

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NANA KYEAME,
Plaintiff

v.

NICHOLAS BUCHHEIT,
Individually and as an Officer of
the Pennsylvania State Police,
Defendant

No.

JURY TRIAL DEMANDED

COMPLAINT

AND NOW this 9 day of July, 2007

comes the Plaintiff, **NANA KYEAME**, by and through his attorneys,

SPERO T. LAPPAS, ESQUIRE, WITOLD J. WALCZAK, ESQUIRE

and **VALERIE A. BURCH, ESQUIRE**, and makes this COMPLAINT

against the above named Defendant.

Respectfully submitted,

SERRATELLI, SCHIFFMAN, BROWN AND CALHOON, P.C

By: 

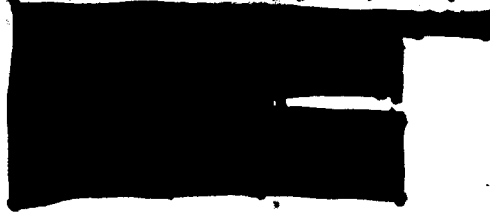
SPERO T. LAPPAS, ESQUIRE



WITOLD J. WALCZAK, LEGAL DIRECTOR



VALERIE A. BURCH, ESQUIRE



ATTORNEYS FOR THE PLAINTIFF

COMPLAINT

AND NOW comes the Plaintiff, NANA KYEAME, by and through his attorneys, SPERO T. LAPPAS, ESQUIRE, WITOLD J. WALCZAK, ESQUIRE and VALERIE BURCH, ESQUIRE, and makes this COMPLAINT against the above named Defendant.

PRELIMINARY AVERMENTS

1. The Plaintiff, Nana Kyeame, is an adult individual. He is African by birth having been born in the nation of Ghana. He is currently a citizen of the Republic of Canada. He qualifies as an "other person" under 42 U.S.C. section 1983.

2. The Defendant, Nicholas Buchheit, is and was at all times relevant to this Complaint an Officer of the Pennsylvania State Police. All actions described in this Complaint as being taken by the individual defendant were taken in the course and scope of his employment as member of the PENNSYLVANIA STATE POLICE.

3. All of the Defendant's actions described within this Complaint, were intentional, malicious and taken in bad faith.

*Spero T. Lappas, Esquire
Serratelli, Schiffman, Brown & Calhoon, P.C.
Complaint
Page -3-*

4. All of the Defendant's actions described within this Complaint were taken under color of state law.

5. All harms, damages, and injuries suffered by the PLAINTIFF were the direct, legal and proximate results of the wrongful acts of the DEFENDANT, as described in this Complaint.

6. The causes of action brought in this Complaint are brought pursuant to Title 42, United States Code, sections 1983 and the Fourth and Fourteenth Amendments to the United States Constitution, and the Civil Rights laws of the United States.

7. Jurisdiction is founded upon 28 USC § 1331 and 1341 and the aforementioned statutory and constitutional provisions.

8. This court has jurisdiction over this case.

FACTS

9. On or about Sunday, July 2, 2006, the Plaintiff was traveling with his wife Evelyn Amoh in the Middle District of Pennsylvania. They had attended a funeral in the state of Maryland and were traveling through State College, Centre County, Pennsylvania, en route

Spero T. Lappas, Esquire
Serratelli, Schiffman, Brown & Calhoon, P.C.
Complaint
Page -4-

back to their home in Brampton, Ontario.

10. At that time, date, and place they were stopped by the Defendant, allegedly for speeding.

11. Upon stopping the Plaintiff for speeding, the Defendant told the Plaintiff that he would be placed under arrest unless he (the Plaintiff) paid the Defendant an amount of cash at the scene of the traffic stop. The Defendant told the Plaintiff that this cash payment was necessary to pay the Plaintiff's fines and costs for the speeding violation.

12. Because the Plaintiff and his wife were uncertain as to whether they had enough cash, they inquired if the Defendant would accept a check or credit card payment. The Defendant insisted on cash.

13. This insistence for payment of cash at a traffic stop is not authorized or allowed by the Pennsylvania Crimes Code or the Pennsylvania Vehicle Code. To the contrary, section 6305 of the Pennsylvania Vehicle Code states that, "upon arrest of a non-resident for any violation of this Title, a police officer shall escort the Defendant

Spero T. Lappas, Esquire
Serratelli, Schiffman, Brown & Calhoon, P.C.
Complaint
Page -5-

to the appropriate issuing authority for a hearing, posting of bond or payment of the applicable fines and costs”

Section 6305 specifically allows that “the amount of the fine and cost may be paid in cash, personal or other check, credit card, or guaranteed arrest bond, except that the administrative office of Pennsylvania courts may enlarge or restrict the types of payments which may be made by mail.” 75 Pa.C.S. section 6305(c). Section 6205 also allows the Defendant to mail the fines and costs to the issuing authority if done in the presence of the police officer.

14. When the Defendant insisted on a cash payment, the Plaintiff asked for permission to go to an ATM machine in order to withdraw a sufficient amount of currency. The Defendant refused.

15. When the Plaintiff indicated that he was unsure if he had enough cash to pay the fines and costs which the Defendant improperly demanded, the Defendant ordered the Plaintiff to get out of his car.

16. The Defendant placed a handcuff on the Plaintiff’s left wrist and pulled him out of his vehicle. The Defendant then twisted the Plaintiff’s left arm in a fashion which was intended to and which did

cause the Plaintiff to suffer substantial pain. The Defendant then pushed the Plaintiff onto the ground and assaulted him further.

17. At that time, the Plaintiff's wife, distraught upon observing her husband's assault, told the Defendant that she would pay him whatever money he demanded. The Defendant stated to the Plaintiff and the Plaintiff's wife that it was "too late" for such payment.

18. The Defendant then handcuffed the Plaintiff's hands behind his back, placed him in the Defendant's police car, and drove away with him.

19. During this period of time, the Plaintiff, especially because of the Defendant's prior unlawful, erratic, and abusive behavior, feared for his life and well being.

20. While the Defendant was driving away with the Plaintiff, the Plaintiff told the Defendant that he and his wife had young children who were in the care of a babysitter in Canada. He told the Defendant that they needed to return to Canada as promptly as possible to take care of these children. The Defendant stated that Plaintiff's children were not his problem and that he did not care about the Plaintiff or the

Plaintiff's children.

21. During this trip, the Defendant repeatedly called the Plaintiff a "Canadian nigger" and told him to "pray very hard" that the incident would not turn "ugly."

22. The Defendant charged the Plaintiff with violating the maximum speed limit (75 Pa.C.S. section 3362(2)) and resisting arrest (18 Pa.C.S. section 5104).

23. The Plaintiff was taken before a Pennsylvania Magisterial District Judge and committed to the Centre County Prison in lieu of \$10,000.00 cash bail.

24. The Plaintiff was held in custody until July 5, 2006 when the charges against him were withdrawn and he was released from custody.

25. At no time did the Defendant have probable or other lawful cause to arrest the Plaintiff, charge him with any crimes, or take him into custody.

26. At no time did the Defendant have lawful justification for the use of force upon the Plaintiff. In the alternative, he did not have

Spero T. Lappas, Esquire
Serratelli, Schiffman, Brown & Calhoon, P.C.
Complaint
Page -8-

lawful justification for the use of such force as he inflicted upon the Plaintiff.

27. As the direct, legal, and proximate result of the Defendant's wrongdoing as described in this Complaint, the Plaintiff suffered great and severe emotional pain, suffering, and trauma. He has required professional mental health treatment for those injuries. Additionally, Plaintiff suffered the following injuries, and losses, *inter alia*:

- a. He was deprived of his liberty;
- b. He suffered great humiliation, embarrassment, mortification, and distress;
- c. He was subjected to unlawful, illegal and unreasonable and unconstitutional use of force;
- d. He was subjected to arrest, prosecution, detention, and confinement;
- e. He was deprived of his liberty in violation of the Constitution of the United States and further in violation of federal law;
- f. He was put in fear of his well-being;

Spero T. Lappas, Esquire
Serratelli, Schiffman, Brown & Calhoon, P.C.
Complaint
Page -9-

- g. He suffered the loss of valuable federally protected rights;
- h. He sustained physical and mental injuries, damages, and losses, including physical and mental pain and suffering;
- i. He was required to undergo medical care;
- j. He was for a time partially disabled.

WHEREFORE, the PLAINTIFF demands judgment against this DEFENDANT for: compensatory and punitive damages, costs of this litigation, reasonable attorneys fees and such other relief as the court finds appropriate or as the law allows.

Spero T. Lappas, Esquire
Serratelli, Schiffman, Brown & Calhoon, P.C.
Complaint
Page -10-

Respectfully submitted,

SERRATELLI, SCHIFFMAN, BROWN AND CALHOON, P.C

By: 

SPERO T. LAPPAS, ESQUIRE

[REDACTED]

WITOLD J. WALCZAK, LEGAL DIRECTOR

[REDACTED]

VALERIE A. BURCH, ESQUIRE

[REDACTED]

ATTORNEYS FOR THE PLAINTIFF

*Spero T. Lappas, Esquire
Serratelli, Schiffman, Brown & Calhoon, P.C.
Complaint
Page -11-*