

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

JULIA CAVE, LARRY GREER, JR. and)	
LARRY ANTHANY GREER,)	
)	
Plaintiffs,)	
)	
v.)	No.
)	
CITY OF SPRINGFIELD, ILLINOIS, a)	
municipal corporation and SPRINGFIELD)	
POLICE OFFICERS, J. BUSCHER #743,)	
C. BUSCHER #793, C. VALENTI #740,)	
D. JOHNSON #761, and N. CAPRANICA)	
#773, and SPRINGFIELD POLICE OFFICERS)	
JOHN DOE NOS. 1 and 2.)	

Defendants.

COMPLAINT

Plaintiffs, Julia Cave, Larry Greer, Jr. and Larry Anthany Greer, for their Complaint against Defendants City of Springfield, Illinois, and Springfield Police Officers, J. Buscher #743, C. Buscher #793, C. Valenti #740, D. Johnson #761, and N. Capranica #773, and Springfield Police Officers John Doe Nos. 1 and 2, state as follows:

1. This is an action for money damages brought pursuant to 42 U.S.C. § 1983.
2. Jurisdiction for Plaintiffs' federal claims is based on 28 U.S.C. §§ 1331 and 1343(a).
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), in that the claims arose in this district, as alleged below.

PARTIES

4. Plaintiffs are residents of Springfield, Illinois.

5. Defendant-Officers J. BUSCHER, C. BUSCHER¹, VALENTI, JOHNSON, CAPRANICA and POLICE OFFICERS JOHN DOE NOS. 1 and 2 are duly appointed and sworn Springfield police officers. At all times relevant to this Complaint, the Defendant-Officers were acting in the course and scope of their employment, and under color of state law, ordinance and/or regulation.

6. The Defendant-Officers are sued in their individual capacities.

7. Defendant CITY OF SPRINGFIELD, ILLINOIS is a municipal corporation, duly incorporated under the laws of the State of Illinois, and is the employer and principal of the Defendant-Officers.

FACTS

8. Plaintiffs Julia Cave and Larry Greer Jr. are married; Larry Anthony Greer is their son. Plaintiffs all reside in a house on Griffiths Street in Springfield (the “Greer Residence”) along with Madisyn Greer, the daughter of Plaintiffs Cave and Greer Jr. (for ease of reference, the family is sometimes referenced herein as “the Greer family”). The Greer family is Black; they live in a neighborhood that is quite predominantly white, a fact which lends context to the events which transpired on October 7, 2019.

9. At approximately 10:30 p.m. on the night of October 7, 2019, Madisyn’s then ex-boyfriend, Ian Brown, arrived at the Greer Residence with two of his friends and demanded to see Madisyn. Plaintiff Greer Jr. asked Brown and his friends to leave, as two weeks before, Brown had threatened Plaintiff Larry Anthony Greer with a knife, and had sent threatening texts to him.

¹ It is possible that C. Buscher and J. Buscher are the same person; however, Springfield Police Department records identify both a C. Buscher #793 and a J. Buscher #743 as being involved in the actions at issue on October 7, 2019.

10. Brown and his friends were wearing gloves and were shadow-boxing in the front yard of the Greer Residence in a menacing manner. After they banged on the front door, Larry Greer Jr. came out on his porch and asked them to leave, prompting an argument between Larry Greer Jr. and Brown.

11. At that time, approximately *ten* Springfield Police vehicles (a few police vehicles may have been from other jurisdictions) arrived on the scene with approximately *fifteen* Springfield Police Officers. Up to this point, there had been a verbal altercation in front of the Greer Residence, and at no time did Plaintiff Larry Greer Jr. ever touch Brown or anyone else. Nonetheless, the Springfield Police Department's dramatically outsized show of force at the Greer Residence set the tone for the Defendants' subsequent actions against Plaintiffs: Defendants acted under the presumption that Plaintiffs were engaging in dangerous criminal activity at their own house.

12. At or about that time, Plaintiff Larry Anthony Greer (the son) arrived at the Greer Residence and entered the home through the front door, closing it behind him. Plaintiff Larry Anthony Greer was 16 years-old at the time and weighed 120 pounds. At no time before he entered the house was Larry Anthony Greer carrying a bat or any weapon.

13. At least four Defendant-Officers then came to the front door. When Larry Anthony Greer opened the door (but not the screen door), he was holding a baseball bat which had been on the floor near the door inside the house. Startled to see four officers on his front porch, he closed the door.

14. Four Defendant-Officers including at least Defendants C. Buscher, D. Johnson and C. Valenti, then unlawfully barged into the Greer Residence (opening both the screen door and the front door to enter) and immediately tackled Larry Anthony Greer, jamming his head face-down into the couch. While doing so, Defendants shouted at Larry Anthony Greer to "drop the bat,"

though he had already done so. At one point, at least three Defendants were on top of him, kneeling on his legs and back. Defendants did not identify themselves as police officers; nor did they issue any commands before tackling him.

15. Defendants thereupon placed a taser at Larry Anthany Greer's back and handcuffed him.

16. At about that same time, one of the four Defendants inside the Greer Residence aimed his gun at the Greer family's twelve-year-old dog, which had been earlier confined to the kitchen, and appeared to be about to shoot. At that point, Plaintiff Cave, who was in the home, screamed and pleaded with Defendants not to kill her dog and to get off of her son.

17. Defendant Buscher then shouted at Plaintiff Cave "Get the f--- out of here!" When Plaintiff Cave refused to leave her own home, Defendants grabbed her and forcibly handcuffed her. When Plaintiff Cave stated that she suffers from lupus and complained that the handcuffs were too tight and causing her pain, one Defendant promptly adjusted the cuffs to be even tighter, causing her even more pain.

18. Defendants then forcibly removed Plaintiff Cave from her house and dragged her to a Springfield Police car parked well down the block from the Greer Residence. At that time, several neighbors were watching the events, understandably curious as to why the Springfield Police Department would send ten vehicles to their block. While Plaintiff Cave was being led away, she shouted to her husband that their son had been tackled by police and that at least one officer had drawn a gun.

19. Defendants then arrested Larry Greer Jr. on a charge of "battery," forcibly handcuffed him, and forcibly walked him to a different police car parked down the block. After Larry Greer Jr. pleaded to be taken back to his house to check on the safety of his son, one

Defendant (believed to be Defendant Buscher) told him not to worry because police “are more likely to shoot white people than Black people.”

20. Defendants detained Larry Greer Jr. in a police car for approximately 45 minutes, after which time he was brought to the Springfield Police station where he was booked, photographed, fingerprinted and detained in a holding cell. At approximately 2:00 a.m., the Springfield Police Department released him.

21. After their removal of Plaintiff Cave from her house, Defendants began searching the Greer Residence.

22. Defendants then forcibly removed Larry Anthany Greer and placed him in a separate Springfield Police car.

23. After about 40 minutes, Defendants released Larry Anthany Greer and his mother, Julia Cave. However, Defendants filed a report stating that Larry Anthany Greer had been charged with “Aggravated Assault” with a “blunt object.”

24. Defendants then alerted officers and security guards providing security at Larry Anthany Greer’s school, Lanphier High School, about the charge. Over the next several days, at least one such officer and two security guards took him aside and questioned him about the charge at school.

25. Defendants also alerted the Juvenile Probation Office of the Sangamon County Court Services Department about the charge, and Juvenile Probation Officers then sent letters about the charge to the Greer Residence. One such letter, dated October 30, 2019, reads:

Dear Parents:

This letter is in reference to your child, Larry A. Greer, being referred to our Intake Division through a delinquent referral report from the Springfield Police Department for act of Aggravated Assault/Use Ddly Weapon/Rifle on October 7, 2019. A preliminary conference was scheduled to obtain information form your and to make a proper recommendation to the State’s Attorney’s Office on what

action should be taken on this case. Also, the conference benefits you and your child by giving you information about the Juvenile Court System and the consequences of breaking the law.

Being referred to the court system is a serious matter. Your child's most serious charge is a class A Misdemeanor which could result in court action, depending on what seems to be in the best interest of the minor.

Hopefully, this will be Larry's last contact with the police. However, I would like you and Larry to understand the seriousness of his being in further trouble. The consequences could result in supervision or being petitioned to court, depending on the seriousness of the offense.

26. Consistent with their seeming presumption that the Greer family was engaging in criminal conduct out of their own home, Defendants did not bother to detain, identify or search Brown's two friends trespassing on the Greer property, even though one of them was heard talking about "the knife." In sharp contrast, Defendants forcibly handcuffed and detained Larry Greer Jr., Julia Cave and Larry Anthany Greer (mother and son inside of the Greer Residence, and the father next to the front porch) and took possession of the "weapon" (the bat), yet never even booked it into evidence in accordance with Springfield Police Department policy.

27. Defendants also sought to cover up their misconduct by failing to document what actually occurred, and by otherwise falsifying official reports of their conduct. For example, Defendant C. Buscher received a written reprimand by the Springfield Police Department for, among other things, "failing to document your actions during this chaotic incident."

28. Similarly, Defendant D. Johnson filed reports the night of October 7, 2019 stating that (1) he observed Larry Greer "punch" Brown, and (2) he "observed a male [Larry Anthany Greer] running toward the front door with a bat. I proceeded after the male armed with the bat inside of the residence." These statements and others in Defendant D. Johnson's reports are false.

29. Likewise, Defendant D. Valenti filed a report the night of October 7, 2019 in which he falsely stated that he saw Larry Anthany Greer: "in the front yard holding a baseball bat run to

the front door of the residence. I yelled at the male to come here but he refused to comply and ran into the home shutting the front door behind him.” These statements and others in Defendant C. Valenti’s reports are false.

30. The Springfield Police Department investigated the events of October 7, 2019 and formally disciplined at least three of the named Defendants (D. Johnson, C. Buscher and C. Valenti) for failing to comply with Springfield Police Department Rules of Conduct.

31. Plaintiffs suffered physical injury and emotional distress as the result of Defendants’ actions. Among other things, Plaintiffs all suffered bruising resulting from Defendants’ forcible handcuffing and restraint. In addition to the humiliation which all Plaintiffs incurred from their respective forced walks of shame before their neighbors, all Plaintiffs suffered emotional distress from the ordeal which Defendants put them through. Plaintiff Cave also suffered a lupus flare, resulting in severe joint pain, hair loss, headaches and mobility problems.

32. Plaintiff Larry Anthany Greer was so distraught about what happened that he eventually stopped attending school, and now has difficulty leaving the Greer Residence and is absolutely terrified about the possibility of encountering police.

COUNT I

PLAINTIFFS’ CLAIMS UNDER 42 U.S.C. § 1983 AGAINST THE INDIVIDUAL DEFENDANT-OFFICERS

33. Plaintiffs restate and reallege Paragraphs 1-32 herein.

34. Based on the above facts, each Plaintiff has a claim for relief under 42 U.S.C. § 1983 against the individual Defendant-Officers.

35. The Defendant-Officers, acting under color of law as Springfield police officers, deprived each Plaintiff of their rights secured by the Fourth Amendment to the United States Constitution, which provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

36. The Defendant-Officers violated the Fourth Amendment by directly participating in, or failing to intervene to prevent others from doing, the following actions:

- entering the Greer Residence without a warrant, probable cause, or other justification, where they conducted an unlawful and unreasonable search of the Greer Residence, made an unlawful and unreasonable seizure of the persons of Julia Cave and Larry Anthony Greer, and threatened to shoot the family dog in the presence of Julia Cave and Larry Anthony Greer;
- tackling and arresting Larry Anthony Greer inside the Greer Residence and subsequently detaining him, without probable cause and using unreasonable force;
- arresting Julia Cave inside the Greer Residence and subsequently detaining her, without probable cause and using unreasonable force; and
- arresting Larry Greer, Jr. outside the Greer Residence and subsequently detaining him, without probable cause and using unreasonable force.

37. The Defendant-Officers' violations of Plaintiffs' Fourth Amendment constitutional rights caused each Plaintiff to suffer injuries including the loss of liberty, physical harm, and severe emotional distress and mental anguish.

WHEREFORE, Plaintiffs ask that this Honorable Court:

- a) Enter judgment against Defendants SPRINGFIELD POLICE OFFICERS J. BUSCHER, C. BUSCHER, C. VALENTI, D. JOHNSON, N. CAPRANICA and JOHN DOE NOS. 1 and 2;

- b) Award Plaintiff compensatory and punitive damages;
- c) Award attorneys' fees and costs; and
- d) Award any further relief that this Honorable Court deems just and equitable.

COUNT II

PLAINTIFFS' CLAIMS UNDER ILLINOIS LAW FOR INDEMNIFICATION BY THE CITY OF SPRINGFIELD

38. Plaintiffs restate and reallege Paragraphs 1-37 herein.

39. Each Plaintiff has a claim under Illinois law against the Defendant City of Springfield for the payment of any money judgment entered against Defendant-Officers in this action.

40. Illinois law, including 745 ILCS 10/2-302, provides that the City of Springfield, as a local public entity, must pay any tort judgment against its employees for actions within the scope of their employment, except for punitive or exemplary damages.

41. At all relevant times, the Defendant-Officers were employees and agents of the Defendant City of Springfield acting within the scope of their employment as Springfield police officers.

WHEREFORE, Plaintiff asks that this Honorable Court order Defendant CITY OF SPRINGFIELD, ILLINOIS to indemnify Defendants SPRINGFIELD OFFICERS J. BUSCHER, C. BUSCHER, C. VALENTI, D. JOHNSON, N. CAPRANICA and JOHN DOE NOS. 1 and 2 for any judgment for compensatory damages in this case arising from their actions, and for any award of attorney's fees and costs.

Jury Demand: Plaintiffs demand a trial by jury on all issues so triable.

Respectfully submitted,

/s/ Paul K. Vickrey

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