

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ROBERT REEVES,

Plaintiff,

v.

Civil Action No. _____

COUNTY OF WAYNE; ASSISTANT
CORPORATION COUNSEL
DAVIDDE STELLA, sued in his
individual and official capacity; and
ASSISTANT PROSECUTING
ATTORNEY DENNIS DOHERTY,
sued in his individual and official
capacity.

Defendants.

**COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND
RETROSPECTIVE RELIEF**

Plaintiff Robert Reeves hereby sues Wayne County, Assistant Wayne County Corporation Counsel Davidde Stella, and Assistant Wayne County Prosecuting Attorney Dennis Doherty (collectively, the “Defendants”) for their deprivation of his rights under Sections 3 and 5 of Article I of the Michigan Constitution and the First and Fourteenth Amendments to the United States Constitution, and for their malicious prosecutions and abuse of process against him.

INTRODUCTION

1. This lawsuit seeks to vindicate the constitutional rights of Robert Reeves to speak freely and petition the government for the redress of grievances without fear of retribution.

2. In July 2019, police seized Robert's car and over \$2,000 in cash and held it for more than six months. During that time, Robert was not arrested or otherwise accused of wrongdoing. In fact, no criminal charges were filed in connection with the seized property at all.

3. About seven months after the seizure, having tried diligently—but unsuccessfully—to get his property back, Robert joined other victims of Wayne County's vehicle forfeiture program as a named plaintiff in a federal class action lawsuit challenging the program's constitutionality.

4. For taking a stand, Robert became the object of a campaign of retaliation. Wayne County prosecutors filed baseless criminal charges against Robert twice—and Robert twice succeeded in having those charges dismissed in court.

5. Robert lived for nearly two years with felony prosecutions hanging over his head. In that time, the pending charges caused Robert to be disqualified for expungement of prior offenses at a free expungement clinic, to spend time imprisoned in a COVID-infested jail, and to lose at least one job, when a police-officer client refused to allow Robert to work as a contractor at his home specifically because of the pending charges.

6. Throughout that period, Wayne County relied on its ongoing criminal proceedings as a defense to Robert's claims in the federal class action.

7. Wayne County's meritless criminal prosecutions against Robert were an unconstitutional effort to punish him for challenging the government in court, and a desperate attempt to defend the county's rapacious vehicle forfeiture scheme by any means necessary.

8. The First and Fourteenth Amendments of the United States Constitution, and Sections 3 and 5 of Article I of the Michigan Constitution, prevent government officials from retaliating against individuals for engaging in protected activity—including filing a lawsuit against the government. Robert files this lawsuit to protect those rights and to hold accountable government officials who have violated them.

JURISDICTION AND VENUE

9. This is a civil rights suit brought under Article I, Section 3 of the Michigan Constitution (Petition Clause); Article I, section 5 of the Michigan Constitution (Free Speech Clause); the First Amendment to the United States Constitution; the Fourteenth Amendment to the United States Constitution; MCL 600.2907 (Malicious Prosecution); MCL 600.611/MCR 2.605(A) (Declaratory Relief); and 42 USC 1983 (the Civil Rights Act of 1871).

10. This Court has jurisdiction over the subject matter pursuant to Article VI, Section 13 of the Michigan Constitution; MCL 600.601; and MCL 600.605.

11. Venue is proper in this Court pursuant to MCL 600.1615.

12. Robert seeks declaratory and injunctive relief, as well as any monetary damages this court deems just and proper.

PARTIES

13. Plaintiff Robert Terrell Reeves is a citizen of the United States and a lifelong resident of the City of Detroit, Wayne County, Michigan, where he lives with his wife and children.

14. Defendant the Charter County of Wayne, Michigan, is a local government organized under the laws of the State of Michigan. The county is headquartered in Detroit, where it can be served through its Corporation Counsel at 500 Griswold Street.

15. Defendant Davidde Stella is the Assistant Corporation Counsel for Wayne County's Department of Corporation Counsel ("DCC") and is representing Wayne County in the federal lawsuit in which Robert is a named plaintiff. He is sued in his official and individual capacity.

16. Defendant Dennis Doherty is an Assistant Prosecuting Attorney for the Wayne County Prosecutor's Office ("WCPO") and was the prosecutor assigned to Robert's criminal prosecutions. He is sued in his official and individual capacity.

FACTS

July 2019: Robert Loses His Car and Cash

17. Robert Reeves is 32 years old. He works in construction and car repair.

18. He has lived in Detroit his whole life. He lives with his wife and her four children, whom he is raising as his own, and with one child they have together.

19. In early 2019, Robert purchased a 1991 Chevrolet Camaro for \$5,500 and, over the course of several months, spent over \$9,000 in improvements to the car. He hoped to sell the car for a profit and use the proceeds to start another project.

20. In July of that year, Robert got a call from Javone Williams with whom he sometimes worked on various jobs. At Javone's request, Robert visited him at a job site. While there, Robert demonstrated to Javone that he knew how to operate a skid-steer loader and the two men agreed to meet the next day to begin work on a project clearing rubbish.

21. After his meeting with Javone, Robert drove to a nearby gas station to purchase a bottle of water. As he was leaving, officers suddenly surrounded Robert and demanded to know what he knew about the skid steer, which they alleged had been stolen from Home Depot.

22. Police detained Robert for several hours at a local jail, and then let him go.

23. Police did not release, however, Robert's Camaro, cell phones, or the \$2,280 that he had in his pocket (he had planned to go look at a car for possible purchase later in the day).

24. In fact, police did not release Robert's property for nearly six months. During that time, no forfeiture complaint was filed and Robert was given no opportunity to contest the seizure.

25. Robert tried for months to get his property back—or at least learn more about the circumstances of the seizure—including by calling the numbers listed on

the seizure notice dozens of times and by hiring an attorney. His attempts were unsuccessful.

The Federal Lawsuit

26. Robert filed a federal class action lawsuit against Wayne County in early 2020. *Ingram, et. al. v. County of Wayne*, No. 2:20-cv-10288-AJT-EAS (E.D. Mich. filed Feb. 4, 2020).

27. Along with two other named plaintiffs, Robert claimed that Wayne County's vehicle forfeiture program violated the United States Constitution for a variety of reasons, including that it failed to provide prompt, post-seizure hearings for car owners, that it did not provide adequate protections for innocent owners, and that it irrationally held cars ransom until owners could afford to fully pay fines and fees, regardless of the seriousness of the underlying offense.

Robert's Property Returned

28. On February 5, 2020, the day after Robert filed the federal lawsuit, the WCPO wrote to the state taskforce holding Robert's property instructing it to release the property.

29. A true and correct copy of the WCPO's letter is attached as Exhibit 1.

30. Upon receiving a copy of that letter, Robert called the Michigan State Police to secure return of his property. He was told that it would take time, and that he should wait for the police to contact him.

31. On February 19, 2020, the state police sent Robert a check for the amount of cash seized in July 2019.

32. The next day, February 20, 2020, Robert received a call from the tow yard where his car was impounded instructing him to come pick up his car.

33. Robert went to the tow yard, paid a \$100 fee, and picked up his car, which had sustained significant damage in the course of being towed and stored outside.

The First Prosecution

34. On March 12, 2020, just over a month after Robert joined the federal lawsuit, the Wayne County Circuit Court issued a warrant for Robert's arrest on two counts of felony receipt or concealment of stolen property. Ex. 4 to Mot. to Abstain or Stay, *Ingram, et. al. v. County of Wayne*, No. 2:20-cv-10288-AJT-EAS, ECF 19-4 (E.D. Mich.).

35. Unbeknownst to Robert, the seizure of his car and cash had been part of an investigation by a Michigan State Police task force into a string of rental equipment thefts from Home Depot stores.

36. The task force had initially placed a warrant request to the WCPO on September 5, 2019 regarding several individuals, including Javone Williams and Robert.

37. For months, WCPO did not act on that warrant request and no charges were filed.

38. Five months later, however, the WCPO suddenly showed renewed interest in the task force's investigation. On February 5, 2020—one day after Robert filed a federal lawsuit against Wayne County—Defendant Dennis Doherty requested

a “clarification” from the new officer-in-charge of the investigation. Ex. 4 to Mot. to Abstain or Stay, *Ingram, et. al. v. County of Wayne*, No. 2:20-cv-10288-AJT-EAS, ECF 19-4 (E.D. Mich.).

39. Ten days later, on February 15, 2020, Defendant Doherty received a new warrant request from the officer-in-charge and formally recommended submission of the request. *Id.*

40. On information and belief, Defendant Doherty instructed or requested the officer-in-charge to file the revised warrant request.

41. The new warrant request named only Javone Williams and Robert Reeves. No request was made regarding the other individuals listed in the original September 2019 request.

42. Shortly after the Circuit Court issued the warrant for his arrest, on March 23, 2020, Robert attempted to turn himself in for arraignment, hoping to trigger a probable cause hearing and challenge the charging decision. The court was closed due to the COVID-19 pandemic.

43. Then, on May 8, 2020, Robert was taken into custody based on the outstanding warrant when he was pulled over for a broken taillight.

44. Robert was held in a Detroit jail, which was riddled with COVID-19 cases, from a Friday afternoon to a Sunday afternoon, when he was released on \$1,000 bond.

45. Due to delays caused by the COVID-19 pandemic, Robert was not able to get a hearing on the charges for nearly a year.

46. Finally, on February 8, 2021, Robert had a preliminary hearing before Judge Kenneth King of the 36th District Court.

47. Judge King dismissed the charges against Robert and against Javone Williams for insufficient evidence.

48. Attached as Exhibit 2 is a true and correct copy of the February 8, 2021 Order of Dismissal.

The Second Prosecution

49. Robert's reprieve from the County's retaliation was short-lived. On February 25, 2021, the WCPO refiled the two felony charges against Robert.

50. Attached as Exhibit 3 is a true and correct copy of that charging document.

51. Although Javone Williams, Robert's co-defendant in the first prosecution, had faced more serious and more numerous charges, the WCPO did not refile any charges against Javone.

52. On information and belief, to this day the WCPO has not sought to prosecute any of the other individuals named in the original September 5, 2019 warrant request, including individuals indicated in investigation documents as having actually stolen the equipment Robert was alleged to have received or concealed.

53. Nearly another year later, Robert again appeared before Judge King in the 36th District Court on January 26, 2022.

54. Judge King once again dismissed Defendant Wayne County's criminal charges against Robert.

55. Attached as Exhibit 4 is a true and correct copy of Robert's criminal case docket, indicating dismissal on January 26, 2022.

Defendants' Pattern of Retaliation

56. While the WCPO pursued the criminal prosecutions against Robert, the DCC relied on the pending prosecutions as a defense in the federal lawsuit.

57. First, in their Motion to Abstain or Stay dated July 1, 2020, the DCC, through Defendant Davidde Stella, argued that the federal court should abstain from hearing Robert's claims until the conclusion of the state criminal proceedings against him. Mot. to Abstain or Stay, *Ingram, et. al. v. County of Wayne*, No. 2:20-cv-10288-AJT-EAS, ECF 19 (E.D. Mich.).

58. After Judge King dismissed the criminal charges against Robert the first time, on February 8, 2021, Robert promptly notified the federal court that same day. Pls.' Ltr. to Ct., *Ingram, et. al. v. County of Wayne*, No. 2:20-cv-10288-AJT-EAS, ECF 47 (E.D. Mich.).

59. When the WCPO refiled the charges against Robert only two weeks later, on February 25, 2021, the DCC—again through Defendant Davidde Stella— informed the federal court that the charges had been refiled and again reiterated its position that Robert's claims could not be considered as long as the criminal case was pending. Def.'s Ltr. to Ct., *Ingram, et. al. v. County of Wayne*, No. 2:20-cv-10288-AJT-EAS, ECF 48 (E.D. Mich.).

60. After Judge King once again dismissed the criminal charges on January 26, 2022, Robert immediately notified the federal court the same day. Pls.' Ltr. to Ct., *Ingram, et. al. v. County of Wayne*, No. 2:20-cv-10288-AJT-EAS, ECF 58 (E.D. Mich.).

61. On information and belief, Defendant Davidde Stella—alone or with others in the DCC—directed or requested Defendant Dennis Doherty—alone or with others in the WCPO—to pursue the first criminal prosecution, which was filed on February 15, 2020, against Robert.

62. On information and belief, when the charges were dismissed the first time, Defendant Davidde Stella—alone or with others in the DCC—directed or requested Defendant Dennis Doherty—alone or with others in the WCPO—to pursue the second criminal prosecution against Robert, which was filed on February 25, 2021.

63. On information and belief, Defendants Davidde Stella and Dennis Doherty—alone or with others in the DCC and WCPO—did so in retaliation for Robert's participation in the federal lawsuit in which Defendant Stella represents Wayne County.

64. On information and belief, the pattern of repeated retaliatory criminal prosecutions against Robert is part of a wider policy of retaliation pursued by Defendant Davidde Stella, the DCC, and the WCPO—including against Stephanie Wilson, another named plaintiff in the same federal lawsuit.

65. As the federal lawsuit progresses, the WCPO is pursuing a state forfeiture case against Stephanie Wilson's car.

66. That forfeiture case was dismissed by Judge David Allen in the Wayne County Circuit Court on April 29, 2021.

67. Attached as Exhibit 5 is a true and correct copy of that order of dismissal.

68. The WCPO appealed, won a reversal from the Michigan Court of Appeals, and is now continuing to pursue that forfeiture case before the Michigan Supreme Court.

69. Similar to their arguments on Robert's claims, the DCC, through Defendant Davidde Stella, argued in the federal case that Stephanie Wilson's claims as to that car could not be heard because of the pending state forfeiture case against it.

70. At a hearing on May 13, 2021 at which Stephanie Wilson sought to enforce the Circuit Court's judgment in her favor, Judge Allen expressed surprise that the WCPO planned to appeal to pursue the forfeiture of a car worth very little money as the result of its tangential connection to a very minor alleged drug deal.

71. Attached as Exhibit 6 is a true and correct copy of the transcript from the May 13, 2021 hearing before Judge Allen.

72. Speaking to WCPO Attorney Sinah Hamdan, Judge Allen said, "Pick your battles man, you guys got bigger fish to fry than some lady who wants her thousand dollar car back so she can go buy groceries and get her kids around."

73. In response, Ms. Hamdan said, "And Your Honor, as we have commented there is a federal case pending as well."

74. On information and belief, Ms. Hamdan's mention of the federal case in her response to Judge Allen's criticism reflected WCPO's policy of pursuing the forfeiture case against Stephanie Wilson's car in retaliation for her participation in the federal lawsuit.

75. On information and belief, the WCPO's pursuit of the forfeiture case against Stephanie Wilson's car was part of a policy of retaliation pursued in concert with the DCC and Defendant Davidde Stella.

76. Because the charges against Robert have been dismissed both times without prejudice, Defendants remain free to continue to retaliate against Robert by bringing the criminal charges a third time.

INJURY TO PLAINTIFF

77. Because of Defendants' malicious and retaliatory prosecutions in violation of Robert's rights under the Michigan and United States constitution, Robert has suffered significant injury, including, but not limited to:

- a. Spending a weekend detained in a Wayne County jail in the early months of the COVID-19 pandemic;
- b. Spending two years living with the stress of facing felony criminal prosecutions, including facing the risk of prison time;
- c. The time and money spent defending himself in the criminal prosecutions, including consulting with his attorneys and attending court dates;
- d. Difficulty securing employment because the criminal charges show up on background checks conducted by employers;

- e. Specifically, Robert was hired to work as a driver at FedEx, but after a week and a half of training, he was terminated when a background check revealed the pending charges.
- f. Additionally, Robert lost work when a police officer was having his home renovated, performed a background check on the contractors assigned to do the work, discovered Robert's pending charges, and told his employer he was not to work on the project;
- g. The reputational damage of having these charges on his record;
- h. Living with the fear that he may at any time be subjected to further unconstitutional retaliation;
- i. Being forced to weigh whether exercising his constitutional right to sue the government for violating his constitutional rights was worth the retaliation he was facing.

CAUSES OF ACTION

Count I

Article I, Section 3 and Article I, Section 5 of the Michigan Constitution (State Retaliation Claim)

78. Robert realleges and incorporates by reference the allegations in Paragraphs 1 through 77 of this complaint, as if fully stated herein.

79. Article I, Section 3 of the Michigan Constitution guarantees the right of the people to "petition the government for redress of grievances." This includes by the filing of lawsuits against the government.

80. Article I, Section 5 of the Michigan Constitution guarantees each person's right to "freely speak, write, express and publish his views on all subjects." This includes expressing or publishing views in the course of a civil rights lawsuit.

81. Robert's participation in a federal class action lawsuit challenging the constitutionality of Wayne County's forfeiture program is protected activity under the Michigan Constitution.

82. Defendants did not have probable cause to criminally charge Robert in either prosecution.

83. On information and belief, Defendant Davidde Stella instructed or requested Defendant Dennis Doherty to pursue criminal charges against Robert in the first prosecution.

84. On information and belief, after the criminal charges were dismissed the first time, Defendant Davidde Stella instructed or requested Defendant Dennis Doherty to pursue criminal charges against Robert in the second prosecution.

85. On information and belief, as part of these retaliatory prosecutions, Defendant Dennis Doherty instructed or requested police officers to submit the February 2020 request for warrant for Robert's arrest.

86. On information and belief, Defendants pursued the prosecutions against Robert in retaliation for his participation in the federal lawsuit challenging Wayne County's vehicle forfeiture program—constitutionally protected activity.

87. On information and belief, Defendants pursued multiple criminal prosecutions only against Robert—and not others named in the investigation

documents and identified as more culpable parties—because, unlike the others, Robert was a plaintiff in a lawsuit against Wayne County.

88. For these violations of his rights under the Michigan Constitution, Robert is seeking declaratory and injunctive relief, as well as monetary damages.

Count II

42 USC 1983 – First and Fourteenth Amendments

(Federal Retaliation Claim)

89. Robert realleges and incorporates by reference the allegations in Paragraphs 1 through 77 of this complaint, as if fully stated herein.

90. The First Amendment of the United States Constitution guarantees freedom of speech and the right to petition the government for redress of grievances.

91. The filing of a civil rights lawsuit against the government is activity protected by the First Amendment.

92. These First Amendment guarantees are incorporated to the states through the Fourteenth Amendment.

93. A defendant violates the First Amendment if (1) the plaintiff was engaged in constitutionally protected activity, and (2) the defendant's actions caused the plaintiff to suffer an injury that would chill a person of ordinary firmness from continuing to engage in that activity, and (3) the defendant's adverse actions were substantially motivated against the plaintiff's exercise of constitutionally protected conduct.

94. Robert was engaged in constitutionally protected activity when he filed a class action lawsuit against Wayne County, and when he publicly expressed criticism of Wayne County's vehicle forfeiture program in that litigation.

95. In retaliation for that constitutionally protected activity, Defendants twice brought criminal prosecutions against Robert.

96. The multiple prosecutions against Robert were part of an official policy or custom of retaliation on the part of Defendants that was deliberate, executed over the course of two years, and included retaliatory acts against another named plaintiff in the federal civil rights lawsuit filed by Robert.

97. The actions of Defendant Davidde Stella and Defendant Dennis Doherty are attributable to Wayne County. They were policymakers with final authority, or were delegated final authority, and made a deliberate choice to adopt a course of retaliatory action against Robert.

98. Defendants did not have probable cause to criminally charge Robert in either prosecution.

99. On information and belief, Defendant Davidde Stella instructed or requested Defendant Dennis Doherty to pursue criminal charges against Robert in the first prosecution.

100. On information and belief, after the criminal charges were dismissed the first time, Defendant Davidde Stella instructed or requested Defendant Dennis Doherty to pursue criminal charges against Robert in the second prosecution.

101. On information and belief, as part of these retaliatory prosecutions, Defendant Dennis Doherty instructed or requested police officers to submit the February 2020 request for warrant for Robert's arrest.

102. The felony criminal prosecutions against Robert—and the attendant threat of prison time—would chill a person of ordinary firmness from exercising First Amendment rights.

103. Defendants' retaliatory prosecutions against Robert were motivated by Robert's participation in a federal class action lawsuit against Wayne County—protected activity under the First and Fourteenth Amendments.

104. On information and belief, Defendants pursued multiple criminal prosecutions only against Robert—and not others named in the investigation documents—because, unlike the others, Robert was a plaintiff in a lawsuit against Wayne County.

105. For these violations of his rights under the First and Fourteenth Amendment, Robert is seeking declaratory and injunctive relief, as well as monetary damages.

Count III

Malicious Prosecution and Abuse of Process

(State Tort Claims)

106. Robert realleges and incorporates by reference the allegations in Paragraphs 1 through 77 of this complaint, as if fully stated herein.

107. An action for malicious prosecution arises where (1) a criminal proceeding is instituted or continued by the defendant against the plaintiff, (2) the proceeding terminates in favor of the accused, (3) there was no probable cause for the proceedings, and (4) the proceedings were brought with malice, or some other primary purpose other than bringing an offender to justice.

108. An action for abuse of process arises where the defendant has an ulterior purpose and commits an act in the use of process not proper in the regular conduct or prosecution of the proceedings.

109. Defendants twice instituted criminal proceedings against Robert.

110. Both times, those proceedings terminated in Robert's favor.

111. Defendants did not have probable cause to institute the criminal prosecutions against Robert.

112. The primary purpose of the criminal prosecutions was not to bring an offender to justice, but rather to deter Robert from pursuing his claims against Wayne County in federal court and to provide the county with legal arguments to defeat those claims.

113. Defendants worked together across departments—with the WCPO taking advice and direction from the DCC—in an irregular effort to pursue the criminal prosecutions against Robert to effect their retaliatory purposes.

114. As a result of Defendants' conduct, Plaintiff was damaged in amounts to be determined.

PRAYER FOR RELIEF

Plaintiff Robert Reeves therefore requests relief as follows:

- A. For an award of compensatory and punitive damages against all Defendants for the injuries Robert suffered due to Defendants' malicious prosecutions in violation of Robert's constitutional rights, including but not limited to damages for his arrest and detention; expenses incurred as a result of his criminal prosecutions; and lost employment opportunities caused by his criminal prosecutions.
- B. For an award of \$1 in nominal damages based on Defendants' violations of Robert's constitutional rights.
- C. For a judgment declaring that Defendants' pursuit of criminal prosecutions in retaliation for Robert's constitutionally protected activity violates Sections 3 and 5 of Article I of the Michigan Constitution and the First and Fourteenth Amendments of the United States Constitution.
- D. For an order permanently enjoining Defendants from prosecuting Robert with the crimes alleged in the first two meritless prosecutions, and from taking any further retaliatory action against him.
- E. For an award of reasonable attorney's fees and costs; and
- F. Such other relief that this Court deems appropriate.

Dated: March 9, 2023.

Respectfully submitted,

/s/ Kirby Thomas West

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* Motions for admission *pro hac vice*
will be filed