



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LB*
Susan M. Lancaster, Assistant City Attorney *smh*
DATE: January 10, 2011
SUBJECT: David J. Smith v. Troy Police Officer Gregory Stopczynski

Enclosed please find a copy of a lawsuit that was recently filed against Troy Police Officer Gregory Stopczynski by David J. Smith. Mr. Smith has filed this lawsuit without the assistance of an attorney. He has filed it in the 52-4 District Court, and has only named the individual officer.

As background information, Mr. Smith was stopped by Officer Stopczynski on October 5, 2009. After completing an investigation as to suspected drunk driving, the officer cited Mr. Smith for disobeying a stop sign and failing to yield. Mr. Smith unsuccessfully challenged these traffic tickets in a formal hearing, which was held on January 11, 2010. Judge Drury found Mr. Smith responsible for both of these traffic violations.

Mr. Smith has now filed this lawsuit, seeking damages under 42 U.S.C. Section 1983 for an alleged civil rights violation. According to his lawsuit, Mr. Smith challenges the stop of his vehicle, and argues that his "right to privacy and right to be secure in his person" were violated by the officer.

A resolution authorizing our office to defend Officer Stopczynski and/or the City (if the City is added to this lawsuit), is proposed for your consideration. If you have any questions, please let us know.

**STATE OF MICHIGAN
IN THE DISTRICT COURT FOR THE 52-4th JUDICIAL DISTRICT**

DAVID J. SMITH,

Plaintiff,

Case No. _____

Honorable: _____

--- v. ---

OFFICER GREGORY STOPCZYNSKI;
Defendant.

CIVIL RIGHTS COMPLAINT AND DEMAND FOR TRIAL BY JURY

1. This is a Civil Rights complaint for declaratory, monetary, and other appropriate relief brought by Plaintiff, David J. Smith, a United States citizen, for violations of his individual and associational rights under the Fourth Amendment to the United States Constitution, in violation of 42 U.S.C. 1983 and Article I, section 8 of the Michigan Constitution.
2. That the location that action arose was in Troy, MI.
3. That per Michigan Compiled Laws, venue is proper in the 52-4th District Court.

COUNT I-- VIOLATION OF 42 U.S.C 1983 AND ARTICLE I, SECTION 8 OF THE MICHIGAN CONSTITUTION

4. The Defendant, on 10/5/09, illegally violated the Plaintiff's right to privacy and right to be secure in his person when the Defendant ordered the Plaintiff out of his locked vehicle without probable cause or reasonable suspicion that the Plaintiff was intoxicated.
5. Since the date, the Plaintiff has suffered debilitating stress and anxiety every time he drives his vehicle in Troy, MI, for fear that an officer will stop him and violate his civil rights without any regard for the United States Constitution or the Michigan State Constitution.
6. That the amount in controversy is under \$25,000.

WHEREFORE, the Plaintiff, David J. Smith, hereby requests trial by jury and respectfully asks this Court to grant him such declaratory, monetary, and other relief as it deems just and proper

PLAINTIFF,

David J. Smith,
2363 Garland,
Sylvan Lake, MI 48320

Dated: October 5, 2010

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DEMAND FOR JURY

The above named Plaintiff hereby makes formal demand for a trial by jury of the facts and issues in this cause of action.

Respectfully Submitted,

I declare under penalty of perjury that the above recitations are true.

 10/05/2010

David J. Smith,
Plaintiff.

Dated: October 5, 2010

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