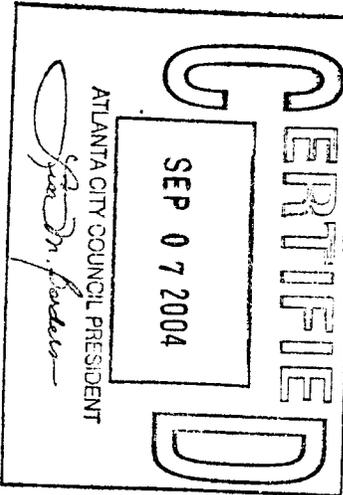


Entered - 02/02/04- sb
CL - 04L0063 LISA CARTER

CLAIM OF: Arthur Richardson
1545 Girard Street, NE
Washington DC 20018

04-R -1529

For damages alleged to have been sustained as a result of a police search and altercation on October 5, 2003 at 278 12th Street.



THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL

SEP 07 2004

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 8/31/04

CHAIR: Joyce M. Shepherd

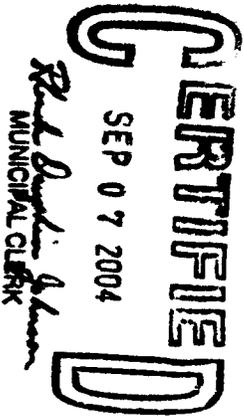
Mark Overwood

C. Timmons

W. S. ...

Carla Smith

...



DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0063

Date: August 17, 2004

Claimant /Victim ARTHUR RICHARDSON

BY: (Atty) (Ins. Co.) _____

Address: 1545 Girard Street, NE Washington DC 20018

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ Not specified

Date of Notice: 01/14/04 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/05/03 Place: 378 12th Street

Department Police Services Bureau: _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of a police search and altercation at 278 12th Street. However, an investigation determined there is not sufficient evidence to prove the allegations made by the claimant. Furthermore, the city is immune from liability as set forth in O.C.G.A. § 36-33-1 and § 36-33-3.

INVESTIGATION:

Statements: City employee _____ Claimant X Others _____ Written _____ Oral X

Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other _____

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 _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

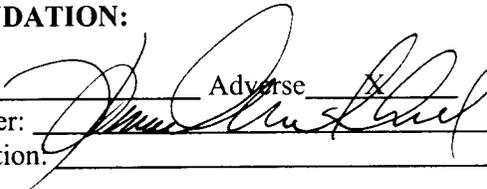
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 08/19/04

Committee Action: _____ Council Action _____

209405 Shirley Franklin

RECEIVED

Linda DiSanto

RF JAN 14 2004

January 08, 2004

CITY OF ATLANTA LAW DEPT.

TO: The Honorable Mayor Shirley, Atlanta City Council, Chief of Atlanta Police Dept.

RE: Pre-Suit Notice.

ENTERED - 2-2-04 - SB
04L0063 - LISA CARTER

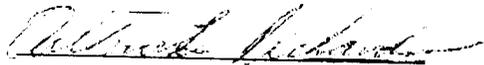
*FYI
HWY
JD
Am*

*Carter
01/23/04
[Signature]*

Pursuant to the laws of the State of Georgia, Arthur Richardson ("Complainant") by and through his counsel give notice to the following: Honorable Mayor Shirley Franklin, Atlanta City Council, _____, Chief of Police of the Atlanta Metropolitan Police Department hereby give notice to file a lawsuit (tort action) against Officer B. L. Miller, individually, and the Atlanta Metropolitan Police Department for harassment, assault, and for unlawful search and seizure. The date of these incidences occurred on or about October 5, 2000, around 4:45 a.m. and 5:00 a.m. respectively. The scenario that preceded the unlawful search and seizure beginnings was an actual confrontation between Complainant and Officer Miller. Complainant was walking his dog outside of his premises and out of the park near his residence, Officer Miller accosted Complainant and began to shout out at the Complainant, then walked out of his cruiser, harassed and provoked Complainant which led up to an altercation between them. Miller struck the Complainant with force then released the Complainant. Complainant was shaken up from the incident and thought that the altercation was the end of the confrontation. Complainant, however, later discovered that after the two incidences of unlawful search and seizure on his premises, Complainant was informed by his housemate that when he (housemate) had entered the apartment, he noticed that someone had gain entry of their apartment and had disturbed the order within their residence.

Under the color of law, B. L Miller entered the Complainant's residence without incident and also without just cause. B. L Miller did not approach the resident with a search warrant but under the color of law, his attired demeanor demanded obeisance and fear especially as a police officer in

uniform which conveyed an ominous presence in the wee hours of the morning before the housemate and his guest. Upon entering the premises, B.L. Miller disrupted and disturbed the housemate's quiet peace and enjoyment. B. L. Miller gained access to Complainant's residence twice under some outlandish delusional guise whereby B. L. Miller told the roommate that he needed to apprehend some important records that were in the possession of the Complainant. On the first visit, B. L. Miller was unable to find the records but while in the process, B. L. Miller disturbed much of the contents in the apartment. On the second visit, B. L. Miller returned and at this juncture, he ransacked the apartment and created a disarray in the apartment. B.L. Miller discovered the materials which were found in a briefcase under the dining room table; then, B.L. Miller opened the briefcase, pulled out the contents and decided to read the highly confidential information to the occupants of the household. After reading the material, B. L. Miller stated to them with great conviction that reading this material was based on his duty to inform them. However, Miller must have been unaware that he had abrogated the Constitutional rights of the Complainant. Once duty was served; B.L. Miller offered no apology for his actions, just departed from the premises as if his mission was fully accomplished and that there was no wrong doing on his part. B.L. Miller convictions were so obsessive that on November 19, 2003, Miller had called Complainant's roommate questioning the roommate about his living arrangement with Complainant. The roommate told B.L. Miller that Miller is never to call him again. Complainant sought some advice on how can this situation be ameliorated. Complainant was advised to seek his legal redress by filing an action.



uniform which conveyed an ominous presence in the wee hours of the morning before the housemate and his guest. Upon entering the premises, B.L. Miller disrupted and disturbed the housemate's quiet peace and enjoyment. B. L. Miller gained access to Complainant's residence twice under some outlandish delusional guise whereby B. L. Miller told the roommate that he needed to apprehend some important records that were in the possession of the Complainant. On the first visit, B. L. Miller was unable to find the records but while in the process, B. L. Miller disturbed much of the contents in the apartment. On the second visit, B. L. Miller returned and at this juncture, he ransacked the apartment and created a disarray in the apartment. B.L. Miller discovered the materials which were found in a briefcase under the dining room table; then, B.L. Miller opened the briefcase, pulled out the contents and decided to read the highly confidential information to the occupants of the household. After reading the material, B. L. Miller stated to them with great conviction that reading this material was based on his duty to inform them. However, Miller must have been unaware that he had abrogated the Constitutional rights of the Complainant. Once duty was served; B.L. Miller offered no apology for his actions, just departed from the premises as if his mission was fully accomplished and that there was no wrong doing on his part. B.L. Miller convictions were so obsessive that on November 19, 2003, Miller had called Complainant's roommate questioning the roommate about his living arrangement with Complainant. The roommate told B.L. Miller that Miller is never to call him again. Complainant sought some advice on how can this situation be ameliorated. Complainant was advised to seek his legal redress by filing an action.

Richard
* 202-330-6311 ✓
301-516-3896



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

September 14, 2004

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

Arthur Richardson
1545 Girad St., NE
Washington, DC 20018

04-R-1529

Dear Mr. Richardson:

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 September 07, 2004. 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department