American male. Prior to responding to the unit from which
the call was made, Def's Chilton + McEwain detained PI an African American
female + harassed PI with questions regarding the male, which PI informed
Def's was not present in her home nor a party on her lease. PI refused to
consent to further questioning and a search of her home for the male.
After PI refused Def McEwain did willfully + wantonly lie to PI regarding
her obligation to consent to further questioning + a search of her home.

IV. Statement of Claim (Cont'd)

Def McEwan did threaten PI with an unlawful arrest, following which said Def forced into PI home, striking PI and yelling at PI demanding the location of the male. Def's McEwan & Chilton continued to willfully engage in misconduct by verbally assaulting & insulting PI regarding racial issues which was overheard and reported by PI's neighbors and recorded on an ongoing 911 call. While both Def's Chilton & McEwan lacked a particularized & objective basis for suspecting that PI was involved in criminal activity & with neither officer placed in fear by PI actions Def's Ablashi & Aubin did also unlawfully enter & search PI's home. As PI continued to refuse to provide any information for the unidentified male person Def Aubin placed PI under an unlawful arrest for obstruction. While in hand cuffs Def Chilton did use unlawful and excessive force upon the face and body of PI maliciously, causing injury. PI was then falsely imprisoned by Def's Chilton, McEwan, Aubin & Ablashi in the living room of her home. Said Def's did again collectively use excessive force against the face & body of PI including Def's Aubin placing his foot on the right side of PI's face and pressing down while the other Def's kicked & beat PI from behind. Said excessive force was witnessed by PI neighbors & reported the following day to Def Cobb County Dept of Public Safety. PI was wrongfully imprisoned in the back of a police car where Def Ablashi threatened PI with arrest after PI refused to exonerate the officer Def's from the injuries PI sustained. Def McEwan then did further engage in willful misconduct by further antagonizing PI while she was wrongfully detained in the car. Said Def did also threaten PI with physical harm upon removing PI from the car at an unknown location. Def Chilton did likewise threaten to falsely arrest PI for battery

(cont. on add'l sheets)

V. Relief

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

As relief PI seeks actual & Compensatory Damages in the amount of 7,564,911 (seven million five hundred sixty four thousand, nine hundred eleven dollars for - Damages to reputation; Damage to earning capacity, Damage to person, Malpractice, Medical Expenses, cruel & unusual punishment - Relocation Expenses Malicious Arrest, Prosecution & Interference with right to follow profession; 4th Amendment violation, Excessive Force & False Imprisonment - PI seeks Punitive Damages in the amount 15,000,000 (fifteen million dollars) for Malicious Arrest, Prosecution & Interference with right to follow Profession 4th Amendment Violation, Excessive Force, False Imprisonment & Intentional Infliction of Severe Emotional Distress

V. Relief (Cont'd)

Pl also seeks payment of any legal fees associated with
this matter

Singed this _____ day of _____, 2016.

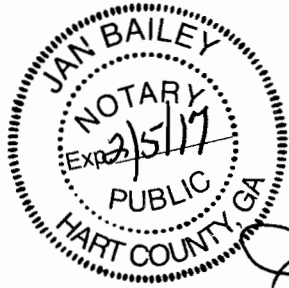
[Signature]
Signature of Plaintiff

STATE OF Georgia
COUNTY (CITY) OF Hart

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON 1/27/16
(Date)

[Signature]
Signature of Plaintiff



Jan Bailey

IV. Statement of Claim (Cont'd)

Def Cobb County Circuit Defenders office refused to inform PI's trial ct of the conflict of interest so that PI could be appointed appellate counsel as provided by law. PI made several formal complaints to said office, timely, to withdraw her entered plea as involuntary. Def Howard Weintraub did engage in misconduct by receiving \$1200 on behalf of PI for legal consultation & to be used towards engagement of new counsel. Said Def lawfirm, after taking PI's money fraudulently misrepresented the ability to replace Def Hildebrand & demanded \$30,000 upfront to act further. One phone conversation was had with PI and none of the \$1200 was returned to PI prior to 8/26/15 when PI involuntarily accepted a guilty plea. On 8/26/15 PI met Def Hildebrand for the first time who alleged that Judge Kell used intemperate language & conduct towards said Def atty regarding PI to coerce PI into taking a guilty plea. PI was incarcerated from 9/18/15 to 6/16/16 (tentatively) & Def Hildebrand maliciously refused to effectuate PI's timely plea withdrawal notice, sentence modification motion & motion for new trial. Def's Cobb County Jail & Lee Arrendale State Prison have extended PI inadequate access to the courts. Def Julianna Peterson did negligently fail to notify the court of PI timely pro-se notice seeking plea withdrawal. Def Cobb County Circuit Def office did maliciously fail to effectuate PI's plea withdrawal and attempts to seek hearing from the court. Def Cobb County Police Dept did maliciously conceal exculpatory evidence of witness testimony, audio & visual recordings and a 911 dispatch call to prevent the malicious prosecution of PI by Def Peterson. PI was denied medical treatment for eye injuries sustained from the aforementioned excessive force while incarcerated in Lee Arrendale State Prison. As a result PI eye injuries were exacerbated. PI has had several failed pregnancies & has been unable to perform sexually. PI has suffered from mental frustration & psychotic episodes resulting in PI's family pleading for her to seek mental counseling or risk disinheritance. PI is mentally disturbed by police & racial profiling & has been unable to commit to her male significant other in light of this incident, who is African American & Native American. PI suffers from severe depression, & anxiety because of this situation. PI is allergic to anti-depressants and continues to suffer from chronic pain to her person as a result of this matter. PI has found a need for substance abuse treatment & extensive counseling & therapy as a result of this incident.

IV. Statement of claim (cont'd)
 + aggravated assault. PI was unlawfully detained while bruised and bleeding for several hours + maliciously questioned regarding the unknown male before being transported to Cobb County Jail. Said Def's did maliciously attempt to conceal PI injuries + place her in Cobb County Jail. Medical treatment was required, however, by Cobb County Jail prior to said custodian authorizing the booking of PI. Said Def officers did maliciously arrest and arbitrarily charge PI with maintaining a disorderly place + obstruction. After PI made a formal complaint with Def Cobb County Dept of public safety, Def Ablashi did intentionally + maliciously contact Def Julianna Peterson who admitted in open court 9/18/15 (PI sentencing hearing) that P's indictment was based solely on the fact that Def Ablashi called Def Peterson months after the incident and requested that she seek indictment. Said Def's sought to further injure PI + interfere with PI's right to follow her legal profession manifested by the timing of Def's Ablashi's contact with Def Peterson subsequent to PI's formal complaint against Def Ablashi. Like wise the timing of PI indictment and the culmination of her law school classes manifest said injury. PI formerly suffered from misconduct by an officer employee of Def Cobb County Public Safety Dept. Said officer plead guilty after using abusive + offensive language towards PI, a victim at the time in her own home. PI feels that the supplanting of her 4th amendment rights by said Def officers was the continued willful, wanton, want of care of Def Cobb County Public Safety Dept which evinces indifference to consequences. Due to the ineffective assistance + willful misconduct of Def's John Allen Hildebrand, Julianna Peterson + Howard Wentraub, PA PI involuntarily plead guilty to obstruction. Def Hildebrand did act in concert with PI's trial judges whom excused said Def's absence at every critical phase of PI's criminal case including pretrial motions + demurrers, arraignment + subsequent hearings. Def Hildebrand did also misinform PI regarding her legal rights and never completely informed PI of the states communicated plea offer as well as any alternatives available. Def Hildebrand misinformed PI regarding First Offender Statute by concealing the collateral consequences and altered sentence ^{offer} under said statute. Def Hildebrand did not pursue any prelitigation action and negligently failed to communicate with PI from 3/27/14 - 8/26/15. Def Hildebrand did also willfully and wantonly refuse to file PI's withdrawal of the involuntary plea of 10/6/2015, which was reported to Def Cobb County Circuit Defenders office. Said Def's office refused to replace Def Hildebrand as PI's atty.

Certified copies to list below

Sergeant D.k. Ablashi

140 North Marietta Pkwy NE

Marietta GA 30060

Officer A.A. Chilton

140 North Marietta Pkwy NE

Marietta GA 30060

Officer R.R. McGwain

140 North Marietta Pkwy NE

Marietta GA 30060

Officer S. D. Audin

140 North Marietta Pkwy NE

Marietta GA 30060

Cobb County Department of Public Safety

140 North Marietta Pkwy NE

Marietta GA 30060

Cobb county Jail

1825 County Services Pkwy

Marietta GA 30060

Cobb County Circuit Defenders Office

32 Waddell Street

Marietta GA 30090

Lee Arrendale State Prison

2023 Gainesville Hwy

Alto GA 30510

John Hildebrand

234 W Dixie AV SE

Marietta GA 30008

Randy Harrisiesqi

Circuit Defenders Office

32 Waddell Street

Marietta GA 30090

Julianna Peterson

Circuit District Attorney

70 Haynes Street

Marietta GA 30090

Howard Weintraub

1355 Peachtree ST NE

Atlanta GA 30309

Richard B. Russel Federal Building

75 Spring ST NW

Atlanta , GA 30303

Marietta GA 30060

Cobb County police Headquarters

140 North Marietta Pkwy NE

Marietta GA 30060