

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

CARLTON LEWIS,

Plaintiff,

v.

THE CITY OF SYRACUSE; INVESTIGATOR  
MICHAEL RATHBUN; INVESTIGATOR  
ROBERT TEATER; INVESTIGATOR JAMES  
QUATRONE; INVESTIGATOR PATRICK  
CALLAHAN; INVESTIGATOR TIMOTHY  
FLYNN; SERGEANT JOHN D. BRENNAN; and  
CAPTAIN RICHARD WALSH,

Defendants.

No. 5:24-cv-1354 (GTS/MJK)

**COMPLAINT**

Jury Trial Demanded

Plaintiff CARLTON LEWIS (“Plaintiff”), by his attorneys, EMERY CELLI  
BRINCKERHOFF ABADY WARD & MAAZEL LLP, and MELISSA K. SWARTZ, ESQ.,  
respectfully alleges as follows:

**PRELIMINARY STATEMENT**

1. On February 20, 1990, Plaintiff Carlton Lewis was wrongfully charged and arrested for the murder of Cheryl Coleman in Syracuse, New York, a crime he did not commit. In October 1992, a jury found Mr. Lewis guilty of Murder in the Second Degree (Penal Law § 125.25) and he was sentenced to 20 years to life in prison. Mr. Lewis was 23 years old at the time of his arrest. He went on to spend nearly 32 years wrongfully imprisoned, depriving him of his liberty and denying him his fundamental right to live freely.

2. For three decades, Mr. Lewis maintained his innocence—from the initial investigation, through two trials and two appeals, while incarcerated, and after release on parole.

3. In August 2023, Mr. Lewis's conviction was finally vacated and his indictment dismissed based on newly discovered evidence and DNA testing, which proved his innocence.

4. Police misconduct caused this egregious injustice. Defendants, former Syracuse Police Department Investigators Michael Rathbun and Robert Teater, and former Syracuse Police Department Sergeant John D. Brennan, intentionally fabricated evidence to implicate Mr. Lewis in Ms. Coleman's murder and conspired with other Syracuse Police Department employees to frame Mr. Lewis for the crime. Their misconduct, along with that of other investigators, led directly to Mr. Lewis's wrongful arrest, unfair trial, wrongful conviction, and false imprisonment. Tragically, this egregious misconduct was not an isolated incident but was pursuant to the City of Syracuse's policies and practices condoning widespread investigative misconduct by police.

5. This lawsuit seeks to compensate Mr. Lewis for the prime years of his life that he lost because of his unjust and wrongful conviction and the resulting 32 years of wrongful incarceration.

#### **JURISDICTION and VENUE**

6. This Court has original subject matter jurisdiction over Plaintiff's federal law claims pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) and (4) because Plaintiff's claims arise under a law of the United States, namely 42 U.S.C. § 1983, and seek redress of the deprivation, under color of State law, of rights guaranteed by the Constitution of the United States.

7. This Court has supplemental jurisdiction over Plaintiff's pendent state law claims pursuant to 28 U.S.C. § 1367.

8. Plaintiff has complied with the requirements of New York General Municipal Law Section 50-I by serving a notice of claim on the Municipal defendants on November 6, 2023, within the time required by New York General Municipal Law Section 50-e.

9. Plaintiff submitted to a hearing pursuant to New York General Municipal Law § 50-h on May 10, 2024.

10. This action is being commenced within one year and 90 days of the accrual of Plaintiff's causes of action.

11. Pursuant to 28 U.S.C. § 1391(b), venue is proper in the Northern District of New York, the judicial district in which all Defendants reside, where the City of Syracuse conducts its business, and in which all events giving rise to the claim took place.

12. Plaintiff demands a trial by jury.

### **THE PARTIES**

13. Plaintiff Carlton Lewis is a citizen of the United States, and at all times mentioned herein, resided within the State of New York.

14. Defendant City of Syracuse ("the City") is a municipal corporation existing by virtue of the laws of the State of New York. The City was the employer of the Syracuse Police Department Investigators Michael Rathbun, Robert Teater, Timothy Flynn, James Quatrone, and Patrick Callahan, of Sergeant John D. Brennan, and of Captain Richard Walsh, and was at all times relevant to this Complaint legally responsible for torts they commit within the scope of their employment and/or under color of law and for the policies, practices, and customs of the Syracuse Police Department.

15. The Syracuse Police Department ("SPD") is an agency of the City.

16. Defendant Investigator Michael Rathbun was at all relevant times an investigator employed by SPD who was involved in investigating Ms. Coleman's murder and acting within the scope of his employment.

17. Defendant Investigator Robert Teater was at all relevant times an investigator employed by SPD who was involved in investigating Ms. Coleman's murder and acting within the scope of his employment.

18. Defendant Investigator Timothy Flynn was at all relevant times an investigator employed by SPD who was involved in investigating Ms. Coleman's murder and acting within the scope of his employment.

19. Defendant Investigator James Quatrone was at all relevant times an investigator employed by SPD who was involved in investigating Ms. Coleman's murder and acting within the scope of his employment.

20. Defendant Investigator Patrick Callahan was at all relevant times an investigator employed by SPD who was involved in investigating Ms. Coleman's murder and acting within the scope of his employment.

21. Defendant Sergeant John D. Brennan was at all relevant times a sergeant employed by SPD who was involved in investigating Ms. Coleman's murder and acting within the scope of his employment.

22. Defendant Captain Richard Walsh was at all relevant times a captain leading the SPD investigation into Ms. Coleman's murder and acting within the scope of his employment.

23. All Defendants other than the City of Syracuse will be referred to collectively herein as "the Individual Defendants."

24. At all times relevant to this Complaint, the Individual Defendants acted under color of law pursuant to the statutes, ordinances, customs, and usage of the City of Syracuse and State of New York, and within the scope of their employment as employees of and investigators in SPD.

25. The Individual Defendants are sued in their individual capacities.

**ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

***A 23-Year-Old Woman is Murdered in Syracuse***

26. On February 6, 1990, Cheryl Coleman was murdered in an unoccupied apartment at 2862 South Salina Street in Syracuse, New York. Ms. Coleman's body was discovered on February 7, 1990 by two maintenance workers in the building.

27. The Onondaga County Medical Examiner ("Medical Examiner") concluded that Ms. Coleman had been beaten with a two-by-four piece of wood and died of the resulting blunt force trauma to the head and neck.

28. The Medical Examiner collected a sexual assault evidence kit from Ms. Coleman's body, including a vaginal swab and vaginal smear. Semen samples were recovered from the vaginal swab and from a stain on Ms. Coleman's pants.

29. SPD recovered a blood smear from the hallway inside the apartment where Ms. Coleman's body was found, as well as hair samples from the scene, and latent fingerprints from various places in the apartment, including fingerprints from the two-by-four piece of wood.

***SPD's Investigation into Ms. Coleman's Murder***

30. SPD's investigation into Ms. Coleman's murder began on February 7<sup>th</sup>.

31. Defendant Walsh supervised the investigation.

32. SPD investigators and officers, including the Individual Defendants, interviewed dozens of potential witnesses who had been present near 2862 South Salina Street on the evening of February 6<sup>th</sup>, as well as potential witnesses who lived in the building.

33. SPD investigators and officers, including the Individual Defendants, also interviewed potential witnesses who were present at a nearby bar and club on the evening of February 6<sup>th</sup>, and individuals living in nearby apartment buildings.

34. Based on the initial canvassing directed by Defendant Walsh, SPD generated a list of suspects who frequented nearby bars and clubs or sold drugs near the apartment where Ms. Coleman was murdered.

35. By midday on February 7<sup>th</sup>, SPD had generated a preliminary list of suspects: Tyrone Pitts, Timothy Vaughn, Harold Blackmun, Joseph Dunn, and Carl E. Lewis.

36. The Individual Defendants, along with other SPD employees, conducted further witness interviews and identified nine additional suspects: Gregory Brown, Ulysses Brown, William D. Applins, Jr., Red Rufus, Jr., Bernabe Encarnacion, Willie McKee, Terrence Saunders, and Anthony Townsend.

37. The Individual Defendants interviewed potential suspects between February 7<sup>th</sup> and February 20<sup>th</sup>.

***Defendants Interview Mr. Lewis for the First Time on February 10, 1990***

38. On February 10, 1990, Defendant Callahan and another SPD investigator went to Mr. Lewis's home and interviewed him. Mr. Lewis voluntarily accompanied these investigators to SPD's Criminal Investigation Division (the "CID") to continue the interview.

39. Defendant Callahan, supervised by Defendant Brennan, obtained a signed statement from Mr. Lewis on February 10<sup>th</sup> in which Mr. Lewis stated that he had been at his parents' home with his wife, Brenda Lewis, for the entire evening of February 6<sup>th</sup>.

40. Brenda Lewis corroborated to Defendant Callahan that Mr. Lewis had been with her the entire evening.

41. Mr. Lewis also stated that he had not been near the corner of South Salina Street and Lafayette Avenue, where he would sometimes frequent a local bar and club, since February 3<sup>rd</sup>. While Mr. Lewis knew who Ms. Coleman was, he had not seen her in several weeks.

***Defendants Teater and Flynn Interview Willie McKee for the First Time on February 19<sup>th</sup>***

42. Defendants Teater and Flynn interviewed Willie McKee ("McKee") on February 19<sup>th</sup> and obtained a signed statement from him.

43. McKee's statement claimed that he had been with Tyrone Pitts, Marrell Pitts, and Terrence Saunders near South Salina Street and Lafayette Avenue on the evening of February 6<sup>th</sup>.

44. McKee told Defendants Teater and Flynn that he had seen Mr. Lewis approach a woman on the other side of the street, and that Mr. Lewis and the woman walked to the rear of a house together.

45. McKee's statement claimed that approximately 20 minutes later, Mr. Lewis appeared again, approached the group on the corner, and tried to convince McKee to come with him.

46. McKee told Defendants Teater and Flynn that he refused to go with Mr. Lewis, went to the bar, and did not see Mr. Lewis again for the rest of the night.

47. McKee's first statement did not mention Gregory Brown.

***Defendants Rathbun, Teater, and Brennan Interrogate Mr. Lewis for the Second Time***

48. Defendants Rathbun, Teater, and Brennan interrogated Mr. Lewis a second time on February 20<sup>th</sup>.

49. Defendants Rathbun and Teater arrived at Mr. Lewis's home at approximately 12:15 am on February 20<sup>th</sup> and took him to the CID for questioning.

50. Defendants Rathbun, Teater, and Brennan interrogated Mr. Lewis at the CID beginning at approximately 12:35 am.

51. There are no video or audio recordings of Mr. Lewis's interrogation.

52. At the time that these Defendants interrogated Mr. Lewis, SPD had a policy and practice of not video or audio recording interviews with witnesses and potential suspects.

53. For over an hour, Mr. Lewis denied that he had been present in the apartment where Ms. Coleman was found, or anywhere near South Salina Street, on February 6<sup>th</sup>.

54. Mr. Lewis stated that he had been with his wife on the evening of February 6<sup>th</sup>.

55. At approximately 1:00 am, Mr. Lewis told Defendants Rathbun, Teater, and Brennan that he wanted to leave.

56. Defendants Rathbun, Teater, and Brennan used aggressive and coercive interrogation techniques on Mr. Lewis.

57. Defendants Rathbun, Teater, and Brennan told Mr. Lewis that they believed he was lying about not having been present near the crime scene and that he knew more about the homicide than he was telling them.

58. Defendants Rathbun, Teater, and Brennan did not document what occurred between 12:35 am, the approximate time that the interrogation at the CID began, and 3:50 am, the time that was later indicated on a typed statement as the start time of the interrogation.



59. According to Defendant Rathbun, at 1:20 am, Mr. Lewis changed his previous statement and admitted that he had been present in the apartment with Ms. Coleman, along with Gregory Brown, before she was killed on February 6<sup>th</sup>.

60. According to Defendant Rathbun, the officers did not re-Mirandize Mr. Lewis at 1:20 am.

61. Defendant Rathbun then allegedly transposed Mr. Lewis's verbal statement into a typewritten "written confessional affidavit."

***Defendants Manufacture a False Statement and Coerce Mr. Lewis to Sign It***

62. At an unknown time during the interrogation, Defendant Rathbun gave Mr. Lewis a typed statement to sign.

63. A time stamp on that document indicates that it was completed at 5:34 am. A second time stamp at 6:05 am shows a typed addendum to the statement.

64. Defendants Rathbun, Teater, and Brennan told Mr. Lewis that he was signing the statement he had previously given to Defendant Callahan on February 10<sup>th</sup>.

65. Mr. Lewis was illiterate and was unable to read the typed statement presented to him.

66. Mr. Lewis informed the Defendants that he was unable to read.

67. After being interrogated for over six hours without an attorney present, Mr. Lewis signed the statement typed by Defendant Rathbun.

68. Defendants Rathbun, Teater, and Brennan manufactured this statement.

69. The manufactured statement contradicted Mr. Lewis's February 10<sup>th</sup> statement that he had been at his parents' home with his wife on the night of Ms. Coleman's murder.

70. The manufactured statement recited that Mr. Lewis had been present in the apartment where Ms. Coleman was murdered on February 6<sup>th</sup> and that he had witnessed Gregory Brown rape Ms. Coleman and strike her over the head with a piece of wood.

71. The manufactured statement did not mention McKee, who, at the time of Mr. Lewis's second interrogation, had not admitted his involvement in Ms. Coleman's murder to the Defendants.

72. According to police records, Mr. Lewis voluntarily gave a blood sample and fingerprints following the interrogation at approximately 8:45 am on February 20<sup>th</sup> and left the CID shortly afterward.

73. At approximately 10:30 am on February 20<sup>th</sup>, Defendant Callahan and other SPD employees located Mr. Lewis at his parents' home. Mr. Lewis voluntarily gave them the clothing that he had been wearing on February 6<sup>th</sup>.

74. During this interaction at Mr. Lewis's parents' home, Mr. Lewis allegedly told Defendant Callahan that he had not seen or spoken to Gregory Brown since the night of February 6<sup>th</sup>. A handwritten addendum on the February 20<sup>th</sup> manufactured statement, time stamped at 11:10 am, reflects this conversation.

***Defendant Flynn Interrogates Willie McKee for the Second Time***

75. After Defendants Rathbun, Teater, and Brennan fabricated the statement signed by Mr. Lewis, Defendant Flynn interrogated McKee for a second time.

76. McKee was 16 years old at the time. He already had a criminal record, having previously been convicted and incarcerated for attempted armed robbery.

77. At approximately 5:40 pm on February 20<sup>th</sup>, Defendant Flynn told McKee that SPD needed to clear up "inconsistencies" in his first statement taken on February 19<sup>th</sup>.

78. There is no video tape or audio recording of McKee's interrogation.

79. While McKee was in a CID interrogation room, Defendant Flynn told McKee that his statement did not match up with Mr. Lewis's statement.

80. Defendant Flynn led McKee to believe that Mr. Lewis was being questioned at the same time and providing inconsistent statements.

81. Upon information and belief, Defendant Flynn coerced McKee into falsely implicating Mr. Lewis in the crime in furtherance of Defendant Flynn's agreement with Defendants Rathbun, Teater, and Brennan to frame Mr. Lewis for Ms. Coleman's murder.

82. Defendant Flynn prepared a confessional affidavit for McKee, which McKee signed at 8:15 pm on February 20<sup>th</sup>.

83. McKee's signed February 20<sup>th</sup> statement was inconsistent with his February 19<sup>th</sup> statement, including because McKee admitted to raping Ms. Coleman and participating in her murder, whereas he had previously denied even being present in the apartment where the crime occurred.

84. McKee was placed under arrest for Ms. Coleman's murder.

85. Mr. Lewis was brought to the CID while McKee was being interrogated.

86. At 8:20 pm, Defendant Rathbun arrested Mr. Lewis, and charged Mr. Lewis with Ms. Coleman's murder.

87. On February 24<sup>th</sup>, Gregory Brown was also arrested and charged with Ms. Coleman's murder.

***Individual Defendants Coordinate the Deliberate Manufacture of Evidence to Align With Their Case Theory***

88. Before they arrested Mr. Lewis, SPD officers and investigators, including the Individual Defendants, were repeatedly directed to individual suspects who interacted with Ms. Coleman before her death:

- (a) Gregory Brown, Timothy Vaughn, and Tyrone Pitts all admitted to SPD employees that they had been near the crime scene on February 6<sup>th</sup> into the early morning of February 7<sup>th</sup>.
- (b) Gregory Brown and Tyrone Pitts informed SPD employees that Ms. Coleman had approached them on February 6<sup>th</sup> asking for drugs.
- (c) When asked to list the people he had seen or spoken to on the night of February 6<sup>th</sup>, Timothy Vaughn did not mention Mr. Lewis.
- (d) When asked to list the people he had seen or spoken to on the night of February 6<sup>th</sup>, Gregory Brown did not mention Mr. Lewis.
- (e) A witness told Defendant Quatrone that William Applins had been seen “beating” and “dragging” Ms. Coleman down the street after she left the nearby bar.
- (f) A witness reported to SPD employees that Anthony Townsend had told her on February 11<sup>th</sup>, “remember that girl that died,” and that he had “fucked her [and] came in her mouth.”
- (g) A witness reported to SPD employees, supervised by Defendant Brennan, that she had loaned Timothy Vaughn a jacket and that he had disappeared behind an alley with a “light-skinned girl,” and that when he returned the girl wasn’t with him. The witness further reported to SPD employees that Timothy Vaughn had changed into dark clothing, seemed “nervous and weird,” asked if there were police around, and that the jacket was “dirty and ripped” when he returned it.

89. The Individual Defendants, supervised by Captain Walsh, intentionally disregarded these leads during their investigation.

90. For example, the Individual Defendants did not follow up on the lead that Anthony Townsend claimed to have had sexual intercourse with Ms. Coleman.

91. The Individual Defendants did not follow up with Bernabe Encarnacion, who was seen by multiple witnesses near the apartment building where Ms. Coleman was found and walking down the driveway, and who reportedly had a history with Ms. Coleman.

92. Upon information and belief, instead of investigating these leads, the Individual Defendants acted individually and in concert with one another to frame Mr. Lewis for Ms. Coleman's murder.

93. In furtherance of this agreement, the Individual Defendants took the following steps:

- (a) Defendants Rathbun, Teater, and Brennan manufactured a statement placing Mr. Lewis at the crime scene while knowing that he had a corroborated alibi for the evening of February 6<sup>th</sup>.
- (b) Defendants Rathbun, Teater, and Brennan coerced Mr. Lewis into signing the typed statement, knowing that he was unable to read the document.
- (c) Defendants Rathbun, Teater, and Brennan coordinated their efforts to frame Mr. Lewis with Defendant Flynn, who coerced a signed statement from McKee implicating Mr. Lewis in the crime.
- (d) Defendants Callahan, Rathbun, Quatrone, and Teater coerced and manufactured statements from additional witnesses to corroborate McKee's signed statement.

94. The statements manufactured and coerced by the Individual Defendants all contained numerous falsehoods that were later proven false.

95. The timing of Mr. Lewis's arrest also demonstrates that the Individual Defendants coordinated their efforts to frame Mr. Lewis.

96. Defendants Rathbun, Teater, and Brennan allowed Mr. Lewis to leave the CID on the morning of February 20<sup>th</sup> following his interrogation.

97. At approximately 4:40 pm on February 20<sup>th</sup>, prior to Defendant Flynn obtaining a signed statement from McKee at 5:40 pm, Defendants Rathbun and Teater located Mr. Lewis, Mirandized him, and brought him back to the CID.

98. Upon information and belief, Defendants Rathbun and Teater coordinated the time at which they picked up Mr. Lewis, knowing that Defendant Flynn was coercing a statement from McKee that would create sufficient probable cause to arrest and charge Mr. Lewis with Ms. Coleman's murder.

99. Upon information and belief, Defendant Walsh, as supervisor of the investigation, was kept informed of all investigative efforts and progress, and knew or should have known about an express or implied agreement between the Individual Defendants to frame Mr. Lewis.

100. Upon information and belief, Defendants Walsh and Brennan were aware of, participated in, and/or condoned the investigative strategies and interrogation tactics utilized by the Individual Defendants.

***SPD's Policy and Custom of Not Recording Interrogations to Hide Investigative Misconduct Towards Suspects***

101. The City of Syracuse acting through the SPD and its policymakers was deliberately indifferent to a pattern of rampant investigative misconduct by SPD investigators and supervisors of the kind evident in the Individual Defendants' investigation and suspect interrogations in the case of Ms. Coleman's murder.

102. This investigative misconduct included a pattern of SPD investigators and supervisors coercing and manufacturing statements from witnesses and suspects while conducting criminal investigations.

103. During the investigation into Ms. Coleman's murder, Defendants Rathbun, Teater, and Brennan manufactured a false statement and coerced Mr. Lewis into signing it.

104. During the investigation into Ms. Coleman's murder, Defendant Flynn coerced McKee into signing a false statement implicating Mr. Lewis in the murder.

105. SPD misconduct during the investigation also included multiple instances when Defendants Callahan, Rathbun, Quatrone, and Teater interviewed Tyrone and Marrell Pitts and coerced them into signing false statements placing Mr. Lewis near the crime scene.

106. Upon information and belief, Defendants Rathbun and Teater met with Tyrone Pitts and coerced him into signing a typed document without interviewing him. Tyrone Pitts was unable to read the document that he signed.

107. Upon information and belief, the statement that Defendants coerced Marrell Pitts into signing contained numerous falsehoods about what he had observed on February 6<sup>th</sup>.

108. Upon information and belief, Defendants Walsh and Brennan knew or should have known that the Individual Defendants and other SPD employees were using unlawful tactics to obtain confessions and false witness statements and violate the constitutional rights of criminal suspects.

109. At the time of Mr. Lewis's interrogation and arrest in February 1990, SPD had an official custom, policy, and practice of not video or audio recording interviews with witnesses and potential suspects (the "Non-Recording of Interrogations Policy").

110. Prior to 1988, however, SPD had a routine custom, policy, and practice of recording interrogations and interviews with potential suspects.

111. In 1988, SPD stopped recording suspect interviews after Judge William J. Burke suppressed a defendant's confession to SPD because of concerns about psychological coercion and unlawful interrogation tactics that were captured on video.

112. In *People v. Killingsworth*, 159 A.D.2d 479 (4th Dept 1990), Judge Burke suppressed the confession in part because "a review of the . . . videotape of certain portions of the interview dramatically and graphically depict[s] an intense series of interviews conducted by experienced interviewers utilizing what best could be described as a calculated pattern of 'psychological coercion.'" Decision/Order (Burke, J.) at 16, dated October 17, 1988.

113. The City of Syracuse acting through SPD and its policymakers knowingly and intentionally reversed SPD's policy of video recording interviews with witnesses and suspects and instead adopted the Non-Recording of Interrogations Policy.

114. The City of Syracuse acting through SPD and its policymakers knew or should have known that suspending the policy and practice of recording interrogations and interviews with potential suspects and adoption of the Non-Recording of Interrogations Policy would cause SPD investigators and employees to engage in unchecked abuse, coercion, and misconduct during interviews and interrogations with suspects.

115. In 1995, District Attorney William Fitzpatrick called for SPD to return to conducting limited videotaping of interviews to include, at a minimum, video recording "recaps" of suspect interviews.

116. As of 2009, SPD was providing video "recaps" for approximately 50 percent of all suspect interviews, but district attorneys' offices across the State of New York were advocating for a return to full videotaping of interrogations with suspects in serious felony cases.



117. At the time of Mr. Lewis's interrogation, the City of Syracuse acting through SPD and its policymakers knew or had reason to know that its employees routinely employed coercive interrogation tactics and other unlawful practices while interrogating suspects.

118. Instead of taking steps to ensure that SPD employees did not utilize unlawful interrogation practices, the City of Syracuse acting through SPD and its policymakers demonstrated deliberate indifference to the constitutional rights of suspects and defendants by abandoning its policy of recording interrogations and instead adopting the Non-Recording of Interrogations Policy.

119. The City of Syracuse acting through SPD and its policymakers was deliberately indifferent to the risk that the constitutional rights of suspects such as Mr. Lewis would be violated because of the Non-Recording of Interrogations Policy.

120. This unlawful policy, practice or custom of Defendant City of Syracuse was a substantial factor in bringing about the violation of Mr. Lewis's rights under the Constitution and laws of the United States and New York, and in causing his wrongful conviction and related damages.

***Mr. Lewis's Charge and Indictment***

121. Defendants Rathbun, Teater, and Brennan formally initiated Mr. Lewis's prosecution by signing a sworn felony complaint, which the Onondaga County District Attorney's Office filed in court, charging Mr. Lewis with Murder in the Second Degree (Penal Law § 125.25 [1]) and Criminal Possession of a Weapon in the Fourth Degree (Penal Law §265.01 [2]).

122. As a result of Defendants Rathbun, Teater, and Brennan providing the manufactured evidence to the prosecutor, Mr. Lewis was detained in local custody from the time of his arrest through the trial, depriving him of his liberty.

123. A grand jury indicted Mr. Lewis for Murder in the Second Degree (Penal Law § 125.25 [1]) and Criminal Possession of a Weapon in the Fourth Degree (Penal Law §265.01 [2]), on April 27, 1990, and Mr. Lewis was arraigned on May 1, 1990.

***Mr. Lewis's Trials and Conviction***

124. Mr. Lewis was tried before a jury with co-defendant Gregory Brown on November 8 through November 16, 1990.

125. McKee received a favorable plea deal and testified for the prosecution.

126. At the first trial, the prosecution's case against Mr. Lewis relied on now-discredited forensic methodology called "hair microscopy" that used hair samples from the crime scene. The prosecution had no other physical evidence connecting Mr. Lewis to the crime scene, other than hair samples that could not be reliably attributed to him.

127. Prior to trial, the latent fingerprints on the piece of wood used to murder Ms. Coleman were tested and did not match Mr. Lewis's fingerprints.

128. Prior to trial, no blood was detected on any of Mr. Lewis's clothing or sneakers that he had been wearing on February 6<sup>th</sup>.

129. Prior to trial, no DNA testing was conducted on the semen samples collected by the Medical Examiner.

130. The prosecution also relied on McKee's coerced and manufactured statement implicating Mr. Lewis, and on the February 20<sup>th</sup> coerced and manufactured statement signed by Mr. Lewis.

131. On November 16, 1990, the jury found Mr. Lewis guilty of Murder in the Second Degree and failed to reach a verdict on the count of Criminal Possession of a Weapon.

132. On December 5, 1990, Judge Cunningham sentenced Mr. Lewis to an indeterminate 20 years to life in prison.

133. On appeal, the Appellate Division, Fourth Department, reversed Mr. Lewis's judgment of conviction and remanded the murder count for a new trial. The Fourth Department also dismissed the count for Criminal Possession of a Weapon because of the jury's failure to reach a verdict. *People v. Lewis*, 182 A.D.2d 1093 (4th Dept 1992).

134. A second jury trial was held on October 14 through October 19, 1992.

135. At the second trial, the prosecution's case against Mr. Lewis relied on (1) McKee's coerced testimony, (2) the manufactured statement that the Individual Defendants coerced Mr. Lewis into signing, and (3) a forensic chemist's testimony based on the now-discredited "hair microscopy."

136. The jury was instructed that it could not convict Mr. Lewis solely on the accomplice testimony of McKee, without support from some other independent evidence connecting Mr. Lewis with the commission of the crime.

137. The jury found Mr. Lewis guilty of Murder in the Second Degree based, in part, on the statement manufactured by the Individual Defendants that they coerced Mr. Lewis into signing.

138. On October 27, 1992, Mr. Lewis, now 26 years of age, was sentenced to serve 20 years to life in prison.

***Mr. Lewis Maintained His Innocence for Over Three Decades***

139. Mr. Lewis never stopped asserting his innocence, filing motions and appeals, requesting assistance from numerous attorneys, and denying any involvement in Ms. Coleman's murder.

140. Mr. Lewis appealed his conviction, which was affirmed. *People v. Lewis*, 204 A.D.2d 1025 (4th Dept 1994), *lv denied* 83 N.Y.2d 968 (1994).

141. On September 30, 1994, the Appellate Division, Fourth Department denied Mr. Lewis's request for reargument or leave to appeal. *People v. Lewis*, \_\_\_ A.D.2d \_\_\_ (1994 WL 531085).

142. On May 1, 1997, Mr. Lewis filed a petition for writ of habeas corpus challenging his conviction on six grounds, including the fact that the verdict was not supported by the weight of the evidence and that his guilt was not proven beyond a reasonable doubt. Mr. Lewis's petition was denied.

143. On November 19, 1997, the Appellate Division, Fourth Department denied Mr. Lewis's ineffective assistance of appellate counsel motion. *People v Lewis*, 244 A.D.2d 1013 (4th Dept 1997).

144. On February 2, 1998, Mr. Lewis moved for an order vacating the judgment of his conviction pursuant to CPL 440.10(1)(g) based on an affidavit of a previously unidentified witness who had information about McKee's prior relationship with the victim and McKee's motive to commit the crime. His motion was denied on March 17, 1998.

145. Mr. Lewis was denied parole seven times before being released in 2021.

146. In 2009, Mr. Lewis was denied parole because of his insistence that he was innocent.

147. In 2019, Mr. Lewis was denied parole in part because he “demonstrated no remorse” and “accepted no responsibility” for the crime.

***Newly Discovered DNA Evidence Exonerates Mr. Lewis***

148. In 2009, Mr. Lewis began working with the Innocence Project.

149. In April 2011, the Innocence Project, on Mr. Lewis’s behalf, sought consent from the Onondaga County District Attorney’s Office to pursue multiple types of DNA testing on evidence found at the crime scene.

150. The Onondaga County District Attorney’s Office agreed to conduct some testing, including DNA testing on the vaginal swab and fingernail scrapings from the sexual assault kit, and on sperm samples collected from Ms. Coleman’s shirt, sweater, and pants.

151. The District Attorney’s Office also agreed to examine bloodstains collected from the two-by-four piece of wood and the hair samples from the crime scene to determine whether further DNA testing would be possible.

152. On October 27, 2016, the Innocence Project, on behalf of Mr. Lewis, requested further DNA testing on additional probative items.

153. In April 2019, the Innocence Project, on behalf of Mr. Lewis, filed a motion pursuant to Criminal Procedure Law 440.30(1-a). The motion requested DNA testing of evidence from the crime scene using methodologies that were not available at the time of Mr. Lewis’s trial, including STR, Y-STR, and mitochondrial DNA testing.

154. As a result of these requests, new DNA testing of evidence (referred to hereinafter as the “Newly Discovered DNA Evidence”) from the crime scene was eventually conducted on: (1) semen recovered from the vaginal swab and vaginal smear of Ms. Coleman; (2) scrapings taken from Ms. Coleman’s fingernails; (3) hair recovered from the crime scene; (4) sperm

recovered from stains on Ms. Coleman's pants; and (5) bloodstains collected from the two-by-four wood used as a weapon.

155. All the post-conviction DNA testing definitively excluded Mr. Lewis.

156. In March 2012, forensic scientists at the Wallie Howard Jr. Center for Forensic Sciences conducted DNA testing of the semen recovered from the vaginal swab and vaginal smear. DNA samples from a male source were also taken from scrapings of Ms. Coleman's fingernails and tested.

157. In April 2012, a search of the New York State DNA Index System revealed a DNA match between the sperm tested from the vaginal swab and McKee's DNA.

158. In September 2012, the results of Y-STR DNA testing excluded Mr. Lewis as a source of the DNA recovered from the vaginal swab or the scrapings taken from Ms. Coleman's fingernails.

159. In May 2013, the Wallie Howard Jr. Center for Forensic Sciences conducted DNA testing on the sperm recovered from the stains on Ms. Coleman's pants. The lab also conducted DNA testing on the non-sperm fraction of the samples collected from the stains.

160. As a result of the testing, Mr. Lewis was excluded as the source of the sperm found on Ms. Coleman's pants. Mr. Lewis was also excluded as a source of the DNA found in the non-sperm fraction samples from the stains.

161. These results prove that McKee was the only source of sperm recovered from the crime scene and that Mr. Lewis did not have sexual intercourse with Ms. Coleman, as McKee had falsely alleged in his February 20<sup>th</sup> statement.

162. In September 2021, DNA samples collected from bloodstains on the two-by-four piece of wood were tested using Y-STR DNA testing and compared to Mr. Lewis's DNA.

163. As a result of the testing, Mr. Lewis was excluded as a possible donor of DNA in the bloodstains on the wood. This result confirmed the fingerprint analysis that had been conducted prior to Mr. Lewis's conviction, which had excluded Mr. Lewis as the source of latent fingerprints taken from the wood.

164. The Newly Discovered DNA Evidence and other post-conviction testing proves that Mr. Lewis is innocent of the crime for which he was convicted.

***Mr. Lewis's Conviction is Vacated and Indictment Dismissed***

165. Mr. Lewis was released on parole on November 23, 2021.

166. On March 28, 2023, Mr. Lewis moved to vacate his conviction based on the Newly Discovered DNA Evidence that proves his innocence.

167. On August 10, 2023, the Honorable Theodore H. Limpert granted Mr. Lewis's Motion to Vacate the Conviction and Dismiss the Indictment under CPL 440.10(1) (g-1), vacating his conviction and dismissing indictment No. 90-399-1.

168. The Order was subsequently amended on March 29, 2024, to reflect that Mr. Lewis's conviction was vacated and the indictment dismissed pursuant to CPL 440.10(1) (g) and (g-1).

169. When Mr. Lewis was released from custody, he had served over 32 years in jail or prison and over one and a half years on parole.

*Mr. Lewis's Damages and Injuries*

170. As a direct and proximate consequence of Defendants' conduct, Mr. Lewis was denied his federal constitutional rights and liberties and suffered nearly 32 years of imprisonment.

171. As a result of Defendants' conduct, Mr. Lewis sustained severe emotional and mental anguish and pain as a result of being punished for a crime he did not commit. He continues to suffer mental anguish to this day.

172. Mr. Lewis also suffered physical injuries, loss of liberty, and economic harm as a result of Defendants' conduct.

173. As a result of Defendants' Conduct, Mr. Lewis was also denied the opportunity to pursue normal relationships with, and to enjoy the companionship of, family members and friends. He missed countless milestones and important events in the life of his family.

**FIRST CAUSE OF ACTION**

**42 U.S.C. § 1983:**

**Malicious Prosecution Under the Fourth, Fifth, and Fourteenth Amendments  
(Against Defendants Rathbun, Teater, and Brennan)**

174. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if fully set forth herein.

175. Defendants Rathbun, Teater, and Brennan, acting individually and in concert with each other, initiated, continued, and/or caused the initiation of criminal proceedings against Plaintiff.

176. Defendants Rathbun, Teater, and Brennan lacked probable cause to initiate criminal proceedings against Plaintiff and, acting individually and in concert with each other, knowingly manufactured false information in order to establish probable cause.



177. Defendants Rathbun, Teater, and Brennan knew that there was no probable cause to arrest Plaintiff without the manufactured evidence.

178. Defendants Rathbun, Teater, and Brennan, acting individually and in concert with each other, forwarded this false information to prosecutors knowing such evidence was likely to be relied upon by the court, by the prosecutor, and by the grand jury that decided whether to indict, and in fact the evidence was relied upon by these bodies, thereby proximately causing Plaintiff to be deprived of his liberty.

179. Plaintiff's indictment was procured by the Individual Defendants' intentional conduct undertaken in bad faith, including the manufacture and falsification of evidence.

180. The prosecution terminated in Plaintiff's favor when his conviction was vacated and the indictment against him dismissed.

181. Defendants Rathbun, Teater, and Brennan acted with actual malice, as demonstrated by, *inter alia*, their decision to manufacture a statement which placed Plaintiff at the crime scene, by coercing witnesses into implicating him in the crime, and by forwarding manufactured evidence to the prosecutor, knowing that there was no probable cause to arrest or prosecute Plaintiff.

182. By virtue of the foregoing, Defendants Rathbun, Teater, and Brennan are liable to Plaintiff for damages pursuant to 42 U.S.C. § 1983, for knowingly, willfully, and maliciously causing Plaintiff to be seized, prosecuted, and deprived of his liberty without probable cause, in violation of his right to be free of unreasonable search and seizure pursuant to the Fourth and Fourteenth Amendments to the United States Constitution, and to procedural due process pursuant to the Fifth and Fourteenth Amendments.

183. Defendants Rathbun, Teater, and Brennan also are liable to Plaintiff under 42 U.S.C. § 1983, for knowingly, willfully, and maliciously depriving Plaintiff of his liberty, without probable cause, through outrageous conduct that shocks the conscience, in violation of Plaintiff's right to substantive due process pursuant to the Fifth and Fourteenth Amendments to the United States Constitution.

184. As a direct and proximate result of Defendants' actions, Plaintiff was wrongly prosecuted, convicted, and imprisoned over thirty-two years and suffered other grievous and continuing injuries and damages.

**SECOND CAUSE OF ACTION**  
**42 U.S.C. §1983: Civil Conspiracy**  
**(Against the Individual Defendants)**

185. Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

186. The Individual Defendants entered into an explicit and/or tacit agreement, conspired, and acted in concert with each other to frame Plaintiff and to falsely arrest and prosecute him by manufacturing evidence and coercing false witness statements during the investigation into Ms. Coleman's murder, and by covering up each other's misconduct.

187. The Individual Defendants conspired with each other, including on February 19<sup>th</sup> and 20<sup>th</sup> and in furtherance of their conspiracy, the Individual Defendants acted overtly to manufacture a statement that they coerced Plaintiff to sign, to coerce false witness statements, to corroborate the manufactured statement, and/or to cover-up the misconduct of other Defendants.

188. The Individual Defendants' actions, committed in furtherance of their goal, deprived Plaintiff of his constitutional rights to be free of unreasonable search and seizure

pursuant to the Fourth and Fourteenth Amendments to the United States Constitution, and to due process pursuant to the Fifth and Fourteenth Amendments.

189. Each of the Individual Defendants committed the foregoing violations of Plaintiff's constitutional rights knowingly, intentionally, willfully, and recklessly, or with reckless disregard and conscious indifference to the clear risk of the consequences to Plaintiff that shocks the conscience.

190. By reason of the foregoing, the Individual Defendants are liable to Plaintiff pursuant to 42 U.S.C. § 1983, for compensatory and punitive damages.

191. As a direct and proximate result of Defendants' actions, Plaintiff was wrongly prosecuted, convicted, and imprisoned over thirty-two years and suffered other grievous and continuing injuries and damages.

### **THIRD CAUSE OF ACTION**

#### **42 U.S.C. §1983:**

#### **Claim for Denial of Liberty Without Due Process Based on Fabrication of Evidence and Denial of a Fair Trial Under the Fifth, Sixth, and Fourteenth Amendments (Against the Individual Defendants)**

192. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if fully set forth herein.

193. The Individual Defendants acting individually and in concert with each other fabricated and coerced evidence, namely the February 20<sup>th</sup> statement signed by Plaintiff, the statement by McKee, and the fabricated and coerced statements obtained from witnesses.

194. The Individual Defendants, acting in concert with each other, manufactured this false information and fabricated evidence, knowing that it was likely to influence the jury's verdict.

195. The Individual Defendants, acting individually and in concert with each other, forwarded this false and fabricated information to prosecutors with the express purpose of causing criminal proceedings to be instituted against Plaintiff, even though they could reasonably foresee that their actions would contribute to the prosecutors' subsequent decision to prosecute Plaintiff and obtain his conviction and imprisonment.

196. The false evidence which the Individual Defendants fabricated was introduced against Mr. Lewis at trial and was a basis for the jury's verdict against him.

197. Further, the Individual Defendants, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and the due process and fair trial provisions of the Fifth, Sixth, and Fourteenth Amendments, had an absolute constitutional obligation to disclose to the prosecution, and to the defense, all evidence in their possession or knowledge which tended to favor Plaintiff, including, but not limited to, the February 20<sup>th</sup> fabricated statement.

198. The Individual Defendants' conduct resulted in Plaintiffs' unlawful imprisonment for over 32 years, which deprived Plaintiff of his liberty.

199. The Individual Defendants thereby violated Plaintiff's right to procedural and substantive due process and to a fair trial, pursuant to the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, and are liable to Plaintiff for damages under 42 U.S.C. § 1983.

200. The Individual Defendants acted under pretense and color of state law. Their acts were beyond the scope of their jurisdiction, without authority of law, and in abuse of their powers. They acted with the specific intent to deprive Plaintiff of his constitutional rights.

201. As a direct and proximate result of the Individual Defendants' actions, Plaintiff was wrongly prosecuted, convicted, and imprisoned over thirty-two years and suffered other grievous and continuing injuries and damages.

**FOURTH CAUSE OF ACTION**  
**Malicious Prosecution Under New York Law**  
**(Against Defendants Rathbun, Teater, and Brennan, and the City of Syracuse)**

202. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if fully set forth herein.

203. Defendants Rathbun, Teater, and Brennan, acting in concert with each other, caused the commencement and continuance of criminal proceedings against Plaintiff.

204. There was no probable cause for the criminal proceedings against Plaintiff, and the Individual Defendants knew or should have known as much.

205. Defendants Rathbun, Teater, and Brennan acted with actual malice, as demonstrated by, *inter alia*, their decision to ignore valid evidence and investigative leads that pointed to Plaintiff's innocence.

206. Defendants Rathbun, Teater, and Brennan acted with actual malice, as demonstrated by, *inter alia*, their decision to manufacture statements implicating Plaintiff in the crime and their decision to coerce witnesses into implicating Plaintiff in the crime.

207. The criminal proceedings against Plaintiff terminated in Plaintiff's favor when his conviction was vacated and the indictment against him dismissed.

208. Defendant the City of Syracuse is liable under the doctrine of *respondeat superior* for the unlawful conduct of its employees, the Individual Defendants.

209. As a direct and proximate result of Defendants' actions, Plaintiff was wrongly prosecuted, convicted, and imprisoned over thirty-two years and suffered other grievous and continuing injuries and damages.

**FIFTH CAUSE OF ACTION**  
**Civil Conspiracy Under New York Law**  
**(Against the Individual Defendants and the City of Syracuse)**

210. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if fully set forth herein.

211. The Individual Defendants, as part of a common scheme, expressly and/or tacitly agreed to manufacture evidence and obtain coerced witness statements to frame Plaintiff and maliciously prosecute him for a crime he did not commit.

212. Upon information and belief, in furtherance of their agreement, the Individual Defendants coordinated their efforts and committed overt acts, as detailed above, to accomplish the goal of their conspiracy to (a) frame Plaintiff for the crime and (b) cover up their misconduct.

213. Defendant the City of Syracuse is liable under the doctrine of *respondeat superior* for the unlawful conduct of its employees, the Individual Defendants.

214. As a direct and proximate result of Defendants' actions, Plaintiff was wrongly prosecuted, convicted, and imprisoned over thirty-two years and suffered other grievous and continuing injuries and damages.

**SIXTH CAUSE OF ACTION**  
**42 U.S.C. §1983: *Monell* Claim**  
**(Against Defendant City of Syracuse)**

215. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs as if fully set forth herein.

216. Defendant City of Syracuse caused the violation of Plaintiff's constitutional rights because it adopted and maintained an official policy or custom of not video or audio recording interviews with witnesses and potential suspects, the Non-Recording of Interrogations Policy, with the knowledge that, in the absence of video and audio recordings of interviews, SPD investigators and employees were engaged in widespread, unlawful investigative practices, namely using coercive interrogation tactics and manufacturing evidence to establish probable cause.

217. The aforesaid policies, practices, and/or customs of the City were collectively and individually a substantial factor in causing the violations of Plaintiff's rights under the Constitution and Laws of the United States, in perpetuating those violations, and in causing his damages.

218. By virtue of the foregoing, Defendant the City of Syracuse is liable for having substantially and proximately caused the foregoing violations of Plaintiff's constitutional rights and his resultant injuries.

**SEVENTH CAUSE OF ACTION**  
**Failure to Protect/Intervene Under New York Law**  
**(Against the Individual Defendants)**

219. The Individual Defendants, as law enforcement officials, had an affirmative duty to intervene to protect the constitutional rights of citizens from infringement by other law enforcement officers in their presence.

220. Upon information and belief, the Individual Defendants knew of one another's wrongful acts and displayed deliberate indifference to Plaintiff's constitutional rights by failing

to rectify one another's wrongful acts, namely, the manufacturing of evidence to initiate criminal proceedings against Plaintiff and the intimidation and coercion of witnesses to falsely implicate Plaintiff in the crime.

221. Upon information and belief, the Individual Defendants had a realistic opportunity to intervene to prevent harm to Plaintiff during the investigation and failed to do so.

222. Defendant the City of Syracuse is liable under the doctrine of *respondeat superior* for the unlawful conduct of its employees, the Individual Defendants.

223. As a direct and proximate result of Defendants' actions, Mr. Lewis was wrongly prosecuted, convicted, and imprisoned over thirty-two years and suffered other grievous and continuing injuries and damages.

#### **PRAYER FOR RELIEF**

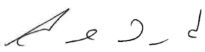
WHEREFORE, Plaintiff requests that the Court grant the following relief jointly and severally against Defendants:

1. Compensatory damages of not less than \$64 million;
2. Punitive damages against the Individual Defendants of \$10 million;
3. Pre-judgment interest as allowed by law;
4. An order awarding Plaintiff reasonable attorneys' fees, together with the costs and disbursements, pursuant to 42 U.S.C. § 1988 and the inherent powers of this Court; and
5. Such other further relief as the Court may deem just and proper.

Dated: New York, New York  
November 6, 2024



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