

BAD COP NEWS

Federal Judge Says Motorist as Sufficient Evidence That He Was Beaten After Being Handcuffed By New Jersey State Troopers Robert Parry, Frederick Fife and Craig Brown

NEW JERSEY – Contradicting former state Attorney General Peter Harvey’s opinion that three state troopers used appropriate force to subdue a motorist after a traffic stop, a federal judge has ruled there is “sufficient evidence” for the driver to sue the troopers for allegedly violating his civil rights.

U.S. District Court Judge Joseph E. Irenas denied a motion by the state to dismiss the lawsuit filed by Aundrey Green last year.

Green, 33, accuses troopers Robert Parry, Frederick Fife and Craig Brown of using excessive force following a late-night stop along a Cumberland County highway in April 2002.

Green claims the troopers punched, kicked and struck him with a flashlight while he was handcuffed in the back seat of a patrol car. The troopers contended the force was needed because Green had slipped out of the handcuffs and was fighting back.

In 2003 Green pleaded guilty to assault and was sentenced to 11 months in state prison.

The police videotape of the incident became public because of the lawsuit, and Harvey ordered the Office of State Police Affairs to look into the incident. The review, which allegedly included a frame-by-frame examination of the videotape footage, concluded there was “no excessive use of force.”

Irenas disagreed with that assessment in rejecting the state’s motion to dismiss for lack of evidence.

“Green has put forth sufficient evidence that his Fourth Amendment rights were violated,” Irenas wrote in a 16-page opinion issued last Wednesday. “Further, if any one of the officers is found to have used excessive force, all of the other officers could be found to have violated Green’s Fourth Amendment rights by failing to stop the use of excessive force.”

“The court concludes that a reasonable jury could find that the officers’ actions were objectively unreasonable under the circumstances,” Irenas found.

Green’s attorney, Vincent Sanzone, said after the ruling: “A judge found that there is a question of fact: Who’s lying? Who’s telling the truth? Was there excessive force? I’m very happy that the federal judge has allowed it to go before a jury to decide.”

Attorney General’s Office spokesman David Wald pointed out that the judge dismissed Green’s other claims, including allegations that a State Police internal affairs investigator conspired with the troopers at the scene to violate Green’s civil rights.

“We were ruled against on one claim,” Wald said. “We intend to continue to defend these troopers at trial.”

David Jones, president of the State Troopers Fraternal Association, the union that represents the officers, said he was confident the troopers would prevail at a trial. “I’m not worried about that at all,” he added.

A date for the trial, to be held in U.S. District Court in Camden, has not been set.

The troopers said they pulled over Green’s blue Chevrolet Cavalier, in which Green’s girlfriend and her two young children were passengers, after he raced past them at more than 105 mph. They said they placed him under arrest after Green gave them a fake name and the altercation began when Green threatened to urinate in the rear seat of the police cruiser.

The troopers contend they fought with Green only after he slipped out of his handcuffs and threw punches at them when they tried to remove him from the car. Green denied he slipped out of the handcuffs, although he did admit to wedging himself in the car to keep from being pulled outside.

Sanzone claims Green was given bad advice from a previous lawyer when he accepted a plea deal on the assault charges.

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