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Co-Counsel for Plaintiff

JOEL BARNES,)	
)	SUPERIOR COURT OF NEW JERSEY
Plaintiff,)	CAMDEN COUNTY
vs.)	LAW DIVISION
)	
STATE OF NEW JERSEY)	Docket No.
DEPARTMENT OF TREASURY,)	
)	CIVIL ACTION
Defendant.)	
)	
)	VERIFIED COMPLAINT FOR
)	DAMAGES PURSUANT TO N.J.S.A.
)	52:4C-1 et seq.

Plaintiff Joel Barnes, residing in Camden City, County of Camden, by way of Complaint against the Defendant, says as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this claim under N.J.S.A. 52:4C-2.
2. Venue is proper in this County, on the ground that the events leading to the violations of law described herein occurred in this County.

PARTIES

3. Plaintiff Joel Barnes (“Plaintiff”) is an adult citizen of the State of New Jersey. He resides in Camden, New Jersey.
4. Defendant State of New Jersey Department of the Treasury is a Department of state government responsible for, among other things, formulating and managing the state’s budget and generating and collecting revenue. It is the designated defendant under N.J.S.A. 52:4C-2.

FACTUAL ALLEGATIONS

5. On August 2, 2008, Mr. Barnes was visiting with a friend in a house located in Camden, New Jersey. Police officers working for the City of Camden entered the home without a search warrant.
6. Mr. Barnes did not own, rent, or otherwise control the house. Rather, he went to the house to ask his friend to spruce up his grandmother’s backyard prior to a family gathering.
7. Upon entering the home, the police officers ordered the occupants of the house to assemble in the kitchen. Mr. Barnes dutifully complied. After entering the kitchen, an officer handcuffed Mr. Barnes. The officer then pulled out the items in Mr. Barnes’s pockets, consisting of a cell phone, money, and his house keys. He did not possess any drugs (or any other contraband) on his person.
8. Although he lacked any justification for detaining Mr. Barnes, an officer led Mr. Barnes—still handcuffed—to a police van waiting outside the home. Mr. Barnes was held in that van for approximately one hour. The officer would return to the van periodically and say: “Where’s the shit at?” Each time, Mr. Barnes, surmising that

the officer was referring to controlled substances, truthfully responded that he was unaware of any drugs in the house.

9. Finally, the officer approached the van and said, “We found the shit, and we’re going to send you to the county [jail].” He then led Mr. Barnes to a waiting police car.
10. A short time later, two officers returned to the police car and again asked Mr. Barnes “where’s the shit at?” Again, Mr. Barnes truthfully denied any knowledge of drugs in the home. One officer then pulled out a bag containing drugs and said: “Tell us where the shit at, and we’ll make this disappear.” Mr. Barnes pleaded with the officers, explaining what he and the officers both knew: the bag and its contents were not his.
11. The officers acknowledged that the bag was not Mr. Barnes’s. They admonished, however, that the drugs in the bag would carry more serious criminal charges than drugs that might be found in the house. Accordingly, the officers told Mr. Barnes that he would receive a shorter period of incarceration if he told them the location of drugs in the home. One officer finally threatened: “If you don’t start talking, my pen is going to do the talking.”
12. Mr. Barnes, unaware of controlled substances in the house, could not respond with the information that the officers were demanding. Accordingly, the officers on the scene arrested Mr. Barnes for unlawful possession of a controlled substance, unlawful possession of a controlled substance with intent to distribute the substance, and unlawful possession of a controlled substance within 1,000 feet of a school zone.

13. The officers immediately transported Mr. Barnes to the Camden County Correctional Facility. He remained incarcerated at this facility until he posted bail, on August 3, 2008.
14. On January 12, 2009, Mr. Barnes pled “not guilty” to the criminal charges levied against him. He had been told that a conviction for first-degree unlawful possession of a controlled substance with intent to distribute the substance carried a sentencing range of 10 to 20 years imprisonment. Further, he learned that his prior conviction for third-degree unlawful possession of a controlled substance within 1,000 feet of a school zone (for which he had received probation six years earlier) subjected him to a mandatory extended term. Mr. Barnes was aware that should the prosecutor seek an extended term, he would face a sentence of life imprisonment.
15. Notwithstanding his complete innocence, Mr. Barnes believed that a jury would be far more likely to believe the officers’ testimony of Mr. Barnes’s purported drug possession against his own—truthful—testimony that Camden police officers planted drugs on him. Therefore, on February 23, 2009, fearing the potential consequence of life imprisonment, Mr. Barnes pled guilty to one count of unlawful drug possession within 1,000 feet of a school zone, under Indictment 3498-11-08. The prosecutor agreed to limit Mr. Barnes’s sentence to five years, two without parole.
16. Mr. Barnes also pled guilty to a violation of probation on Indictment 3834-11-06, in connection with a previous unlawful possession charge. The only basis for the violation was that he had pled guilty to a new crime. He received a sentence of four years, concurrent to the five-year sentence. Had Mr. Barnes not been wrongfully

imprisoned under Indictment 3498-11-08, he would not have been imprisoned at all for violating his probation on Indictment 3834-11-06.

17. Under the terms of his plea agreement, Mr. Barnes reported to the Camden County jail on April 17, 2009. He was subsequently transferred to various prisons and other detention facilities.
18. The officers who planted drugs on Mr. Barnes have since been federally charged for, among other things, conspiracy to violate civil rights. Three of the five officers who were charged have already pled guilty.
19. In light of the circumstances, on February 2, 2010, the New Jersey Superior Court granted an unopposed motion to vacate Mr. Barnes's conviction.
20. Still, Mr. Barnes remained in custody until June 8, 2010, 418 days after he first reported to jail.
21. Mr. Barnes did not commit the crime for which he was convicted, as described above.
22. Mr. Barnes acted reasonably in pleading guilty given the actions taken against him by the officers, the information then available to him regarding his chances of success at trial, and the massive risk he faced if he opted to go to trial and was convicted.
23. The improper actions of the officers resulted in Mr. Barnes' wrongful conviction and incarceration. Mr. Barnes did not by his own conduct cause or bring about his conviction.

CLAIM FOR RELIEF

MISTAKEN IMPRISONMENT

ACTIONABLE PURSUANT TO N.J.S.A. 52:4C-1 ET SEQ.

24. Mr. Barnes demands judgment against the Department of the Treasury for statutory damages allowed pursuant to N.J.S.A. 52:4C-1 et seq., and attorney's fees and costs.

JURY DEMAND

Plaintiff hereby demands trial by jury of all issues in this action.

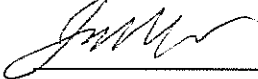
DESIGNATION OF TRIAL COUNSEL

Mr. Barnes hereby designates Alexander Shalom, Esq., of the American Civil Liberties Union of New Jersey Foundation, as trial counsel.

CERTIFICATION PURSUANT TO R. 4:5-1

Plaintiff, by his attorneys, hereby certifies that on July 29, 2010, he filed a civil rights lawsuit related to the same matter in controversy in United States District Court, District of New Jersey, Camden Vicinage. The case, titled Barnes v. Parry et al., has been listed under docket number 1:10-cv-03827-RBK-JS. The defendants are: Kevin Michael Parry; Jason Stetser; Robert Bayard; Antonio Figueroa; Dan Morris; Does 1-10; Camden Police Department; Camden County Prosecutor Warren Faulk; and Attorney General of New Jersey Paula Dow. The case is pending.

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By: 

Jay Rorty, Esq.
(p.h.v. application concurrently filed)

Dated:

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By: _____
Alexander Shalom, Esq.
Attorney for Plaintiff Joel Barnes

Dated:

VERIFICATION

The foregoing statements contained in the within Complaint are true and accurate according to my belief and knowledge.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

JOEL BARNES

Dated: