



Daniel J. Callaghan
City Attorney

CITY OF ROANOKE
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Timothy R. Spencer
David L. Collins
Heather P. Ferguson
Laura M. Carini
Douglas P. Barber, Jr.
Assistant City Attorneys

July 23, 2020

VIA EMAIL ONLY TO:



Re: FOIA Request –
Civil Lawsuits for Police Misconduct involving the Roanoke City Police Department

Dear Ms. Butchireddygari:

I am writing to you in response to your Virginia Freedom of Information Act (“FOIA”) request dated July 20, 2020, to Melinda Mayo, FOIA Officer for the City of Roanoke, whereby you are requesting a copy of any records of civil lawsuits for police misconduct from the Roanoke City Police Department that resulted in a monetary legal settlement between the period of January 1, 2010 and December 31, 2019. Pursuant to your FOIA Request, enclosed please find copies of the final orders in all the cases that involved the Roanoke City Police Department during the above period.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature of Timothy R. Spencer in black ink.

Timothy R. Spencer
Senior Assistant City Attorney

TRS/trv
enclosures

c: Lt. Adam Puckett, Roanoke City Police Department
Melinda Mayo, FOIA Officer for the City of Roanoke
Daniel J. Callaghan, City Attorney

AUG 13 2010

JULIA C. DUDLEY CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

RAEBURN S. GRASTY,)	
Plaintiff,)	Civil Action No.: 7:09cv00471
)	
v.)	<u>ORDER</u>
)	
THE CITY OF ROANOKE, et al.,)	By: Samuel G. Wilson
Defendants.)	United States District Judge

In accordance with the memorandum opinion entered on this day, it is **ORDERED** and
ADJUDGED that defendants' motion for summary judgment is **GRANTED** as to all claims
EXCEPT as to the false arrest and malicious prosecution claims against Anderson, and the
unlawful search claims against Hamilton.

ENTER: This 13th day of August 2010.



UNITED STATES DISTRICT JUDGE

SETTLEMENT AGREEMENT

IN ADDITION TO THE CONSIDERATION OF Ninety-Two Thousand, five Hundred Dollars (\$92,500) as set forth in the Release signed by Winter Wren Hodges (hereinafter "the claimant), R. E. Blevins, (hereinafter "the defendant") and , the CITY OF ROANOKE, hereby acknowledge and condition such release upon the following:

1. The claimant agrees that as a condition of this settlement, he will return all copies of the all copies of the video footage taken from inside the Sheriff's facility and will delete any and all copies of such video footage he has on any hard drive in his possession.
2. All parties agree that they will not disseminate or distribute the contents of the video footage taken from inside the Sheriff's facility to any third party, unless required to do so by law.
3. All parties agree that they will not post the video footage taken from inside the Sheriff's facility to on any website or on the world wide web, nor will they have any third party post such video footage to on any website or on the world wide web.
4. All parties agree that they will not seek to disclose nor have a third party disclose the contents of the settlement of this claim to any media outlet.
5. All parties understand and agree that the CITY OF ROANOKE is a public entity subject to the Virginia Freedom of Information Act.

WITNESS the following signatures and seals made this _____ day of _____, 2011:

Winter Wren Hodges, Claimant (SEAL)

R. E. Blevins, Defendant (SEAL)

CITY OF ROANOKE

By: _____ (SEAL)

R E L E A S E

FOR THE SOLE CONSIDERATION OF Forty Thousand Dollars and no/100 (\$40,000.00), the receipt and sufficiency whereof is hereby acknowledged, each undersigned claimant hereby releases and forever discharges former police officer C. J. Witt and the CITY OF ROANOKE, a municipal corporation, any of its departments, agencies, boards, commissions, and their officers, agents, employees, and representatives from any and all claims, demands, damages, rights, actions, causes of action, or suits of any kind whatsoever, either at law or in equity, including any claim for court costs or attorneys' fees (all the foregoing hereinafter collectively referred to as "claims"), and particularly on account of all injuries or damages, known or unknown, both to person and property which have resulted or may in the future develop from an incident in which George William Roberts asserts, among other things, that his constitutional rights were violated by former officer C. J. Witt from the City of Roanoke Police Department on or about the 11th day of May, 2008, at 811 Peck Street, N.W., Roanoke, Virginia.

The undersigned claimant understands that former officer C. J. Witt and the CITY OF ROANOKE, its officers, agents, employees, representatives, and any other parties released expressly deny any liability or fault whatsoever for any injuries or damages, both to person and property asserted by George William Roberts in his complaint filed with the United States District Court for the Western District of Virginia, Roanoke Division.

The undersigned claimant hereby declares that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise, adjustment, and settlement of any and all claims, disputed or otherwise, on account of the injuries and damages above mentioned and for the express purpose of precluding forever any further or additional claims arising out of the aforementioned incident.

This release contains the entire agreement between the parties hereto and the terms of this release are contractual and not a mere recital. The undersigned claimant acknowledges that he is represented by legal counsel and further states that this release has been signed voluntarily. This release is effective once the funds have been deposited and have cleared in the claimant's attorney's trust account. In the event the funds are not received or do not clear upon deposit, this release is null and void.

WITNESS my hand and seal this _____ day of _____, 2010:

(SEAL)

George William Roberts, Claimant

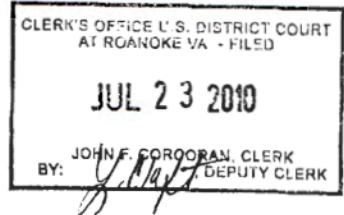
WITNESS:

Signature

Printed Name

Street Address

City State Zip



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

AARON A. STEVENSON,)
Plaintiff,)
v.)
JAMIE A. KWIECINSKI, et al.,)
Defendants.)
)
)
)
)
)
)
)
Civil Action No. 7:09-CV-00525
ORDER
By: Hon. Glen E. Conrad
Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that the defendants' motion for summary judgment shall be and hereby is **GRANTED**. The plaintiff's motion for summary judgment shall be and hereby is **DENIED**.

The Clerk is directed to send a certified copy of this order and the accompanying memorandum opinion to all counsel of record.

ENTER: This 23rd day of July, 2010.

John Cuneo

Chief United States District Judge

DEC 16 2011

JULIA C. DUELEY, CLERK
BY: 
DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JEFFREY E. WHITEBEY,) CASE NO. 7:11CV00105
)
Plaintiff,) FINAL ORDER
vs.)
)
)
R. A. SARRGE, <u>ET AL.</u> ,) By: Glen E. Conrad
Defendant(s).) Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Plaintiff's motions to amend (ECF Nos. 29 and 37), which the court construes as amendments to plaintiff's response to defendants' summary judgment motion, are **GRANTED**;
2. For the reasons stated in the memorandum opinion, defendants' motion for summary judgment is **GRANTED** as to plaintiff's claims under the Fourth Amendment;
3. With the exception of the Fourth Amendment claims, plaintiff's other intended claims under federal law are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state any actionable claim;
4. Plaintiff's intended claims under state law are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1367(c);
5. For reasons stated in Footnote 13 of the memorandum opinion, the clerk is **DIRECTED** to remove from Case No. 7:10CV00150 the plaintiff's recent request for production of documents (ECF No. 24) and to docket it as such in this pending case, Case No. 7:11CV00105; but in light of the court's decision to grant summary judgment for the defendants,

this request for discovery and plaintiff's motion for appointment of counsel are **DISMISSED** as moot; and

6. This action is stricken from the active docket of the court.

ENTER: This 15th day of December, 2011.

Gene Carroll

Chief United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

MONTA ORLANDO JORDAN,)
)
Plaintiff,) Case No. 7:19CV00214
)
v.) **FINAL ORDER**
)
JOSEPH FLIPPIN, ET AL.,) By: James P. Jones
) United States District Judge
Defendants.)

For the reasons set forth in the Opinion accompanying this Order, it is
ORDERED that the defendants' Motions to Dismiss, ECF Nos. 15, 36, 43, 45, and
59, are GRANTED and the case is DISMISSED.

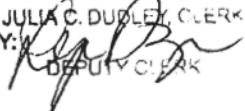
The Clerk will close the case.

ENTER: March 6, 2020

/s/ JAMES P. JONES
United States District Judge

APR 18 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division

JULIA C. DUDLEY CLERK
BY: 
DEPUTY CLERK

DANIEL SLOAN,)	Civil Action No. 7:11-cv-00143
)	
<i>Plaintiff,</i>)	
)	
v.)	<u>FINAL ORDER</u>
)	
OFFICER T.M. DULAK, et als.,)	
)	By: James C. Turk
<i>Defendants.</i>)	Senior United States District Court

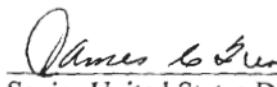
On April 17, 2012, Plaintiff and Defendants¹ filed a joint stipulation of dismissal with prejudice, (Dkt. No. 42), which is effective without a Court order. See Fed. R. Civ. P. 41(a)(1)(A)(ii). Therefore, it is hereby

ORDERED

that the Clerk strike this case from the Court's active docket. Additionally, Defendants' pending motion in limine (Dkt. No. 41) is **DISMISSED** as **MOOT**.

The Clerk is directed to send a copy of this Order to all counsel of record.

ENTER: This 18th day of April, 2012



Senior United States District Judge

¹ The Court granted summary judgment in favor of Defendants Officer T.M. Dulak and Officer Timothy Hartson. The remaining Defendants are Officer Christopher Burnett and Officer Robert McNiff.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

REUBEN CHARLES JONES,) CASE NO. 7:12CV00514
)
Plaintiff,)
v.)
)
W. T. DRAKE, ET AL.,) FINAL ORDER
)
Defendants.)
)
) By: Robert S. Ballou
) United States Magistrate Judge

For reasons stated in the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Plaintiff's motions to strike (ECF Nos. 73, 74, & 77) are **DENIED**;
2. Defendants' motion to dismiss (ECF No. 55) is **DISMISSED** as moot;
3. Defendants' motions for summary judgment (ECF Nos. 41 & 55) are **GRANTED** on the ground of qualified immunity, and plaintiff's complaint as amended is **DISMISSED** with prejudice; and
4. This action is stricken from the active docket of the court.

Enter: January 13, 2014

ts/ Robert S. Ballou

Robert S. Ballou
United States Magistrate Judge

JUL 12 2016

JULIA C. DODDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN M. HUFFMAN, SR.,)	
Plaintiff,)	Civil Action No. 7:15CV0636
v.)	Civil Action No. 7:15CV0642
J. T. KULISH, et al.,)	
Defendants.)	

FINAL ORDER

Hon. Glen E. Conrad
Chief United States District Judge

This matter is before the court on failure of the plaintiff to file any response to the notices issued by the court in these cases on February 23, 2016, and February 29, 2016, directing the pro se plaintiff to respond to plaintiff's dispositive motions or risk dismissal of these actions.

In granting the defendants' motion to consolidate the cases on March 31, 2016, the court again provided the pro se plaintiff one last opportunity to respond. The plaintiff failed to file any response. In fact, Mr. Huffman has not filed any pleading in these cases post the initiation of these actions in November, 2015.

Therefore, finding good cause, it is now

ORDERED

that these actions shall be and hereby are DISMISSED pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, for failure to prosecute this action or otherwise respond to court orders.

See Ballard v. Carlson, 882 F.2d 93 (4th Cir. 1989), cert. denied, 493 U.S. 1084 (1990).

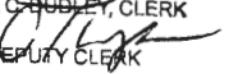
The Clerk is directed to send certified copies of this Order to all parties.

ENTER: This 11th day of July, 2016.

Glen Conrad
Chief United States District Judge

VIRGINIA:

OCT 05 2011

JULIA C. BUDLEY, CLERK
BY: 
DEPUTY CLERK

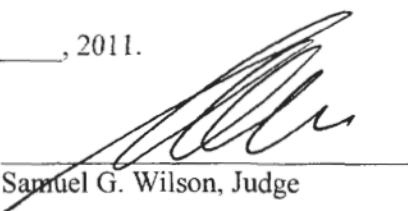
IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

WINTER WREN HODGES }
Plaintiff }
v. } Case No. 7:11CV00094
R. E. BLEVINS }
Defendant }

STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE

Come now the parties on motion of the Plaintiff and hereby stipulate to the voluntary dismissal of this action pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. The Plaintiff moves for and the Defendant consents to the dismissal of this action, which dismissal shall be with prejudice.

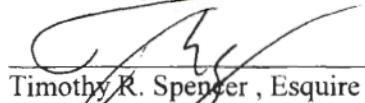
Entered this 5th day of Oct, 2011.


Samuel G. Wilson, Judge

I ask for this:


Alton B. Prillaman, Esquire (VSB#03478)
OSTERHOUDT, PRILLAMAN, NATT, HELSCHER,
YOST, MAXWELL & FERGUSON, PLC
3140 Chaparral Drive, Suite 200-C
Roanoke, VA 24018-4370
Phone: (540) 725-8188
Fax: (540) 772-0126
Attorney for Plaintiff

Seen and agreed to:



Timothy R. Spencer , Esquire (VSB#26532)
Assistant City Attorney
464 Municipal Building
215 Church Avenue
Roanoke, VA 24011
Phone: (540)853-2431
Counsel for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

MARTY BROWN,)	Civil Action No. 7:13cv00553
Plaintiff,)	
)	ORDER ADOPTING REPORT
v.)	AND RECOMMENDATION
)	
DONALD S. CALDWELL, et al.,)	By: Norman K. Moon
Defendants.)	United States District Judge

Plaintiff, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). I referred the matter to United States Magistrate Judge Pamela Meade Sargent for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Sargent correctly construed the complaint as having been filed pursuant to 42 U.S.C. § 1983, as a *Bivens* action allows damages suits to be maintained against *federal* officials for violations of the United States Constitution, and Plaintiff has named as defendants a Commonwealth's Attorney for the City of Roanoke, Virginia, an Assistant Commonwealth's Attorney for the City of Roanoke, and a sergeant in the Roanoke City Police Department's Warrant Service Unit.

Plaintiff alleges that the defendants held two criminal arrest warrants in the Commonwealth's Attorney's Office and the Police Department without properly informing a court of their existence, in violation of his due process rights under the Fifth and Fourteenth Amendments to the United States Constitution. Plaintiff further alleges that the defendants' actions failed to comply with the provisions of the Interstate Agreement on Detainers Act, ("IADA"), and violated his right to a speedy trial under the Sixth Amendment to the United States Constitution. The defendants moved to dismiss for failure to state a claim upon which relief can be granted, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

The Magistrate Judge recommends granting the defendants' motions. Plaintiff filed objections, but his objections are conclusory and reiterate arguments already presented, and thus they lack the specificity required by Rule 72 of the Federal Rules of Civil Procedure and have the same effect as a failure to object. *See Veney v. Astrue*, 539 F.Supp.2d 841, 845 (2008).

Moreover, having reviewed the report and recommendation, the objections thereto, and pertinent portions of the record *de novo* in accordance with § 636(b)(1), I find that plaintiff's objections fail, and I adopt the Magistrate Judge's report and recommendation *in toto*. Plaintiff's objections do not dislodge Judge Sargent's proposed findings of facts and conclusions of law, particularly the following:

- The Commonwealth's Attorney defendants are immune from suit in their official capacities under the Eleventh Amendment, *see Harter v. Vernon*, 101 F.3d 334, 340 (4th Cir. 1996) (citing *Bockes v. Fields*, 999 F.2d 788, 790-91 (4th Cir. 1993)); and they are entitled to absolute immunity for acts within the scope of their prosecutorial duties, *see Imbler v. Pachtman*, 424 U.S. 409, 420 (1976); *Springmen v. Williams*, 122 F.3d 211, 213 (4th Cir. 1997).
- Plaintiff has not been arrested on the two outstanding Virginia warrants against him, and therefore plaintiff fails to assert plausible claims of a violation of either the IADA or his Sixth Amendment right to a speedy trial. *See Williamson v. Commonwealth*, 13 Va. App. 655, 658 (1992) (an arrest on a fugitive warrant in North Carolina does not constitute an arrest on the underlying warrant in Virginia).
- As plaintiff has not been "arrested" as contemplated in Virginia Code § 19.2-243, he is not entitled to a trial on the charges contained in the warrants, his due process rights under Virginia Code § 19.2-243 have not been implicated, and thus he fails to state a claim that his due process rights under the Fifth and Fourteenth Amendments were violated.

Accordingly, it is hereby **ORDERED** that plaintiff's objections to the report and recommendation (docket nos. 43, 46) are **OVERRULED**; the Magistrate Judge's report and recommendation (docket no. 42) is **ADOPTED** in its entirety; defendants' motions to dismiss (docket nos. 18, 21) are **GRANTED**; and the Clerk of the Court is directed to **TERMINATE** this case from the court's active docket.

The Clerk of the Court is directed to send copies of this order to the pro se plaintiff and to all counsel of record.

ENTER: This 11th day of September, 2014.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ALLEN LEE GODFREY, SR.)
Plaintiff,) Case No. 7:13CV00454
v.)
OFFICER D. R. FAULKNER, *et al.*,) JUDGMENT IN A CIVIL CASE
Defendants.) By: Norman K. Moon
) United States District Judge

This prisoner civil rights action under 42 U.S.C. § 1983 came before the Court for trial by jury on July 30 and 31, 2015. The issues joined were tried, and the jury rendered its verdict. Accordingly, it is **ORDERED AND ADJUDGED** that in accordance with the jury verdict, judgment is hereby **GRANTED** to Defendants D. R. Faulkner, Robert McNiff, A. C. Loureiro, James Ratcliffe, and I.T. Anderson, and the clerk **SHALL** terminate these defendants as parties to the action.

ENTER: This 3rd day of August, 2015.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED for Kiser

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JUL 09 2013

JULIA C. DUDLEY, CLERK
BY: HMcDonald
DEPUTY CLERK

ANTONIO DWAYNE BECKHAM,)	Civil Action No. 7:13-cv-00133
Plaintiff,)	
)	
v.)	ORDER
)	
ROANOKE CITY POLICE)	
DEPARTMENT K9, <u>et al.</u> ,)	By: Hon. Jackson L. Kiser
Defendants.)	Senior United States District Judge

In accordance with the written Memorandum Opinion entered this day, it is hereby

ORDERED

that this action is **DISMISSED without prejudice** for plaintiff's failure to prosecute, pursuant to Fed. R. Civ. P. 41(b), and defendants' motion to dismiss is **DISMISSED as moot**.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This 9th day of July, 2013.


Senior United States District Judge