

LEGISTAR NO.

130655

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA**

ANTHONY LORENZO,

Plaintiff,

v.

CASE NO. 2013-CA-004036
Div. J

CITY OF GAINESVILLE, Florida,
a Florida municipality, and
JARON GRIFFIN,

Defendants.

**COMPLAINT
JURY TRIAL DEMANDED**

Plaintiff, ANTHONY LORENZO, by and through the undersigned, hereby sues Defendant, CITY OF GAINESVILLE, Florida, a Florida municipality, and JARON GRIFFIN, and alleges as follows:

1. This is an action for false arrest and malicious prosecution arising from an incident where Plaintiff was arrested and prosecuted

JURISDICTION AND VENUE

2. This is an action for damages that exceeds \$15,000.00 exclusive of interest, costs and attorney's fees and the venue is proper in this court as this action arose within Alachua County, Florida.

PARTIES

3. Plaintiff ANTHONY LORENZO is a citizen of the United States. At all times relevant to this action he was a resident of Alachua County, Florida.

4. Defendant CITY OF GAINESVILLE, Florida, ("City"), is a Florida municipality and the employer of Defendant JARON GRIFFIN.

5. Defendant JARON GRIFFIN is a police officer employed by the City. He is sued both in his individual and also in his official capacity.

6. Defendant GRIFFIN was, at all times relevant to this action, duly appointed and acting police officer of the City, and was acting as an agent of, and under the direction and control of, the City.

7. Plaintiff has fully complied with all conditions precedent to bringing this action imposed by the laws of the State of Florida, and particularly the provisions of § 768.28, Florida Statutes.

FACTUAL BACKGROUND

8. On July 17, 2010, Plaintiff was lawfully conducting himself when Defendant GRIFFIN told him to stop making statements on a public sidewalk.

9. Defendant GRIFFIN subsequently arrested Plaintiff causing him to be detained against his will.

10. In conjunction with the unlawful arrest of Plaintiff, Defendant GRIFFIN prepared a police report for submission to prosecuting authorities, which contained materially false statements and material omissions, and were relied upon by prosecuting authorities for the filing of criminal charges against Plaintiff.

11. At all times material hereto, Defendant GRIFFIN knew that his police report would be submitted to prosecuting authorities, and would be relied upon by prosecuting authorities for the filing of criminal charges against Plaintiff.

12. As a result of the actions of Defendant GRIFFIN in submitting a police report to prosecuting authorities, a criminal prosecution was initiated against Plaintiff styled *State of Florida v. Lorenzo*, Case No. 2010 MM 005589 A, 8th Judicial Circuit, Alachua County, Florida (“the criminal proceeding”).

13. All charges resulting from Plaintiff’s unlawful arrest were subsequently dismissed and the criminal proceeding terminated in Plaintiff’s favor.

14. As a direct and proximate result of the acts of Defendants, Plaintiff suffered substantial harm, including but not limited to incarceration, embarrassment, emotional trauma, loss of consortium, loss of income, loss of capacity for the enjoyment of life, mental anguish, pain and suffering, and loss of liberty and freedom.

15. Plaintiff’s losses either are permanent or continuing and Plaintiff will suffer the losses in the future.

COUNT ONE

FALSE ARREST

16. Plaintiff realleges Paragraphs 1 through 15 as if fully set forth herein.

17. This count alleges a false arrest claim under Florida law against Defendant City.

18. On or about July 24, 2008, Defendant GRIFFIN, acting as an agent and employee of the City, and while in the course and scope of his duties, arrested Plaintiff.

19. Defendant GRIFFIN, while in the course and scope of his duties, physically deprived Plaintiff of his freedom and liberty and restrained him in his movements both at the scene of the arrest and continuing at the county jail.

20. The restraint of Plaintiff, for which the Defendant City is responsible, was unlawful and unreasonable in that it was not based upon lawfully issued process from a court of law.

21. Plaintiff did not consent to the aforementioned actions of the agent and employee of the City, and the unlawful restraint was against Plaintiff's will.

WHEREFORE, Plaintiff demands:

- a. Judgment for compensatory damages in excess of \$15,000.00;
- b. Judgment for exemplary damages;
- c. Cost of suit;
- d. Trial by jury as to all issues so triable; and
- e. Such other relief as this Honorable Court may deem just and proper.

COUNT TWO

MALICIOUS PROSECUTION

22. Plaintiff realleges Paragraphs 1 through 15 as if fully set forth herein.

23. This count alleges a malicious prosecution claim under Florida law against Defendant GRIFFIN in his individual capacity.

24. Defendant GRIFFIN instigated and continued the criminal proceeding against Plaintiff for an alleged criminal offense.

25. Defendant GRIFFIN exercised malice in commencing and continuing the criminal proceeding recklessly, without probable cause, and without due regard for whether the criminal proceeding against Plaintiff was justified.

26. The criminal proceeding terminated in favor of Plaintiff after a prosecutor dismissed all pending charges.

27. As a direct and proximate result of the intentional and malicious prosecution by Defendant GRIFFIN, Plaintiff was arrested, detained, confined in jail, and subjected to a criminal proceeding, and suffered from or incurred injury to his reputation and health; shame; humiliation and embarrassment; mental anguish; emotional distress; hurt feelings; legal expenses; costs of bond and other related expenses; loss of earnings and time; and loss of ability to earn money in the future. The foregoing losses, damages, and injuries either are permanent or ongoing in nature, and Plaintiff will continue to suffer the same losses in the future.

WHEREFORE, Plaintiff demands:

- a. Judgment for compensatory damages in excess of \$15,000.00;
- b. Judgment for exemplary damages;
- c. Cost of suit;
- d. Trial by jury as to all issues so triable; and
- e. Such other relief as this Honorable Court may deem just and proper.

Dated: August 30, 2013

/s Andrea Flynn Mogensen
ANDREA FLYNN MOGENSEN, Esquire
Law Office of Andrea Flynn Mogensen, P.A.
200 South Washington Blvd., Suite 7
Sarasota, FL 34236
Telephone: 941-955-1066
Fax: 941-866-7323
Florida Bar No. 0549681
Primary E-mail address:
amogensen@sunshinelitigation.com
Secondary E-mail addresses:
mbarfield@sunshinelitigation.com
Jennifer@sunshinelitigation.com