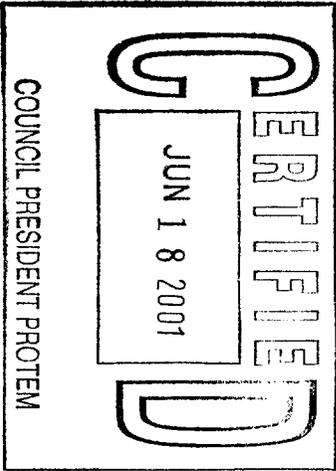


Entered -05-21-01 - sb  
CL 01L0328 - GWENDOLYN BURNS

01-*R*-0860

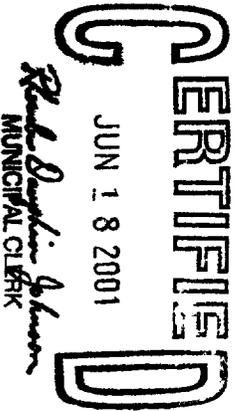


CLAIM OF:

**SHARISA ENGLAND**  
through her attorney,  
**James H. Carter, Jr.**  
**CARTER LAW FIRM**  
Ten Piedmont Center, Suite 135  
3495 Piedmont Road, NE  
Atlanta, Georgia 30305

For damages alleged to have been sustained as a result of an illegal and unconstitutional arrest, search, seizure and excessive use of force incident on November 5, 2000 at Candler Park Drive & North Avenue.

THIS ADVERSED REPORT IS  
APPROVED



BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

### ADVERSE REPORT

APPROVED JUN 1 8 2001

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 6/12/01

CHAIR: C. H. ...

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

June 20, 2001

Sharisa England  
c/o James H. Carter, Jr. Carter Law Firm  
Ten Piedmont Center, Suite 135  
3495 Piedmont Road, N E  
Atlanta, Georgia 30305

01-R-0860

Dear Ms. England:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 18, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0328

Date: May 31, 2001

Claimant /Victim SHARISA ENGLAND
BY: (Atty) (Ins. Co.) James H. Carter, Esq., CARTER LAW FIRM
Address: Ten Piedmont Center, Suite 135, 3495 Piedmont Road, NE, Atlanta, Georgia 30305
Subrogation: Claim for Property damage \$ Bodily Injury \$ 100,000.00
Date of Notice: 5/4/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/5/00 Place: Candler Park Drive & North Avenue
Department POLICE Division
Employee involved S. D. Rosenfeld Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries when she was battered, falsely arrested and imprisoned by Officer S. D. Rosenfeld. Claimant further alleges that the officer used excessive and unauthorized force during her apprehension and arrest. However, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A. Section 36-33-3.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 06-01-01
Committee Action: Council Action

Law

BURNS  
05/17/01  
Gn

**CARTER LAW FIRM**  
Attorneys at Law

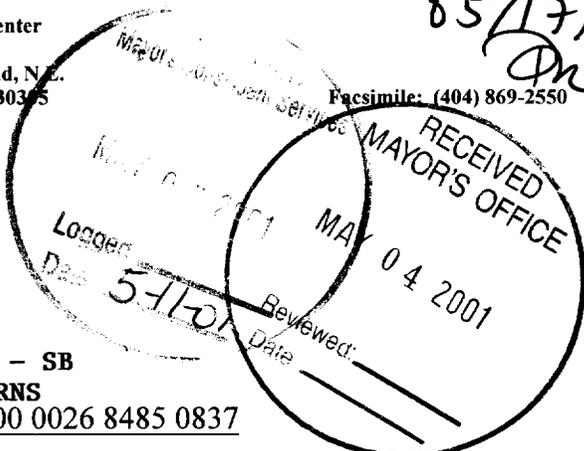
Ten Piedmont Center  
Suite 135  
3495 Piedmont Road, N.E.  
Atlanta, Georgia 30305

Telephone: (404) 869-2555

Facsimile: (404) 869-2550

May 3, 2001

Hon. Mayor William Campbell  
Atlanta City Hall  
55 Trinity Avenue, Suite 2400  
Atlanta, Georgia 30303



ENTERED - 5-21-01 - SB  
0110328 - GWEN BURNS

Courier Delivery & Certified U.S. Mail No. 7000 0600 0026 8485 0837

Re: Notice : Ante Litem  
Claimant : Sharisa England  
Injury Time & Date : 5:30 AM, November 5, 2000  
Injury Location : Candler Park Dr. at North Avenue., Atlanta, GA

Dear Mayor Campbell:

Pursuant to O.C.G.A. 36-33-5, this is notice of an ante litem claim against the City of Atlanta by Sharisa England for damages suffered by her as a result of an illegal and unconstitutional arrest, search and seizure and excessive use of force by an on duty Atlanta Police Department officer at Candler Park Drive at North Avenue, Atlanta, GA at approximately 5:30 AM, November 5, 2000. While Ms. England hands were cuffed behind her back, APD Officer S. D. Rosenfeld threw her head and face down onto concrete. Ms. England's injuries required emergency medical treatment and include facial lacerations, damaged and lost teeth, nose injury, possible brain damage, medical treatment costs, dental treatment costs, lost wages and mental anguish damages. As a result of this conduct, Sharisa England has suffered special and general damages under federal and state law. Pursuant to O.C.G.A. 36-33-5, we notify you of Sharisa England's demand against the City of Atlanta of \$100,000 for compensation for her damages.

Please let me know if we can provide the City of Atlanta with any additional information to assist the City of Atlanta to evaluate this claim.

Sincerely,

James H. Carter, Jr.  
CARTER LAW FIRM

JHC/pcr

cc: Sharisa England

RCS# 2946  
6/18/01  
1:53 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thur 10

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0878  
01-O-0880  
01-R-0733

CONSENT

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**06/18/01 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-0850
2. 01-O-0873
3. 01-O-0893
4. 01-O-0879
5. 01-O-0310
6. 01-O-0313
7. 01-O-0657
8. 01-O-0824
9. 01-O-0875
10. 01-O-0877
11. 01-O-0884
12. 01-O-0788
13. 01-O-0789
14. 01-O-0790
15. 01-O-0791
16. 01-O-0876
17. 01-O-0887
18. 01-O-0888
19. 01-R-0882
20. 01-R-0892
21. 01-R-0870
22. 01-R-0181
23. 01-R-0853
24. 01-R-0854
25. 01-R-0858
26. 01-R-0874
27. 01-R-0881
28. 01-R-0856
29. 01-R-0863
30. 01-R-0865
31. 01-R-0866
32. 01-R-0867
33. 01-R-0908

**ITEMS ADVERSED  
ON CONSENT AGENDA**

34. 01-R-0859
  35. 01-R-0860
  36. 01-R-0861
  37. 01-R-0862
  38. 01-R-0864
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