

FILED

APR 23 2009

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Clerk, U.S. District and
Bankruptcy Courts

CHARLES SINGLETARY)
900 Varney Street, S.E.)
Apartment #324))
Washington, D.C. 20032, \

Plaintiff,

Case: 1:09-cv-00752
Assigned To : Kollar-Kotelly, Colleen
Assign. Date : 4/23/2009
Description: Civil Rights-Non-Employ.

v.

DISTRICT OF COLUMBIA,)

Defendant.

Complaint for Damages
(42 U.S.C. § 1983: denial of due process)

Charles Singletary alleges as follows for his complaint against the District of Columbia:

Introduction

1. Charles Singletary seeks to hold the District of Columbia liable under 42 U.S.C. § 1983 for having revoked his parole, and imprisoned him for ten years, based on unreliable multiple hearsay, in violation of Singletary's Fifth Amendment right to due process.

2. The District's unconstitutional action took away ten years of Singletary's life. As a result of his imprisonment, Singletary's marriage fell apart and his relationship with his children was disrupted. In fact, one of those children was born after Singletary's parole was revoked. And because the medical care available in prison was foreseeably inadequate, Singletary went blind as a result of the failure to treat his glaucoma.

3. The United States Court of Appeals for the D.C. Circuit has already held that the District violated the Due Process clause when it relied on the evidentiary record

before the District of Columbia Parole Board, a record that the D.C. Circuit described as “shoddy” in revoking Singletary’s parole. Singletary now seeks to recover damages for the ten years of his life that were taken away from him.

Jurisdiction, Parties, and Venue

4. This Court has jurisdiction under 28 U.S.C. § 1331. This action arises under the Fifth Amendment to the United States Constitution and under 42 U.S.C. § 1983. The Court also has jurisdiction under 28 U.S.C. § 1343(a)(3) and -(4).

5. Plaintiff Charles Singletary is a citizen and resident of the District of Columbia. He has lived in the District of Columbia for most of his life.

6. Defendant the District of Columbia is a municipal corporation.

7. Venue is properly laid in this district under 28 U.S.C. § 1391(b) because the defendant resides in this district and because a substantial part of the events or omissions giving rise to the claim occurred in this district.

Facts

A. Background

8. In 1990, after having served more than seven years on a D.C. Superior Court sentence for robbery, armed robbery, and assault, Singletary was released on parole.

9. After being paroled, Singletary turned his life around. He got married (for the second time) and worked two jobs to support his family. He had good relationships with the children whom he had had with his first wife and with another woman. He and his second wife had a child, and in 1996 she was pregnant with another child. He and his family moved to South Carolina (with the permission of Mr. Singletary’s parole officer) because Mr. Singletary thought that South Carolina was a better place to raise children.

B. The revocation of Singletary's parole

10. In June 1995, Singletary was arrested for the murder of Leroy Houtman, a.k.a. Vaughn Stokes, but the case was dismissed at a preliminary hearing in the D.C. Superior Court. Upon information and belief, the charges against Singletary were never brought before a grand jury.

11. Singletary did not kill Houtman and was not involved in his murder.

12. In July 1996, about a year after Singletary was arrested, the District of Columbia Board of Parole ("the D.C. Board") held a joint hearing to consider whether to revoke Singletary's parole and that of Gary Barnes, Singletary's alleged accomplice, based on the Houtman murder.

13. At a hearing before the D.C. Board of Parole, Singletary denied the accusations.

14. Nobody having personal knowledge of the relevant facts testified at the parole-revocation hearing. Nor was there any testimony from anyone having even second-hand knowledge (i.e., knowledge based on a single level of hearsay).

15. The only information presented at the hearing consisted of multiple hearsay. That information consisted of (a) a narrative given by the prosecutor and (b) testimony by a police detective, neither of whom had any first-hand knowledge of the facts.

16. Most of the information described by the prosecutor and the detective originally came from two individuals who were not identified by name at the hearing: Verdez Smith and Terri Washington.

17. Smith and Washington claimed to have learned about the murder from a woman named Carmelita Metts.

18. Smith had previously given the police inconsistent stories. When Houtman's truck was discovered to be in her possession after the murder, he initially claimed that someone named "Tony" had given it to him. However, he later admitted to receiving it from Metts. After being charged with Houtman's murder, Smith changed his story again, claiming that Metts—his former girlfriend—had asked him to help her kill Houtman but that he had refused. He also claimed that Metts had later given him Houtman's truck so that he could sell it, as he had previous experience as a car thief.

19. Washington, too, had given the police conflicting statements. She initially denied knowing anything about the murder. However, she later claimed that Metts had confessed to helping Singletary and Barnes murder Houtman.

20. Because Smith and Washington did not testify at the parole-revocation hearing, Singletary's attorney did not have an opportunity to cross-examine them, and the D.C. Board had no opportunity to assess their credibility.

21. Because Smith and Washington were not identified by name at the parole-revocation hearing, the D.C. Board had no way of knowing how reliable they were.

22. The information provided by Smith and Washington was unreliable. As noted above, they both changed their stories after initially denying any knowledge about the murder. In addition, many details about Singletary's alleged involvement in the murder were never explained, including why he would participate in the murder and whether he even knew Houtman. Furthermore, some of the alleged details they did provide were not accurately reflected at the hearing.

23. Despite these flaws in the evidence, the D.C. Board revoked Singletary's parole on August 6, 1996.

C. Singletary's imprisonment

24. As a result of having his parole revoked, Singletary was imprisoned and spent the next ten years at various federal and state prisons in which those convicted under D.C. law were incarcerated.

25. The prisons where Singletary was incarcerated were high-security facilities far from the District of Columbia. Singletary was subjected to harsh living conditions. He lost contact with most of his relatives and was deprived of the ability to watch his children grow up and to be involved in raising them. He also lost substantial income and opportunities for education and employment.

26. While he was imprisoned after his parole was revoked, Singletary began to suffer from glaucoma.

27. As was reasonably foreseeable when Singletary's parole was revoked, the medical care available to Singletary while he was imprisoned was inadequate. As a result, his glaucoma went untreated and he went blind.

28. Singletary's loss of his eyesight was proximately caused by the revocation of his parole and consequent imprisonment.

29. While he was imprisoned after his parole was revoked, and as a foreseeable result of his imprisonment, Singletary's relationship with his wife was destroyed and she divorced him.

30. The destruction of Singletary's marriage was proximately caused by the revocation of his parole and consequent imprisonment.

31. While he was imprisoned after his parole was revoked, and as a foreseeable result of his imprisonment, Singletary was deprived of the society and companionship of his children. Similarly, he was deprived of the opportunity to see his minor children grow

up and to participate in their upbringing. And his relationship with his children was seriously damaged.

32. The injuries referred to in the preceding paragraph were proximately caused by the revocation of his parole and consequent imprisonment.

33. As was reasonably foreseeable when his parole was revoked, Singletary experienced serious mental and emotional distress about being imprisoned, about being imprisoned unjustly, about losing his eyesight, about having to cope as a blind person in prison, about the destruction of his marriage, and about the harm to his relationship with his children. This emotional distress proximately resulted from the revocation of Singletary's parole.

34. As was reasonably foreseeable when his parole was revoked, Singletary was financially injured as a proximate result of the revocation. He lost his job and lost the opportunity to continue working and earning an income.

D. Singletary's habeas petitions

35. Singletary filed for a writ of habeas corpus in 1997, but the writ was denied by the D.C. Superior Court and the D.C. Court of Appeals affirmed.

36. Singletary again sought habeas relief in 2000, but again the Superior Court denied his claims and again the Court of Appeals affirmed.

37. Singletary then petitioned for a writ of habeas corpus in this Court. (*Singletary v. D.C. Board of Parole*, No. 00-cv-01263). His petition was denied.

38. Singletary appealed the denial of his petition to the United States Court of Appeals for the D.C. Circuit. (*Singletary v. Reilly*, No. 04-7013).

39. On July 7, 2006, the court of appeals reversed the denial of Singletary's petition. A copy of the court's decision (*Singletary v. Reilly*, 452 F.3d 868 (D.C. Cir. 2006)) is attached hereto as Exhibit 1 and incorporated here by reference.

40. The court of appeals held that Singletary had been denied due process at his parole-revocation hearing, because the only evidence before the Parole Commission was multiple hearsay as to which there were no indications of reliability, and several indications of *unreliability*.

41. The D.C. Circuit ordered that Singletary be given a new parole-revocation hearing.

E. Singletary's new parole-revocation hearing

42. Singletary's new parole-revocation hearing was held on October 30, 2006.

43. This hearing was held before the United States Parole Commission, to which the functions of the District of Columbia Parole Board had previously been transferred.

44. At the hearing, the government presented testimony from Smith and Det. Tom Amis. Smith testified that shortly after Houtman's murder, a person named "Charlie" was pointed out to him as having participated in the crime. However, when Smith was asked whether Charlie was present in the hearing room, he did not identify Singletary Charlie.

45. The hearing officer concluded that there was insufficient evidence to permit a finding of a violation. He stated in the hearing summary, "The testimony provided by Detective Amis and Mr. Smith at today's hearing would indicate that Mr. Singletary was never identified as Charlie. It should also be noted that the information supported in the file would indicate that there is no direct link from Mr. Singletary to the victim.

46. In the "Evaluation" section of the hearing summary, the hearing officer stated,

It should be noted that no individuals associated with the case actually ID the subject in a photo lineup and in fact our adverse witness Mr. Smith was in the room with an individual who actually committed the murder and the subject could not identify out subject as the individual he met that day. moreover, the subject could not identify Mr. Singletary at any time during the investigation as the individual who actually committed the crime or that Ms. Metz [who had been convicted of involvement the murder] pointed to Mr. Singletary or Ms. Washington as the actual individual who committed the crime.

47. Based on the hearing officer's report and recommendation, the Parole Commission determined that there was no finding of a violation and reinstated Singletary to supervised release.

48. The Parole Commission's order was issued on or about November 17, 2006. Shortly thereafter, Singletary was freed from his incarceration— more than ten years after his parole had been unconstitutionally revoked.

F. The tolling of the statute of limitations

49. Under *Heck v. Humphrey*, 512 U.S. 477 (1994), Singletary could not have sued the District of Columbia under 42 U.S.C. § 1983 for unconstitutionally revoking his parole until (at the earliest) July 7, 2006, when the D.C. Circuit held that his parole had been revoked unconstitutionally.

50. During the time that Singletary was legally barred from suing under § 1983, the statute of limitations on such a claim was tolled.

51. The statute of limitations on Singletary's claim against the District of Columbia did not begin to run until (at the earliest) July 7, 2006, when the D.C. Circuit held that the revocation of his parole was unconstitutional.

G. Notice to the District of Columbia under D.C. Code § 12-309

52. Although D.C. Code § 12-309 does not apply to claims brought under 42 U.S.C. § 1983, Singletary filed a timely claim notice under § 12-309 on or about January 3, 2007.

Cause of Action

53. The allegations of ¶¶ 1-52, above, are incorporated here by reference.

54. The revocation of Singletary's parole was unconstitutional because Singletary was not granted due process of law.

55. Singletary's parole was revoked under color of D.C. law.

56. When it revoked Singletary's parole, the D.C. Board was at all relevant times an arm of the District of Columbia government.

57. When it revoked Singletary's parole, the D.C. Board was the District of Columbia's final decisionmaker with respect to parole revocation, and its parole-revocation decisions constituted D.C. policy.

58. At all relevant times, the D.C. Board's parole-revocation decisions have not been subject to further review, except for habeas review limited to determining whether the Board's actions were unconstitutional or otherwise violated federal law.

59. Singletary was seriously injured as a proximate result of the unconstitutional revocation of his parole.

Demand for Relief

Singletary demands relief as follows:

A. Compensatory damages in the amount of \$20 million.

B. Costs of suit, including reasonable attorney's fees, as provided under 42

U.S.C. § 1988.


C. Such other relief as the Court deems warranted.

Respectfully submitted,

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Counsel for Plaintiff Charles Singletary

Jury Demand

Plaintiff Charles Singletary demands trial by jury of all issues so triable as of
right.


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