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*Attorneys for Plaintiff Ricky Godfrey*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

RICKY GODFREY,

*Plaintiff,*

*v.*

DENNIS TRUJILLO, DENIS BROWNE, *through*  
*his successor in interest* Terry Browne, the  
ESTATE OF DENIS BROWNE (Deceased), and  
THE CITY OF RICHMOND.

*Defendants.*

Index No. 25-CV-3462

**COMPLAINT**

DEPRIVATION OF CIVIL RIGHTS  
UNDER 42 U.S.C. § 1983

DEMAND FOR JURY TRIAL

Plaintiff Ricky Godfrey, by and through his attorneys, Emery Celli Brinckerhoff Abady Ward & Maazel LLP, for his Complaint alleges as follows:

**PRELIMINARY STATEMENT**

1. In 1992, when Ricky Godfrey was 18 years old, he was arrested for the murder of Harvey Norfleet, a crime he did not commit.

2. Mr. Godfrey faced the death penalty, was found guilty of first-degree felony murder, and was sentenced to life in prison without the possibility of parole.

1           3.       At just 21 years of age, Mr. Godfrey—an innocent man—was sentenced to die in prison.

2           4.       The prosecution’s case against Mr. Godfrey was thin. Their theory was that Mr. Godfrey  
3 had shot and killed Mr. Norfleet while Mr. Godfrey and three other teenagers—Melvin Holman,  
4 Michael Cannon, and Antoine Featherstone—were out driving around Richmond, California, in Melvin  
5 Holman’s car.

6           5.       The homicide was investigated by Defendants Richmond Police Department (“RPD”)  
7 officers Detective Dennis Trujillo and Sergeant Denis Browne.

8           6.       Only one witness—Mr. Cannon, who was 17 years old at the time of the crime—credibly  
9 testified that Mr. Godfrey was the shooter. The prosecution’s only other witness who testified that Mr.  
10 Godfrey was the shooter, Rosheneda Pierce, gave conflicting, inconsistent, and argumentative  
11 testimony, and provided a physical description of the shooter that looked nothing like Mr. Godfrey, but  
12 *did* look like Mr. Holman.

13          7.       Extremely limited physical evidence corroborated Mr. Cannon’s version of the shooting.  
14 A single .357 caliber cartridge and a black knit ski cap were found in Mr. Godfrey’s apartment, but a  
15 *different* black knit ski cap and a *different* .357 caliber cartridge were also found in Mr. Holman’s  
16 vehicle. Meanwhile, ballistics tests failed to establish which caliber firearm fired the fatal shot. In other  
17 words, the limited physical evidence presented at trial pointed equally to Holman as having been the  
18 shooter.

19          8.       Based on this flimsy evidence, a nearly all-white jury convicted Mr. Godfrey, a young  
20 Black man, and sentenced him to life in prison without the possibility of parole.

21          9.       Mr. Godfrey always maintained his innocence. For years while he was in prison, he  
22 pursued appeals, wrote letters to attorneys, studied the law, and did everything else he could to prove  
23 that he did not kill Harvey Norfleet.

24          10.      Then, in 2010, the truth finally came out: Michael Cannon recanted his testimony and  
25 revealed that *Melvin Holman* had killed Mr. Norfleet, not Ricky Godfrey.

26          11.      In a sworn declaration, Mr. Cannon explained that, on the morning of July 13, 1992, Mr.  
27 Holman had approached Mr. Norfleet’s van and fired a single shot, killing him. Later that day, Holman  
28

1 took Mr. Cannon to Holman's brother's house, where Holman threatened Mr. Cannon to "keep [his]  
2 mouth shut" and told him to blame Mr. Godfrey if the police asked who the shooter was.

3 12. Three days later, Det. Trujillo and Sgt. Browne went looking for Mr. Cannon.

4 13. Det. Trujillo and Sgt. Browne were both members of a notorious, all-white gang of RPD  
5 officers that called itself the "Cowboys."

6 14. In the decade leading up to Mr. Norfleet's death, the Cowboys established a reputation of  
7 using all means necessary—including brutal violence, false arrests, and intimidation of witnesses—  
8 when investigating alleged crimes in Richmond. The Cowboys' regular abuses of authority eventually  
9 led the RPD's Chief of Police to testify in court that the officers in the gang had "attitude problems" and  
10 were "too aggressive."

11 15. Even before the Norfleet homicide investigation, Mr. Cannon knew Sgt. Browne all too  
12 well. Just a year or two earlier, while Mr. Cannon was walking home from school, Sgt. Browne had  
13 detained him at gunpoint, threatened him, and searched him—all for no reason.

14 16. On July 15, 1992, Det. Trujillo and Sgt. Browne decided to use their aggressive Cowboy  
15 police tactics on Mr. Cannon.

16 17. Det. Trujillo and Sgt. Browne picked up Mr. Cannon at his grandparents' house,  
17 handcuffed him, and took him in the back of a police car to the police station, known as the Hall of  
18 Justice.

19 18. After they arrived at the Hall of Justice—and before the officers turned on a tape  
20 recorder—Det. Trujillo and Sgt. Browne started interrogating Mr. Cannon.

21 19. The officers threatened Mr. Cannon and said he could be "*charged as an accessory to*  
22 *murder and spend [his] life in prison*" if he didn't identify the shooter, and, after Cannon asked if he  
23 should speak with a lawyer, the officers told him: "If you didn't do anything, why do you need a  
24 lawyer[?]"

25 20. It was a perfect storm: Mr. Cannon was terrified and understood that if he refused to  
26 name the shooter, the police would charge him as an accessory to murder, and he could spend the rest of  
27 his life in prison. Plus, Mr. Holman had told him to blame Mr. Godfrey for the shooting and threatened  
28 to kill him if he did otherwise.

1           21. Mr. Cannon was cornered—a teenager alone with Det. Trujillo and Sgt. Browne, a police  
2 officer who had previously threatened him with a gun. He gave in to the officers’ threats and told them  
3 Mr. Godfrey had shot Mr. Norfleet.

4           22. Sgt. Browne and Det. Trujillo then turned the tape recorder on and recorded Mr.  
5 Cannon’s statement naming Mr. Godfrey as the shooter, sealing Mr. Godfrey’s fate.

6           23. The next day, July 16, Sgt. Browne and another officer, Det. Mike Gormley, picked up  
7 Mr. Cannon again and drove him to a remote rail yard, where Sgt. Browne showed Mr. Cannon a photo  
8 lineup featuring an old photo of Mr. Godfrey. After Sgt. Browne reminded Mr. Cannon that it was “in  
9 [his] best interests to say that [Godfrey] was the shooter,” Mr. Cannon did as Sgt. Browne said and  
10 “identified [] Godfrey as the person who shot Mr. Norfleet.”

11           24. Sgt. Browne and Det. Trujillo suppressed any evidence of their threats to Mr. Cannon and  
12 instead falsely stated in police reports and at trial that Mr. Cannon had quickly and voluntarily identified  
13 Mr. Godfrey as the shooter.

14           25. The evening of July 16, Sgt. Browne and Det. Trujillo arrested Mr. Godfrey and  
15 interrogated him at the police station, including for over a half hour on video. Sgt. Browne and Det.  
16 Trujillo repeatedly pressured Mr. Godfrey to confess to the crime, but he steadfastly maintained his  
17 innocence.

18           26. Following Mr. Cannon’s recantation, and after decades of Mr. Godfrey advocating for his  
19 own innocence, the Contra Costa County District Attorney’s Office’s (“CCCDAO”) Conviction  
20 Integrity Unit agreed to reinvestigate the conviction in collaboration with the Contra Costa Public  
21 Defenders Office (“CCCPDO”).

22           27. As part of that reinvestigation, Mr. Cannon testified at a court hearing in 2022, where he  
23 was questioned by an Assistant District Attorney and Mr. Godfrey’s counsel from the CCCPDO. Under  
24 oath, Mr. Cannon stood by his 2010 declaration and testified that Melvin Holman was the shooter and  
25 Mr. Godfrey was innocent.

26           28. Finally, in 2023, after Mr. Godfrey had already served 31 years of his life sentence, the  
27 District Attorney agreed to let Mr. Godfrey plead no contest to a lesser charge of voluntary homicide  
28

1 and stipulate to be resentenced to a term of 23.75 years, which would secure his immediate release from  
2 prison.

3 29. Mr. Godfrey accepted the deal. On April 21, 2023, at the age of 50, Mr. Godfrey's  
4 murder conviction was vacated, and he was resentenced. He walked out of court a free man for the first  
5 time since he was arrested at 18 years old.

6 30. Mr. Godfrey now brings this suit to hold Defendants accountable for violating his  
7 constitutional rights.

### 8 PARTIES

9 31. Plaintiff **Ricky Godfrey** resides in Contra Costa County, California. In 1993, he was  
10 wrongfully convicted of first-degree felony murder, for which he was sentenced to a term of life in  
11 prison without the possibility of parole. On April 21, 2023, he was released from state prison upon the  
12 vacatur of his murder conviction and resentencing.

13 32. At all relevant times, **Defendant Dennis Trujillo** was employed as a police officer at the  
14 Richmond Police Department, and, as such, he was employed by Defendant the City of Richmond,  
15 acting under color of law and in his individual capacity within the scope of employment pursuant to the  
16 statutes, ordinances, regulations, policies, customs, and usage of Defendant the City of Richmond and  
17 the State of California. Defendant Trujillo resides in Contra Costa County, California. Upon  
18 information and belief, he is entitled to indemnification under statute and by contract. He is sued in his  
19 individual capacity.

20 33. At all relevant times, **Defendant Denis Browne** was employed as a police officer at the  
21 Richmond Police Department, and, as such, he was employed by Defendant the City of Richmond,  
22 acting under color of law and in his individual capacity within the scope of employment pursuant to the  
23 statutes, ordinances, regulations, policies, customs, and usage of Defendant the City of Richmond and  
24 the State of California. Denis Browne died in 2024. Upon information and belief, he is entitled to  
25 indemnification under statute and by contract. Upon information and belief, his estate is also protected  
26 by insurance. He is sued in his individual capacity.

27 34. Upon information and belief, Terry Browne is the successor in interest to Defendant  
28 decedent Denis Browne. Terry Browne resides in Contra Costa County, California.

35. **Defendant the City of Richmond** is a municipal corporation duly organized under the laws of the state of California. Under its authority, it operates the Richmond Police Department.

### **JURISDICTION, VENUE, AND DIVISIONAL ASSIGNMENT**

36. This action arises under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, through 42 U.S.C. §§ 1983 and 1988.

37. The jurisdiction of this Court is predicated upon 28 U.S.C. §§ 1331 and 1343(a)(1)–(a)(4).

38. Venue is proper in the United States District Court for the Northern District of California pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events, injuries, and violations of rights alleged herein occurred within Contra Costa County, which is within this District.

39. This action is properly assigned to the San Francisco or Oakland Divisions of this District pursuant to Northern District of California Local Civil Rule 3-2(d) because this action arises in Contra Costa County, California.

### **FACTUAL ALLEGATIONS**

#### ***Ricky Godfrey***

40. Ricky Godfrey was born in 1974 and is the oldest of five children.

41. Mr. Godfrey grew up in Richmond, California.

42. As a child, Mr. Godfrey loved baseball and played first base and outfield. He also enjoyed building model rockets and woodworking.

43. As a teenager, Mr. Godfrey developed a knack for writing poetry. He decided he wanted to write poetry when he grew up.

44. Before his arrest for Mr. Norfleet's murder in 1992, Mr. Godfrey had never been arrested for, let alone convicted of, a violent crime.

#### ***The Richmond Police Department, the "Cowboys," and Defendants Trujillo and Browne***

45. Defendant Det. Trujillo joined the RPD in or around 1974.

46. Defendant Sgt. Browne joined the RPD in the 1970s. By 1993, he had been involved in approximately 250 homicide investigations.

1 47. Throughout the late 1970s through at least the 1980s, there was an all-white group of  
2 police officers at the RPD who referred to themselves as the “Cowboys.”

3 48. In December 1982, an RPD officer, Lee Fletcher, testified in federal court that Sgt.  
4 Browne and Det. Trujillo were members of the Cowboys.

5 49. In 1983, the San Francisco Examiner published a five-part exposé on police violence in  
6 Richmond, which included an article on the Cowboys. That article described the Cowboys as “a group  
7 of white policemen” at the RPD who had “taken the law into their own hands, often violating police  
8 regulations and the rights of citizens.”

9 50. The Cowboys were known to wear western-themed outfits, including cowboy hats and  
10 boots.

11 51. Sgt. Browne, for example, was known to wear a “gold pig” necklace and “sharp-toed  
12 cowboy boots.”

13 52. In 1979, the Cowboys posed for a group photograph in their cowboy attire. One member  
14 of the group was seated on a horse, holding a Confederate flag.



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26 *(1979 Photograph of the RPD Cowboys, posing with a Confederate flag)*

27 53. In the 1980s, then-RPD Chief Leo Garfield testified in court that the Cowboys were  
28 “guys that have attitude problems” and were “macho,” “disrespectful,” and “too aggressive.”



1           54. Also in the 1980s, a Black police officer at the RPD, Freddie Evans, testified in court that  
2 the Cowboys saw policing as “a game” and they “want to prove how bad they are.”

3           55. The Cowboys, the San Francisco Examiner noted, preferred to work “the department’s  
4 busy, tension-filled night shifts, patrolling the city in the high-crime hours after dark, often in pairs.”

5           56. Testifying in court in the late 1970s, Sgt. Browne explained that he enjoyed working the  
6 “graveyard” shift because “[t]here’s more violent crimes during the night shift.”

7           57. Over the next five years following Sgt. Browne’s testimony, the San Francisco Examiner  
8 wrote, Sgt. Browne “would be involved in violent nighttime encounters costing Richmond and its  
9 insurers . . . *more than any other officer on the force.*”

10           58. For example, one evening in 1978, Sgt. Browne responded to a domestic disturbance call.  
11 Sgt. Browne got involved in an altercation with the residents and ended up “clubb[ing] [a woman] eight  
12 or 10 times,” including on her head, before striking and kicking the woman’s 16-year-old daughter,  
13 “who still bore 47 stitches from a childbirth eight days earlier.” The woman and her daughter were then  
14 arrested, but all criminal charges were later dismissed.

15           59. Sgt. Browne was involved in another violent encounter in January 1983, when he shot  
16 and killed Donald Lee Kizart with a shotgun. Det. Trujillo was also present during the shooting.  
17 Kizart’s family later sued the officers in federal court for violating Kizart’s constitutional rights.

18           60. As for Det. Trujillo, in the early 1980s RPD Chief Garfield acknowledged while  
19 testifying in court that Det. Trujillo was a habitual user of force.

20           61. For example, in the summer of 1980, Det. Trujillo and another member of the Cowboys,  
21 Gary Dixon, arrived at the home of Quinetta Wilson and Michael Schumake, who had been arguing.  
22 Det. Trujillo “struck [Schumake] in the upper body, and Dixon landed a blow to his head.” Det. Trujillo  
23 also “hit [Schumake] in the ‘groin area.’” Det. Trujillo then shoved Wilson “onto a bed and arrested  
24 her.” The officers then struck Wilson “in the stomach and face as her crying children—aged 4 and 8 at  
25 the time—looked on.” The officers then sprayed Wilson in the face with mace and slammed her head  
26 “into a police car at least three times.” Wilson was never criminally charged as a result of the incident.  
27 A battery charge against Schumake was later dismissed.



62. Det. Trujillo was involved in another violent incident the night of January 3, 1987, when he was off duty in Crockett, California, a community ten miles northeast of Richmond. That night, Det. Trujillo and two other RPD officers shot an individual, Troy Alves, approximately 20 times, killing him.

63. Upon information and belief, throughout the late 1970s through at least the 1980s, members of the Cowboys, including Det. Trujillo and Sgt. Browne, routinely improperly intimidated and coerced witnesses.

64. Upon information and belief, at any point before 1991, neither Sgt. Browne nor Det. Trujillo was formally disciplined by the RPD for their misconduct.

***On July 13, 1992, Harvey Norfleet Is Shot and Killed in His Car in Richmond, California***

65. On the night of July 12, 1992, into the morning hours of July 13, Melvin Holman and Mr. Godfrey were driving around Richmond in Mr. Holman's car.

66. Mr. Holman was several years older than Mr. Godfrey.

67. Mr. Holman had a bad reputation. He was known to be violent and a bully and had been arrested many times.

68. Mr. Holman and Mr. Godfrey decided to get something to eat in the neighborhood near where Michael Cannon lived.

69. Mr. Cannon was Mr. Holman's friend. Mr. Godfrey did not know Mr. Cannon very well.

70. Mr. Holman and Mr. Godfrey picked up Mr. Cannon. The three then got something to eat, picked up some beer from the store, and continued driving around town in Mr. Holman's car into the morning.

71. Eventually, the three drove to North Richmond, where they saw Antoine Featherstone, another of Mr. Holman's friends. Mr. Featherstone joined them in Mr. Holman's car.

72. Mr. Holman was in the driver's seat, Mr. Cannon was in the passenger seat, Mr. Featherstone was in the rear seat on the passenger side, and Mr. Godfrey was in the rear seat on the driver's side.

73. The four continued driving around in Mr. Holman's car throughout the morning until they encountered a van driving towards them at approximately 11:30 a.m., near the intersection of 6th Street and Lucas Avenue in Richmond.

1 74. Mr. Cannon said: “Hey, that’s Harvey [Norfleet]. He owes me some money.”

2 75. Mr. Holman honked his horn to get Mr. Norfleet’s attention and stopped the car. When  
3 Mr. Holman’s car came to a stop, the back of his car was adjacent to Mr. Norfleet’s van.

4 76. Mr. Godfrey had never seen or met Mr. Norfleet before.

5 77. Mr. Godfrey had never seen Mr. Norfleet’s van before.

6 78. Mr. Norfleet was approximately 65 years old at the time.

7 79. Rosheneda Pierce, who worked as a sex worker, was in the passenger seat of Mr.  
8 Norfleet’s van.

9 80. Mr. Godfrey had never seen or met Ms. Pierce before.

10 81. Mr. Holman and Mr. Cannon got out of the car. Mr. Featherstone got out after them.

11 82. Meanwhile, Mr. Godfrey stayed in the car and looked down towards his lap, where he  
12 was rolling a marijuana joint.

13 83. When Mr. Godfrey looked back up, Mr. Holman was walking towards Mr. Norfleet’s  
14 van.

15 84. Mr. Holman had put on a black beanie and was holding a handgun.

16 85. Mr. Godfrey was shocked and didn’t understand what Mr. Holman was doing.

17 86. Mr. Holman announced that it was a robbery.

18 87. Moments later, Mr. Norfleet suddenly stepped on the gas pedal to drive away. The van  
19 started to accelerate.

20 88. Simultaneously, Mr. Holman fired a single gunshot from the handgun. The bullet passed  
21 through the van’s side panel and struck Mr. Norfleet in the neck, fatally wounding him.

22 89. Upon hearing the gunshot, Mr. Godfrey, who was still sitting in the back seat of Mr.  
23 Holman’s car, immediately ducked down to protect himself.

24 90. The three others—Mr. Holman, Mr. Cannon, and Mr. Featherstone—ran back into Mr.  
25 Holman’s car, with Mr. Holman back in the driver’s seat.

26 91. Mr. Holman sped off.

27 92. Panicked, Mr. Cannon asked Mr. Holman: “What the fuck did you do that for?”

28 93. At first, Mr. Holman didn’t respond. He just kept driving.

1           94.     After he drove around the corner, Mr. Holman said to the three others: “Don’t nobody  
2 question me.”

3           95.     Mr. Holman then instructed the others not to tell anyone what happened.

4           96.     Mr. Godfrey was in shock. He asked Mr. Holman to drop him off at home.

5           97.     Mr. Holman dropped off Mr. Godfrey at Mr. Godfrey’s mother’s house.

6           98.     Mr. Holman then dropped Mr. Cannon off across the street from Mr. Cannon’s home.

7           99.     Later that day, Mr. Holman called Mr. Cannon on the phone and said he needed to talk.

8           100.    Mr. Holman came and picked up Mr. Cannon at his home and drove him to the home of  
9 Mr. Holman’s brother, Carlos Holman.

10          101.    At Carlos’s house, Melvin Holman told Mr. Cannon to keep his mouth shut about the  
11 shooting and that he would “kick [Mr. Cannon’s] ass” if Mr. Holman’s name came up in connection  
12 with the shooting.

13          102.    Mr. Holman added: “You think I’m playing? I will shoot you. I know where you live,  
14 and where you go to school.”

15          103.    Mr. Cannon “knew Holman to be a violent and dangerous person” and that he was “well  
16 known in the community” as “a frightening bully.”

17          104.    Mr. Holman then told Mr. Cannon to say Mr. Godfrey was the shooter if the police asked  
18 because Mr. Godfrey was from a different neighborhood and was an outsider in their friend group.

19 ***Det. Trujillo and Sgt. Browne Threaten to Charge Teenager Michael Cannon if He Doesn’t Identify***  
20 ***the Shooter; Mr. Cannon Caves and Falsely Names Ricky Godfrey***

21          105.    Defendant Det. Trujillo was the lead investigator on the Norfleet homicide case.

22          106.    Defendant Sgt. Browne assisted Det. Trujillo with the Norfleet homicide investigation.

23          107.    On July 13, 1992, at approximately 11:40 a.m., RPD Det. Mike Gormley was at the Hall  
24 of Justice when he heard a police radio report of a shooting at 6th Street and Lucas Avenue in  
25 Richmond.

26          108.    Det. Gormley arrived at the scene, where other officers had already located Ms. Pierce.

27          109.    Det. Gormley escorted Ms. Pierce to his police car and drove her to the Hall of Justice to  
28 interview her.

1           110. Upon their arrival at the Hall of Justice, Det. Gormley brought Ms. Pierce to the Criminal  
2 Investigation Bureau interrogation room, and Gormley proceeded to conduct a tape-recorded interview  
3 of Pierce.

4           111. Ms. Pierce described the shooting to Det. Gormley and explained that she recognized one  
5 of the suspects as “Michael,” a boy who lived in an apartment with his mother, Antoinette Cannon.

6           112. Ms. Pierce described the shooter, whose name she did not know, as follows: “Male black,  
7 16 to 18 years of age, Approximately 5’3”, thin build Dark complexion, clean shaven[,] Short, ‘knappy’  
8 hair style.”

9           113. Det. Gormley then searched through RPD records to attempt to identify “Michael.” He  
10 found records for Michael Cannon and for his mother, Antoinette Cannon.

11           114. On July 15, 1992, Det. Trujillo and Sgt. Browne picked up Mr. Cannon at his  
12 grandparents’ house.

13           115. Mr. Cannon was 17 years old at the time.

14           116. Just a year or two earlier, when Mr. Cannon was only 15 years old, he was walking home  
15 from school when an RPD officer—Sgt. Browne—suddenly pulled over in a police car, ran after Mr.  
16 Cannon, and ordered Mr. Cannon to stop.

17           117. Sgt. Browne then pulled out a gun, pointed it at Mr. Cannon, ordered him to get down on  
18 his knees, and barked: “You don’t want to fuck with me. I’m a crazy fucking white man.”

19           118. Sgt. Browne then proceeded to search Mr. Cannon while he was on his knees. After Sgt.  
20 Browne failed to find anything, he walked back to his police car and drove off, leaving Mr. Cannon  
21 kneeling on the sidewalk.

22           119. When Det. Trujillo and Sgt. Browne arrived at Mr. Cannon’s grandparents’ home on July  
23 15, 1992, Mr. Cannon recognized Sgt. Browne as the officer who had detained him at gunpoint just a  
24 year or two before. He was scared of the officers.

25           120. Det. Trujillo and Sgt. Browne handcuffed Mr. Cannon, put him in the back of a police  
26 car, and drove him to the Hall of Justice.

27           121. Shortly after they arrived at the Hall of Justice, Det. Trujillo and Sgt. Browne started  
28 interrogating Mr. Cannon before turning on a tape recorder.

1 122. Mr. Cannon “first told [Det. Trujillo and Sgt. Browne] he had not seen anything, and did  
2 not know who did it.”

3 123. Det. Trujillo and Sgt. Browne explained that a witness had placed him at the scene of the  
4 crime and in the same car as the shooter.

5 124. Mr. Cannon asked Det. Trujillo and Sgt. Browne if he could speak with a lawyer.

6 125. One of the officers responded mockingly: “If you didn’t do anything, why do you need a  
7 lawyer?”

8 126. Det. Trujillo and Sgt. Browne then “threatened [Mr. Cannon], saying that [he] could be  
9 charged as an accessory to murder and spend [his] life in prison” if he did not identify the shooter.

10 127. Mr. Cannon was terrified. He was especially fearful of Sgt. Browne, who had just a year  
11 or two earlier detained and threatened Mr. Cannon at gunpoint for no reason.

12 128. As a result, Mr. Cannon believed Sgt. Browne and Det. Trujillo when they threatened  
13 him. He understood that if he did not identify the shooter, he would be charged and face life in prison.

14 129. Desperate to avoid being charged as an accessory to murder, Mr. Cannon gave in to the  
15 officers’ pressure and told them a lie: that Ricky Godfrey had shot Mr. Norfleet.

16 130. Defendants Trujillo and Browne did not record the entirety of their interrogation of Mr.  
17 Cannon, even though they had the means to do so. Instead, they recorded a partial witness statement  
18 that omitted Defendants’ threats to and coercion of Mr. Cannon.

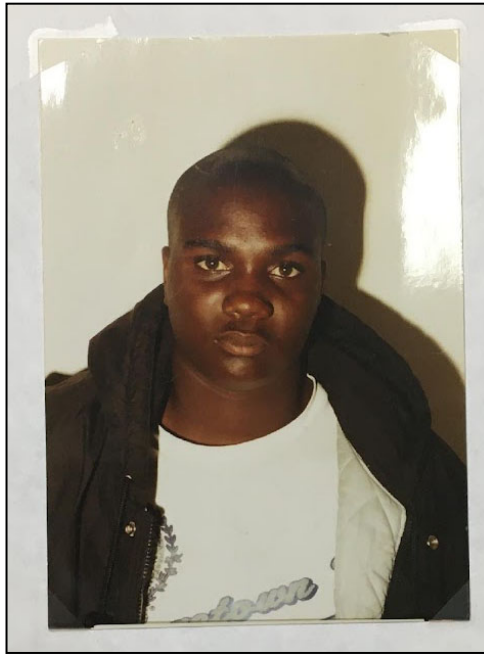
19 131. After Det. Trujillo and Sgt. Browne coerced Mr. Cannon into making a false statement,  
20 they let him go home with his grandfather.

21 ***Det. Trujillo Creates a Photo Lineup with an Old Photo of Mr. Godfrey that Matched Ms. Pierce’s***  
22 ***Description of a Shooter with “Knappy” Hair***

23 132. The evening of July 15, 1992, after Mr. Cannon left the Hall of Justice, Det. Trujillo ran a  
24 “computer check” on Ricky Godfrey.

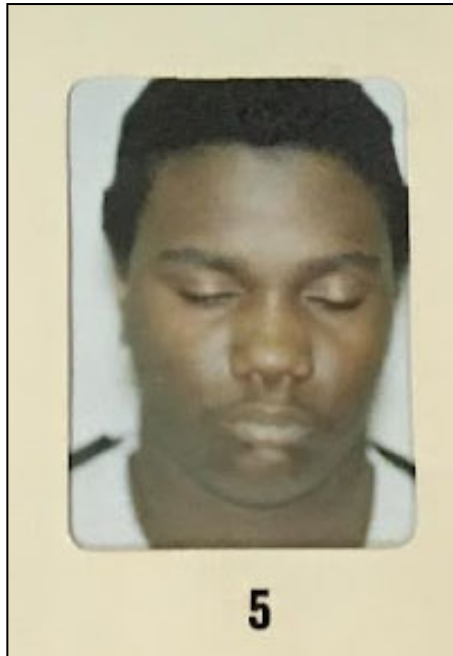
25 133. Det. Trujillo then created a photo lineup with six photos, including an old photo of Mr.  
26 Godfrey.

1           134. On the day Mr. Norfleet was shot, Mr. Godfrey had a shaved head. He was also heavy  
2 set and 5'8".



14           *(Mr. Godfrey as he appeared in July 1992)*

15           135. The old photo of Mr. Godfrey that Det. Trujillo included in the photo lineup depicted him  
16 with longer, natural—"knappy"—hair.



28           *(Mr. Godfrey, as he appeared in the photo lineup Det. Trujillo created on July 15, 1992)*

1           136. This old photo of Mr. Godfrey matched Ms. Pierce's identification of the shooter as  
2 having a "[s]hort, 'knappy' hair style," but did *not* match how Mr. Godfrey appeared on the day of the  
3 shooting, when he had a shaved head.

4           137. The next day, at approximately 11:00 a.m. on July 16, 1992, Sgt. Browne and Det.  
5 Gormley picked up Ms. Pierce and drove her to "the loading dock of an unused warehouse."

6           138. At the unused warehouse, Sgt. Browne showed Ms. Pierce the photo lineup Det. Trujillo  
7 had created the night before, featuring the old photo of Mr. Godfrey with "knappy" hair.

8           139. Ms. Pierce purportedly viewed the photo lineup for "about 30 seconds" and then  
9 identified Mr. Godfrey's photo as the shooter.

10          140. After Sgt. Browne and Det. Gormley dropped off Ms. Pierce, they then returned to Mr.  
11 Cannon's grandparents' home.

12          141. Sgt. Browne and Det. Gormley picked up Mr. Cannon and drove him to a remote rail  
13 yard on the outskirts of Richmond.

14          142. At the rail yard, Sgt. Browne showed Mr. Cannon the same photo lineup.

15          143. Mr. Cannon told Sgt. Browne that he could not identify anyone in the photo lineup.

16          144. Sgt. Browne responded by reminding Mr. Cannon it was "in [his] best interests to say  
17 that [Godfrey] was the shooter."

18          145. Recalling Sgt. Browne's threat of prosecution the day before and the time when Sgt.  
19 Browne threatened him at gunpoint, Mr. Cannon did as he was told and "identified [] Godfrey as the  
20 person who shot Mr. Norfleet."

21          146. That evening, Sgt. Browne and Det. Trujillo went to Mr. Godfrey's home and told him  
22 they wanted to talk to him.

23          147. Mr. Godfrey voluntarily agreed to go with Sgt. Browne and Det. Trujillo to the Hall of  
24 Justice to talk.

25          148. Sgt. Browne and Det. Trujillo then handcuffed Mr. Godfrey, took him to the Hall of  
26 Justice, and interrogated him there. Approximately 30 minutes of the interrogation was recorded on  
27 video.  
28



1           149. During their interrogation of Mr. Godfrey, Sgt. Browne and Det. Trujillo repeatedly  
2 pressured Mr. Godfrey to confess to shooting Mr. Norfleet, but he maintained his innocence.

3           150. Mr. Godfrey was arrested and charged with first-degree felony murder. He faced the  
4 death penalty.

5           151. At trial, Mr. Cannon's testimony was consistent with the false statement Det. Trujillo and  
6 Sgt. Browne had coerced: Mr. Cannon falsely testified before the jury that Mr. Godfrey was the shooter  
7 and did not mention that he had been coerced and threatened by Det. Trujillo and Sgt. Browne.

8           152. The jury also heard Mr. Cannon's tape-recorded witness statement.

9           153. Det. Trujillo testified at trial that Mr. Cannon identified Mr. Godfrey as the shooter and  
10 that Mr. Cannon's recorded witness statement "fairly and accurately reflect[ed] the conversation that  
11 [he] had with Mr. Cannon."

12           154. At trial, Det. Trujillo did not mention his or Sgt. Browne's threats to Mr. Cannon.

13           155. Sgt. Browne testified at trial that Mr. Cannon identified Mr. Godfrey as the shooter and  
14 that Mr. Cannon had identified Mr. Godfrey in the photo lineup.

15           156. At trial, Sgt. Browne did not mention his or Det. Trujillo's threats to Mr. Cannon.

16 ***Det. Trujillo and Sgt. Browne Coerce Antoine Featherstone into Providing a Corroborating False***  
17 ***Statement Naming Mr. Godfrey as the Shooter***

18           157. On July 16, 1992, armed with Mr. Cannon's false statement naming Mr. Godfrey as the  
19 shooter, Det. Trujillo and Sgt. Browne interrogated Mr. Featherstone in an attempt to secure  
20 corroborating evidence.

21           158. Just as they did with Mr. Cannon, Det. Trujillo and Sgt. Browne coerced Mr.  
22 Featherstone—"before they put [] the tape" in the tape recorder—by threatening to charge him with  
23 murder if he did not identify Mr. Godfrey as the shooter.

24           159. Mr. Featherstone gave in and, in a tape-recorded statement, identified Mr. Godfrey as the  
25 shooter.

26           160. Mr. Featherstone was called to testify at trial, where he testified that he did not know who  
27 the shooter was and explained that his police statement naming Mr. Godfrey as the shooter had been  
28 coerced by Det. Trujillo and Sgt. Browne.

1 161. Mr. Featherstone testified that Det. Trujillo and Sgt. Browne had told him they knew one  
 2 of the boys in the group had shot Mr. Norfleet, and that if Mr. Featherstone failed to identify the shooter,  
 3 he would be charged with murder.

4 162. Mr. Featherstone further testified that Det. Trujillo told him: “We want you to say that  
 5 the other dark skin person that was in the car”—Mr. Godfrey—“did the shooting.”

6 163. Mr. Featherstone then gave Det. Trujillo and Sgt. Browne what they wanted: a recorded  
 7 statement naming Mr. Godfrey as the shooter.

8 ***Sgt. Browne Fabricates a Key Witness Statement in Another 1992 Homicide Case***

9 164. The Norfleet homicide investigation was not the only homicide case where Sgt. Browne  
 10 fabricated evidence during the interrogation of a key witness.

11 165. Just last year, Harold Spiller, a key witness in another Richmond homicide case from the  
 12 early 1990s, *People v. Benjamin Toscano*, testified in court that, during his interrogation by RPD  
 13 officers in 1992, Sgt. Browne told him who to name as the shooter.

14 166. Specifically, Mr. Spiller testified that, while he was being interrogated by another RPD  
 15 officer, Officer Chew, Sgt. Browne intervened in the interrogation to announce to Spiller that Browne  
 16 “knew who the shooter was.”

17 167. Sgt. Browne proceeded to show Mr. Spiller a photo lineup featuring photos of six  
 18 individuals, including a photo of Sgt. Browne’s suspect, Benjamin Toscano.

19 168. Sgt. Browne then pointed at the photo of Mr. Toscano and told Mr. Spiller, who had not  
 20 yet identified the shooter: “We know who it is . . . . [T]hat’s him right there. His name is Ben Toscano  
 21 and he’s the shooter. Okay?”

22 169. Mr. Spiller then adopted Sgt. Browne’s identification of Mr. Toscano as the shooter.  
 23 ***A Nearly All-White Jury Convicts Mr. Godfrey of Murder and Sentences Him to Life in Prison***  
 24 ***Without the Possibility of Parole Based on Mr. Cannon’s False Testimony***

25 170. In 1993, Mr. Godfrey’s criminal case was tried as a capital case, meaning, if the jury  
 26 found him guilty, it would then be asked to decide whether to sentence him to death.

27 171. Even though Contra Costa County was approximately one-third non-white at the time,  
 28 the jury at Mr. Godfrey’s trial was comprised of eleven white men and one Asian woman.

1 172. The Assistant District Attorney (“ADA”) who tried the case against Mr. Godfrey, David  
2 Brown, had a documented history of committing *Batson* violations—unconstitutional peremptory strikes  
3 of jurors for a discriminatory purpose—to remove Black jurors from Contra Costa County juries.

4 173. For example, in *Currie v. McDowell*, a federal habeas case, the Ninth Circuit held that  
5 there was substantial evidence that ADA Brown had violated *Batson* to strike three Black women from  
6 the petitioner’s first jury and another three Black women from her second jury upon retrial. 825 F.3d  
7 603 605 (9th Cir. 2016).

8 174. The Ninth Circuit noted that *Currie* was “the latest case arising out of a jury selected by  
9 David Brown, a prosecutor with a history of unconstitutional race-based peremptory strikes.” *Id.*

10 175. At trial, the jury heard Ms. Pierce’s initial identification of Mr. Godfrey as the shooter,  
11 which did not match Mr. Godfrey’s hair, height, or weight.

12 176. During his closing argument, ADA Brown acknowledged that Ms. Pierce’s testimony  
13 was inconsistent and her description of the shooter inaccurate.

14 177. Accordingly, Mr. Cannon—the only other witness who identified Mr. Godfrey as the  
15 shooter at trial—was the prosecution’s star witness.

16 178. ADA Brown relied heavily on Mr. Cannon’s testimony during his closing argument,  
17 where he stressed to the jury: “you heard Michael Cannon said Ricky Godfrey did it.”

18 179. During his rebuttal statement, ADA Brown stressed that “Cannon [knew] the victim  
19 really well” and they were “[f]riends,” which is why Cannon told the police “exactly what happened”—  
20 “You did it, Mr. Godfrey.”

21 ***In 1995, Melvin Holman Is Murdered***

22 180. In August 1993, just months after Mr. Godfrey was wrongfully convicted of shooting Mr.  
23 Norfleet, Melvin Holman was arrested in an unrelated case and charged with assault with a firearm,  
24 shooting at an occupied motor vehicle, and related offenses—the same modus operandi as the Norfleet  
25 homicide.

26 181. On October 27, 1995, Mr. Holman was shot and killed on the corner of 16th Street and  
27 Chanslor Avenue in Richmond.

28 182. Mr. Holman was 25 years old at the time of his death.

1 183. Sometime after Mr. Holman was killed, Mr. Cannon learned of Mr. Holman's passing.  
2 ***Michael Cannon Recants and Reveals that His False Identification of Mr. Godfrey Was Coerced by***  
3 ***Defendants***

4 184. After Mr. Godfrey was convicted and sentenced to life in prison without the possibility of  
5 parole, he had no contact with Mr. Cannon.

6 185. Mr. Cannon continued to live in Richmond, where he eventually got a job working for  
7 the City.

8 186. One day in or around 2006, while Mr. Cannon was on his lunch break in Richmond, a  
9 woman stopped him and introduced herself.

10 187. The woman was Mr. Godfrey's sister, Shanta King. She recognized Mr. Cannon from  
11 when he testified at Mr. Godfrey's trial.

12 188. Ms. King told Mr. Cannon she was Mr. Godfrey's sister. She then asked Mr. Cannon  
13 about Mr. Godfrey's case and why Mr. Cannon had testified that Mr. Godfrey was the shooter.

14 189. No longer fearing retribution by Mr. Holman, who had died years earlier, Mr. Cannon  
15 told Ms. King the truth: that his identification of Mr. Godfrey was false, and Mr. Holman, not Mr.  
16 Godfrey, was the shooter.

17 190. Upon learning of Mr. Holman's recantation, Mr. Godfrey tried to find a lawyer to help  
18 him present his innocence case in court based on this new evidence.

19 191. Mr. Godfrey eventually found a private attorney who agreed to help him with his  
20 innocence case.

21 192. In 2010 Mr. Godfrey's attorney located Mr. Cannon, who agreed to provide a sworn  
22 declaration detailing his recantation.

23 193. In 2012, a private investigator working on behalf of Mr. Cannon's counsel interviewed  
24 Rosheneda Pierce.

25 194. During that interview, Ms. Pierce recanted her testimony identifying Mr. Godfrey and  
26 stated she had "worried that she may have identified the wrong one of the young men who accosted  
27 Harvey [Norfleet] that day."  
28

1           195. Ms. Pierce told the private investigator that “Harvey’s death was extremely traumatic for  
2 her, it happened so fast, and there were so many young men in the group who approached Harvey’s car,  
3 it was always hard for her to clearly and consistently describe each one of them.”

4           196. Ms. Pierce also revealed to the private investigator that “just before she testified at [Mr.  
5 Godfrey’s] trial, and identified Ricky Godfrey as the shooter [at trial], the [ADA] and [Det.] Trujillo  
6 talked to her” and told her that when she would see Mr. Godfrey “in the courtroom, he might look  
7 bigger and might be taller” than she remembered.

8           197. Apparently recognizing that Mr. Godfrey was much larger than the perpetrator Ms. Pierce  
9 had described in her police statement, ADA and Det. Trujillo further explained to Ms. Pierce right  
10 before she testified at trial that Mr. Godfrey “could have gotten bigger by lifting weights in jail and he  
11 might have grown taller.”

12 ***Following a Reinvestigation by the Contra Costa County DA’s Conviction Integrity Unit,***  
13 ***Mr. Godfrey’s Murder Conviction Is Vacated and He Is Released from Prison***

14           198. Mr. Godfrey contacted the CCCPDO in 2019, which was in the process of reviewing old  
15 cases for resentencing pursuant to Senate Bill 1437, which allows some defendants convicted of felony  
16 murder to be resentenced.

17           199. The CCCPDO reinvestigated Mr. Godfrey’s case and presented it to the CCCDAO’s  
18 Conviction Integrity Unit, which agreed to join the reinvestigation effort.

19           200. During that reinvestigation, a CCCDAO investigator interviewed Ms. Pierce, who  
20 recanted the recantation she had given to the private investigator in 2012 and insisted that her 1993 trial  
21 testimony was truthful.

22           201. In 2021, Mr. Godfrey filed a motion to vacate his conviction pursuant to California Penal  
23 Code Section 1473.

24           202. As part of those proceedings, in 2022, Mr. Cannon testified in court that he had lied at  
25 Mr. Godfrey’s trial and that Mr. Holman was the shooter.

26           203. In April 2023, the District Attorney offered a new plea deal whereby Mr. Godfrey would  
27 enter a nolo contendere plea to the lesser charge of voluntary homicide and, in exchange, his first-degree  
28

felony murder conviction would be vacated, and he would be resentenced to 23.75 years, securing his immediate release from prison.

204. Mr. Godfrey had already served over *31 years* behind bars and was doomed to die in prison. He had been deprived of a normal family life, a career, and his liberty for over three decades. Presented with the opportunity to accept a no contest plea and then immediately walk free, Mr. Godfrey accepted the deal.

205. Mr. Godfrey's first-degree felony murder conviction was vacated on April 21, 2023.

206. Also on April 21, 2023, Mr. Godfrey entered into a nolo contendere plea to the lesser offense of voluntary homicide and was resentenced to a determinate sentence of 23.75 years in prison.

207. Because Mr. Godfrey had already served 31 years in prison pursuant to the original sentence of life in prison without the possibility of parole, he was immediately released that day.



*(Mr. Godfrey, reunited with his family on the day of his release from prison)*

208. Incredibly, despite being wrongfully sentenced to life in prison without the possibility of parole and being robbed of his freedom, Mr. Godfrey led as productive a life as possible in the prison system, where he maintained a stellar disciplinary record, earned his GED, was a diligent incarcerated worker, and completed dozens of programs.

209. Since his release from prison, Mr. Godfrey has worked a night shift position at Bay Area Rapid Transit and serves as a youth mentor at 1 Hundred Years Enterprise, an organization that works to reduce recidivism among youth and vulnerable individuals in the East Bay Area.

210. As a result of his mentorship efforts, Mr. Godfrey was recently honored by the City of Richmond in recognition of National Second Chance Month.

***Defendants Robbed Mr. Godfrey of What Should Have Been the Prime of His Life***

211. As a direct result of Defendants' actions and omissions, which were willful, wanton, reckless, and/or performed with deliberate indifference to Mr. Godfrey's rights, Mr. Godfrey sustained injuries and damages, which are ongoing and will continue into the future.

212. Mr. Godfrey's injuries include but are not limited to: the loss of freedom; emotional distress and mental anguish; loss of family relationships; loss of income and career opportunities; legal expenses; humiliation and severe reputational damages; and the loss of enjoyment of life, including personal fulfillment, romantic relationships, career opportunities, and personal growth and development.

213. Defendants robbed Mr. Godfrey of his fundamental rights to life, liberty, and the pursuit of happiness.

**FIRST CAUSE OF ACTION**

**42 U.S.C. § 1983 – Fourteenth Amendment**

**Denial of Due Process – Fabrication of Evidence**

**(Against Defendants Trujillo and Browne)**

214. Plaintiff realleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

215. Defendants Trujillo and Browne caused the initiation of criminal proceedings against Plaintiff.

216. As set forth above, Defendants Trujillo and Browne fabricated Michael Cannon's identification of Plaintiff as the shooter, which was evidence that was likely to influence the jury.

217. Defendants Trujillo and Browne fabricated this evidence by using investigative techniques that were so coercive and abusive that Defendants knew or should have known that those techniques would yield false information.



218. Specifically, Defendants Trujillo and Browne fabricated evidence likely to influence the jury by coercing Mr. Cannon and threatening to baselessly charge him as an accessory to murder and send him to prison for life if he did not identify the shooter.

219. This fabrication of evidence by Defendants Trujillo and Browne proximately caused Plaintiff's loss of liberty.

220. Defendants Trujillo and Browne 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.

### **SECOND CAUSE OF ACTION**

#### **42 U.S.C. § 1983 – Fifth/Fourteenth Amendment**

#### ***Brady* – Withholding Material Exculpatory Evidence**

#### **(Against Defendants Trujillo and Browne)**

221. Plaintiff realleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

222. Evidence of Defendants Trujillo and Browne's coercion of key prosecution witness Michael Cannon and their fabrication of Mr. Cannon's witness statement inculcating Plaintiff, was material exculpatory evidence. Had this evidence been disclosed to Plaintiff, there would have been at least a reasonable probability of a different outcome at trial.

223. Defendants Trujillo and Browne were aware that Mr. Cannon only identified Plaintiff as the perpetrator after Defendants coerced Mr. Cannon by threatening to arrest and baselessly charge him as an accessory to murder and send him to prison for life if he did not identify the shooter.

224. Defendants had a duty to share this material, exculpatory information with the prosecutor so it could be disclosed to the defense.

225. Defendants did not share this material, exculpatory information with the prosecutor or otherwise disclose it to the defense.

226. Defendants Trujillo and Browne 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.

**THIRD CAUSE OF ACTION**

**42 U.S.C. § 1983 – Fourteenth Amendment**

**Failure to Intervene**

**(Against Defendants Trujillo and Browne)**

227. Plaintiff realleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

228. To the extent that either Defendant Browne or Trujillo was not directly responsible for the fabrication of evidence or the withholding of exculpatory evidence described above, such Defendant had a realistic opportunity to intervene and prevent misconduct by the other Defendant that caused preventable harm to Plaintiff.

229. Any reasonable officer in the position of Defendants Trujillo and Browne would have known that Plaintiff's constitutional rights were being violated by the fabrication of evidence and/or withholding of exculpatory evidence.

230. Neither Defendant Browne nor Defendant Trujillo took a single step to intervene and prevent any of the constitutional violations suffered by Plaintiff.

231. Defendants Trujillo and Browne 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.

232. As a direct and proximate result of Defendants Browne's and Trujillo's misconduct and abuse detailed above, Plaintiff sustained the damages hereinbefore alleged.

**FOURTH CAUSE OF ACTION**

**42 U.S.C. § 1983 – Municipal Liability Under *Monell***

**Failure to Supervise and Discipline**

**(Against Defendant the City of Richmond)**

233. Plaintiff realleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

236. To the contrary, Defendant the City of Richmond condoned and acquiesced in the Cowboys', including Defendants Trujillo's and Browne's, abuses of authority by refusing to supervise them, discipline them, or otherwise correct their abusive behavior.

238. Defendant the City of Richmond was or should have been aware that its failure to supervise and discipline its police officers, who regularly violated the civil rights of citizens, including by fabricating evidence, coercing witnesses, and suppressing material exculpatory evidence, was obviously inadequate.

240. Defendant the City of Richmond's constitutionally deficient supervision and discipline of the Cowboys, including Defendants Trujillo and Browne, was done with deliberate indifference to the rights of Plaintiff and others in his position.

**JURY DEMAND**

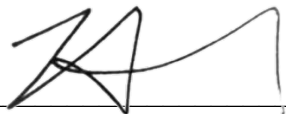
25  
COMPLAINT

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Ricky Godfrey respectfully requests judgment against Defendants as follows:

- a. Compensatory damages against all Defendants in an amount to be determined at trial;
- b. Punitive damages against Defendants Trujillo and Browne (but not Defendant the City of Richmond) in an amount to be determined at trial;
- c. Reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- d. Such other and further relief as this Court may deem just and proper.

Dated: April 18, 2025

  
Nick Bourland

EMERY CELLI BRINCKERHOFF  
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