MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

August 15, 2012

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Dettelis, Joseph v. Howard, Timothy, et al.*
Document Received:	Summons and Complaint
Name of Claimant:	Joseph Dettelis 123 Bidwell Parkway, #1 Buffalo, NY 14222
Claimant's attorney:	Claimant is *pro se*

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld

Enc.

cc: Michael A. Siragusa, Erie County Attorney

FILED
08/06/2012/ 14:46:18
ERIE COUNTY CLERK
RCPT # 12122230
2012002688

Supreme Court of the State of New York
County of Erie

Index No. I 2012002688

Joseph Dettelis
123 Bidwell Parkway
Buffalo, New York 14222,

Plaintiff,

Vs.

Morgen Shirley a/k/a Morgen Love
588 Tacoma Avenue
Buffalo, New York 14216

Jane Doe 1, 2 and 3
John Doe 1 and 2

Sherry Byrnes
588 Tacoma Avenue
Buffalo, New York 14216

Kathryn D'Angelo
50 Delaware Ave
Buffalo, NY 14202

Christopher Kochersberger,
695 Main Street
Buffalo, New York 14203

David Piech
205 Esser Avenue
Buffalo, New York 14207

Timothy B. Howard, Robert A, Koch, Michael F. Reardon
40 Delaware Avenue
Buffalo, New York 14202 (all separate defendants)

Karima Amin
422 Pratt Street
Buffalo, New York 14204

Defendants.

SUMMONS

Venue is designated, County of Erie, the County in which this transaction took place and the parties reside

RECEIVED
ERIE COUNTY SHERIFF
ADMINISTRATIVE OFFICE
2012 AUG -8 PM 1:14

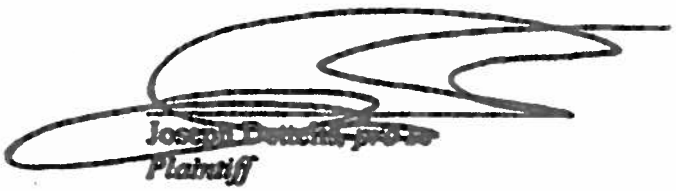
TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon Plaintiff, at the address stated below, a written ANSWER to the attached Complaint.

If this Summons is served upon you within the State of New York by personal service you must respond within twenty (20) days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York you must respond within thirty (30) days after service is completed, as provided by law.

This action is brought in the County of Erie because of the Plaintiff's and Defendants' place of residence and it is where the transaction(s) alleged herein took place.

Dated: Buffalo, New York
August 3, 2012



Joseph Detteffi, pro se
Plaintiff

Office and Post Office Address
123 Bidwell Parkway
Buffalo, New York 14222

Tel./Fax (716) 884-2155
M/t (716) 390-0405
joed@super-fuel-systems.com

FILED
08/06/2012/ 14:46:18
ERIE COUNTY CLERK
RCPT # 12122230
I 2012002688

Supreme Court of the State of New York
County of Erie

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Joseph Dettelis
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40 Delaware Avenue
Buffalo, New York 14202 (all separate defendants)

Karima Amin
422 Pratt Street
Buffalo, New York 14204 Defendants.

VERIFIED COMPLAINT

FILED
ACTIONS & PROCEEDINGS
AUG 06 2012
ERIE COUNTY
CLERK'S OFFICE

Plaintiff, *Joseph Dettelis*, as and for his Complaint against the Defendants, alleges as follows:

PARTIES

1. Plaintiff is a Citizen of the State of New York, of the age of majority, residing within the County of Erie and maintains an office and business space at his residence at 123 Bidwell Parkway, Buffalo, New York 14222. There he conducts his various business affairs, including CEO of Super-Fuel-Systems.com Inc and other projects, businesses and corporations related to the research, development, production, distribution and marketing of alternative energy, alternative energy devices and projects (green power). Plaintiff also manages and is responsible for the CD Arnold House historical development and rehabilitation project at 123 Bidwell Parkway.

2. Defendant, Morgen Shirley, alias Morgen Love, d/b/a Morgen Love of Erie County is a Citizen of

the State of New York, who resided at 118 Norwood Avenue, Buffalo New York 14222 and now, upon information and belief, is an individual, who has a residence in the State with her mother at 588 Tacoma Avenue, Buffalo, New York 14216 and has relocated her business to Oakland and the San Francisco Bay Area of California where she currently spends much of her time.

3. Defendant, Sherry Byrnes, is the natural mother and a business adviser of Morgen Love, Treasurer and Board Member of a Not for Profit Corporation named Justice Lifeline, Inc., has held herself out to be an Art Director in at least one professional photo shoot, and upon information, is an individual who resides at 588 Tacoma Avenue, Buffalo, New York 14216.

4. Upon information and belief, Defendant, Christopher Kochersberger is an individual who works at 695 Main Street, Buffalo, New York 14203 and is an employee of the Buffalo Police Department.

5. Upon information and belief, Defendant, David Piech is an individual who works at 205 Esser Avenue, Buffalo, New York 14207 and is employee of the Buffalo Police Department.

6. Upon information and belief, Defendant, Kathryn D'Angelo is an attorney and individual who works at 50 Delaware Avenue, Buffalo, New York 14202 and is an Assistant District Attorney D.A. Frank Sedita III, of the County of Erie.

7. Jane Doe 1, 2 and 3 are upon information and belief acquaintances or family of Sherry Byrnes and Morgen Shirley and it is currently unknown where they reside except that they are believed to be within the County of Erie.

8. John Doe 1 and 2 are two uniformed Peace Officers of the Buffalo Police Department. It is currently unknown where they reside.

9. Timothy B. Howard is the Sheriff of Erie County and runs the Erie County Holding Center at 40 Delaware Avenue, Buffalo, New York 14202

10. Robert A, Koch, is the Superintendent of the Erie County Holding Center at 40 Delaware Avenue, Buffalo, New York 1420

11. Michael F. Reardon, is the 1st Deputy Superintendent of the Erie County Holding Center at 40 Delaware Avenue, Buffalo, New York 1420

GENERAL ALLEGATIONS AS TO ACTIONS IN DEFAMATION, FALSE ARREST AND FALSE IMPRISONMENT

12. That upon information and belief, on or about September 15, 2011 Dettelis was informed by a neighbor and business associate, Sandra Jardine that Sherry Byrnes had tried to recruit her to give false testimony that Dettelis had harassed and stalked Jardine and other woman in order to support a criminal complaint and arrest Shirley and Byrnes had brought against Dettelis on July 29th 2011.

13. Byrnes had told Jardine that Dettelis "harassed and stalked multiple women" and she would "send Dettelis to jail for stalking and harassing my daughter," Morgen Shirley, with no evidence whatsoever that Dettelis had harassed or stalked anyone, including Morgen Shirley.

14. When Jardine inquired of Byrnes what proof there was that Dettelis stalked or harassed Shirley, Byrnes gave no information, but Byrnes referred to her own father who had an alcohol abuse problem and that Byrnes would not permit anyone to abuse her daughter as her father had abused her.

15. Jardine also related to Dettelis that she was contacted by Karima Amin, a professional acquaintance of Jardine, Dettelis, and Byrnes, in order to set the stage for Byrnes's aforesaid phone call and request of Jardine to bear false witness.

16. Karima Amin related and stated as fact to Jardine, items of slander she took from Byrnes that Dettelis was a "Dangerous predator of women" and had "stalked and harassed multiple women". And they would "send Dettelis up the river for a long time".

17. Amin related and stated to Jardine that Byrnes had contacted her earlier to get names of women that had problems with Dettelis and that Byrnes had told Amin that Dettelis "was stalking and harassing multiple women, including her daughter Morgen".

18. After learning these elements of slander from Jardine on or about September 15, 2011 made by Byrnes to Jardine and Amin, Dettelis performed an investigation and learned that from just after the time of his arrest on or about July 29, 2011, and through and including the month of August and September 2011, Byrnes and Shirley had actively defamed Dettelis to many other men and women in the Buffalo area, and that Amin gave at least one alleged "victim's" name to Byrnes.

19. During the time of about July 29, 2011, and through and including August 4 and through the month of August, September 2011 and through to July 2012, Byrnes and Shirley slandered Dettelis by using the words or variations of the words: "Joe Dettelis harassed and stalked multiple women" and they would "send Dettelis to jail for stalking and harassing my daughter," or "stalking and harassing Morgen, and other women." And "Dettelis is a dangerous predator".

20. Byrnes and Shirley retrieved names of women Dettelis knew by stalking or lurking Dettelis's Facebook site in an effort to determine his relationships and defame his character to those women – these consisted mainly of women Byrnes, Shirley and Dettelis were mutually acquainted with, and that Dettelis had formed relatively new relationships or re-connections with, of a business and personal nature through social networking, all revealed by the facebook interactions.

21. Upon information and belief, through the time frame alleged above by those slanderous words and words like them alleged above, Byrnes and Shirley and others they recruited, defamed Dettelis's name by the spoken word and in writing, by email and facebook messaging to the following women, with their professional titles indicated and other professional women in the community that Dettelis had or was developing a professional or personal relationship with for the furtherance of his business and personal goals:

22. Sandra Jardine, Public Relations Manager and Neighbor, Karima Amin, Founder – Director, Prisoners are People Too, Erie County Prisoners' Rights Coalition, Samina Raza, Recently reconnected High School and College friend, Partner, UB Biomedical Research Firm, Alex Kelly, NYC and

Buffalo. Professional Model. Singer Song Writer – former Guesthouse guest and tenant of Dettelis. Alexa Luther Joyce. Professional Model. Nancy J Parisi. Social Documentarian. former photographic director of Artvoice, Laurie A. Buonanno, Political Science Chair. Buffalo State College. Carla Lanzalaco. New friend of Dettelis. Buonanno's daughter. Erin Habes. Buffalo State College Fashion and Culture Professor. Sarah and Eliza Schneider, Owner's of Merge Restaurant Buffalo New York. Delaware Avenue Brown Stone District, a favorite Social Net Working hub of Dettelis, Nicole Rogers, Financial Adviser. and others.

23. Upon information and belief, through the time frame and by those slanderous words and words like them alleged above. Byrnes. Shirley and others they recruited. including Jane Doe 1. 2 and 3, defamed Dettelis's name and character, by the spoken word and in writing. by email and facebook messaging to the following men. with their professional titles indicated and other professional men in the community that Dettelis had or was developing a professional or personal relationship with for the furtherance of his business and personal goals:

24. Nate Paracini. Videographer. Newell Nussbaumer. Green political activist and Founder of Buffalo Rising Online – an online news publication covering positive developments in Buffalo. Artvoice staff. a biweekly Buffalo. Western New York. and online news publication Dettelis cofounded. and others.

25. Dettelis learned on or about August 15th 2011 that upon information and belief. on or about August 4, 2011. by those slanderous words and words like them alleged above. Byrnes. Shirley and Jane Doe 1. 2 and 3. libeled Dettelis to Artvoice news paper staff and Buffalo Rising online by sending five emails to each publication. purportedly being from 5 different women containing the words that "Dettelis was stalking and harassing multiple women and was a dangerous predator" in a blatant assassination of character.

26. Upon information and belief, through the time frame alleged above by those slanderous words and words like them alleged above. Byrnes and Shirley and others they recruited defamed Dettelis's name throughout the community. by the spoken word and in writing. by email and facebook messaging to the following persons they knew, with their professional titles indicated and other professional persons in the community:

27. Jon Mirro. HOD Tattoo and Fashion Artist in the Elmwood Village. Erin Forta. Professional friend of Shirley. Kerry Quaile. Professional Model. friend. Merge Server and friend of Shirley. Marilynn Hammer. Organic Aesthetic Jewelry Designer. Cultural Development Expert. friend and "Cosmic Sister" of Shirley's. The Director of East Meets West Yoga in the Elmwood Village. and others.

28. It is believed Morgen Shirley picked up on a rumor circulated by other. currently unknown parties in Buffalo. who wanted to slander Dettelis and defame his character and business reputation. Shirley repeated the rumor to her mother and friends then used it as a basis to achieve her own ends including reneging on an agreement pertaining to the business startup and website of Super-Fuel-Systems.com Inc. one of Dettelis's business interests. then setting Dettelis up as stalking and harassing her – then obtaining money and support from her family to achieve her goal of relocating her business out West – in or around the San Francisco Bay Area – two years earlier than her business plan called for – under the guise of having to get away from Dettelis who she or Byrnes claimed to associates of Dettelis "was ruining her life".

29. Dettelis has no history whatsoever of stalking, harassing or mistreating women in any way.

30. On or about October 29th, 2011, because of its falsehood and hearsay nature, the July 29th Misdemeanor Complaint was replaced with a much more benign complaint, this time supported by brief one paragraph depositions from Shirley and Byrnes.

31. During testimony at a Huntley (or Wade?) Hearing on July 9, 2012, Dettelis witnessed for the first time, both Piech and Kochersberger give an account of the basis for the warrantless arrest performed at Dettelis's house at 123 Bidwell Parkway, late afternoon at about 4:30pm on July 29th 2011, which incarcerated Dettelis until August 5th.

32. Shirley and Byrnes were not allowed to hear the testimony and gave their own account later under oath witnessed by Dettelis. Dettelis learned for the first time based on the testimony of Piech, Kochersberger, Shirley and Byrnes that the arrest was a false arrest and imprisonment.

33. Prior to July 9th 2012 Dettelis believed all four must have been acting on some false information that Dettelis had stalked or harassed Shirley earlier in the day of July 29th, 2011, in a threatening or intimidating manner thus justifying an arrest by mistake. However, the testimony disclosed no such basis to justify a late Friday afternoon, July 29th, 2011 arrest of Dettelis.

34. Concerning the arrest, Shirley testified that she arrived home from a trip to California at 1:30 am on July 29th to find a U.S. postal service notice that a letter from Dettelis could be picked up from the post office.

35. Byrnes testified she had already received a copy of this letter delivered to 588 Tacoma on July 20th and had opened and read it to Shirley, without Dettelis's knowledge, over the phone on or about July 20th. One copy was also certified mailed to Byrnes's 588 Tacoma address on the same day but never claimed by Byrnes or Shirley. The letter itself states that it was sent both regular and certified mail.

36. Shirley also testified that a pdf copy of the same letter was emailed to Shirley from Dettelis on July 23rd "in case she was out of town", which she was.

37. The U.S. postal service notice Shirley testified she found waiting for her when she arrived home from her trip at 1:30 am on July 29th could not have been a surprise since Byrnes testified that she received the notice herself on or about July 21st and did not claim the letter which was addressed to Shirley as "Morgen Love" which is the name Dettelis and the rest of the Buffalo business community knew Shirley by.

38. The July 20th letter contains no threats of physical, mental or emotional harm of any kind and constitutes constitutionally protected free speech of straight forward business and personal matters.

39. The first part of the letter discusses important business matters occurring and being negotiated at that time between Dettelis and Shirley that Byrnes was advising Shirley on concerning a Royalty Contract with Dettelis and Super-Fuel-Systems.com Inc. The second part of the letter is a discussion of

Shirley and Dettelis's personal relationship and his personal feelings of love for Shirley.

40. The first part of the letter holds Shirley in breach of their business agreement unless specific items of a simple not burdensome nature are performed by Shirley for the launch of the product that Dettelis felt she already agreed to. The second part holds out the hope that Dettelis and Shirley can at least be at peace with each other and have a normal discussion about the matter.

41. Shirley testified that she sent a certified letter to Dettelis at his Bidwell address dated July 18th and produced a signed postal service receipt of delivery dated July 19th informing Dettelis and Super-Fuel-Systems.com Inc (Dettelis-SFS) that she no longer wished to do future business but that the pictures of a professional photo shoot of Shirley modeling the Super-Fuel-System product could be used for the web site being constructed by Dettelis-SFS. Shirley's letter states that she was fully compensated for the shoot and rejected the Royalty Contract she had been reviewing since early July for use of the pictures on the site and other rather simple obligations. Shirley also enclosed the check advance from the company on the contract and VOIDED it. Shirley's letter also requests that SFS-Dettelis "cease and desist" contacting her. Shirley also hand writes a personal "PS" to "Joe" that she was returning the things Dettelis had left for her on her porch on or about July 16th.

42. Shirley's rejection of the contract by her July 18th letter was prompted by the fact that Dettelis left her a straight forward, to the point, voice mail message on July 17th that he was in love with Shirley and wanted to talk about it. This was the first time Dettelis ever told this to Morgen Love.

43. Shirley's rejection left Dettelis distraught and sorrowful, not angry and violent and Dettelis related these feeling to Shirley in an email she produced as evidence of weirdness because Dettelis asked "why can't you accept that I love you", taking one sentence out of context.

44. Shirley testified that after meeting with Buffalo Police Officer Mendes (or Melendez) at Coffee Culture a block from her Norwood Avenue apartment, Byrnes and Shirley filed a Complaint on July 29th against Dettelis at the Buffalo City Court house, which is where they were directed to take their matter by Mendes, who is believed to be a professional BPO in these matters. As a result Court process was put in action that would send a Summons by mail to Dettelis where Shirley could meet him in court. Shirley was informed the process would take about 30 days.

45. Shirley then testified that she "had a meltdown" on the Courthouse steps because she wanted to have Dettelis arrested.

46. This Summons by mail procedure advised by a professional Buffalo Police Officer, whose job it is to determine such matters, was not good enough to placate Shirley's anger at Dettelis.

47. Upon information and belief, Shirley and Byrnes were angry at Dettelis for sending the July 20th breach of contract business letter that also covered personal non-business matters between Dettelis and Shirley in response to Shirley's July 18th business "cease and desist" contact letter that also covered personal non-business matters between Shirley and Dettelis.

48. Shirley wanted a unilateral, dictatorial discussion of the matter – Dettelis wanted to talk once

mutually about the matter before they ended contact as set forth in the July 20th letter attributed to Dettelis.

49. Shirley was not reacting out of fear of Dettelis but out of anger at Dettelis.

50. On further cross examination Shirley stated she feared Dettelis would "come after" her when he found out she had filed charges against him so she felt she had to "have him arrested" for that reason.

51. The fact is Dettelis got upset at being arrested and brutally treated and would not have "come after" Shirley for filing charges via the Summons method, although he would have taken prompt and proper legal action to defend himself against Shirley without having his defense obstructed by a brutal arrest, week long imprisonment with no notice, and excessive bail.

52. Shirley and Byrnes both testified that just after they arrived home from the "melt down" on the steps of the Courthouse, they flagged down a police officer who just happened to be driving by Shirley's Norwood Avenue apartment.

53. According to Shirley's testimony this Officer also just happened to be a Lt. Christopher Kochersberger, who is, upon information, in charge of "Domestic Violence" matters at precinct B at 695 Main Street, the precinct that serves Morgen Shirley's Norwood Avenue area.

54. After the flag down, Shirley told Kochersberger of her desire to have Dettelis arrested and he happily obliged.

55. Dettelis and Shirley do not have and never had a "Domestic" relationship and no violence occurred or was occurring between them. This was confirmed by Shirley's testimony – who referred to a "rising tone" in the emails not violent speech.

56. Kochersberger testified that Shirley provided him with a ream of "Court Process" indicating that Dettelis should be arrested.

57. Shirley and Byrnes both testified that Shirley gave a single card to Kochersberger that she received at the Courthouse when she put the Summons by mail action in process earlier that day, which was still proceeding.

58. Shirley and Byrnes both testified that Shirley did not give a ream of paper of court process or anything else but the single card to Kochersberger.

59. Shirley testified she told Kochersberger nothing additional that she had not told Officer Melendes and the Courthouse and further that Dettelis had no contact with Shirley that day or since the alleged one sentence July 23rd innocent email with the July 20th letter pdf attached.

60. In short Kochersberger was given no information whatsoever that a dangerous "domestic violence" situation was presented that would permit a warrantless arrest to protect any party from violence or that Dettelis was angry or violent in any way.

61. Kochersberger testified that he arrested Dettelis based on the information provided by Shirley that afternoon of July 29th, which contained no new information than what was already supporting the "Courthouse" Summons by mail process to Dettelis per Officer Melendes.

62. Upon information and belief, Kochersberger did not consult Officer Melendes before deciding to arrest Dettelis.

63. Kochersberger went to Dettelis's home at 123 Bidwell Parkway and found he was not home. Kochersberger left and contacted David Piech to proceed to Dettelis's home and hold Dettelis.

64. Piech arrived at about 4:15pm. Dettelis was peacefully reading his business mail on his porch. Piech casually asked to see Dettelis's drivers license and then would not give it back. Piech then would not allow Dettelis to leave his own porch and enter his house thus arresting Dettelis.

65. Kochersberger then arrived, falsely accused Dettelis of aggravated harassment against a Morgen Shirley, and falsely arrested and imprisoned Dettelis on that charge at the Erie County Holding Center.

66. Dettelis was not released from the false arrest and imprisonment until August 5th, 2011 when he was released from the Erie County Correction Center in Alden, New York, Dettelis is still out on Bail on that charge – recently reduced to a recognizance release.

67. Upon information and belief Shirley at some point that day provided Kochersberger, upon his solicitation, with a printout of a Facebook stream of a few dozen messages back and forth between Dettelis and Shirley dating from the Summer of 2010 to June 19, 2011; her "cease and desist" letter of July 18th breaching agreement; Dettelis's alleged responding letter dated July 20th 2011; and she told him the last contact from Dettelis was the July 23rd email. None of this communication contains Constitutionally proscribed speech, no "fighting words", no threats or intimidation of bodily harm or emotional or mental harm of any kind. It is all Constitutional protected speech and expression under the First Amendment and is obvious, normal, mutually voluntary, private communication of a business and personal nature between Shirley and Dettelis in furtherance of their respective personal and business goals.

68. Upon information and belief, after the arrest Kochersberger crafted a false charging instrument and had Morgen Shirley sign it upon information and belief stating falsehoods not contained in any documents Shirley showed Kochersberger --- particularly --- Kochersberger's drafted complaint falsely alleges Shirley sent an email to Dettelis telling him to stop harassing her and Dettelis sent an email back telling Shirley he would not stop harassing her. No such email exchange exists. Further – Shirley sent a "cease and desist" letter to Dettelis telling him to stop harassing her and Dettelis still would not stop. No such language exists in Shirley's "cease and desist" letter to Dettelis.

69. At a hearing on July 30th 2011 Morgen Shirley showed up next to an Assistant District Attorney, who falsely alleged Morgen Shirley feared for her safety because violence was escalating from Dettelis toward Shirley. Upon information this was based on Kochersberger's false misdemeanor complaint and Shirley's misrepresentation and slanderous speech to this ADA or his deliberate mis-

interpretation of what she told him. As a result bail was set at $10,000 afalse arrest and nd the imprisonment continued.

70. At a hearing on August 4, 2011 Assistant District Attorney, Kathryn D'Angelo falsely stated in open court that "Dettelis was stalking and harassing 5 or 6 other women" or words to that effect, in an attempt to increase his bail so he could not be released. As a result bail was not decreased or modified so Dettelis could be released that day. D'Angelo said this information came from Shirley.

71. D'Angelo made no attempt to verify or prove the information was accurate before irresponsibly making the slanderous, damaging open court statement that "Dettelis had been stalking and harassing 5 or 6 other women".

72. D'Angelo made the statement for no other reason than to obstruct Dettelis's defense so she could win – with no thought to guilt, innocence, justice, fair play or the nature of the actual underlying, constitutionally protected communication between Shirley and Dettelis purporting to substantiate the accusations.

73. Shirley's testimony of July 9, 2012, was completely devoid of any hint that Dettelis was stalking or harassing anyone.

74. Dettelis was never charged with stalking or harassing anyone besides Shirley and inquiries were not made by anyone after D'Angelo's false, slanderous statement.

75. Dettelis was released August 5th, 2011 after finally being able to reach his family by winning a grievance in the Erie County Holding Center jail that he be provided with a phone book and regular phone so he could call an aunt to reach his mother and brother, visiting from out of town, to arrange his bail.

76. Dettelis was prevented by illegal, unconstitutional de facto, non-juristic, pseudo-policies deliberately restricting communication with the outside world by arrestees so they can exercise their rights to retain a Lawyer, initiate a defense, reach family and friends, and arrange for bail.

77. Timothy A Howard as Sheriff, Robert A. Koch as Superintendant and Michael F. Reardon as 1st Deputy Superintendent are unconstitutionally implementing these pseudo-policies, contrary to law, regulations and official written policy in the Official Inmate Handbook., at the holding center and the correction center by maintaining a phone system that obstructs almost all telephone calls out by blocking the call, and then only permitting some strictly collect calls to go through, with an ominous warning message, that prevent any messages from being left, and do not notify the recipients of the block on how to remove it, denying any requests for phone books and eliminating phone books so phone numbers, addresses and zip codes cannot be looked up, burying legitimate inmate requests for attorney phone calls and bail phone calls on unrestricted lines, losing them and not processing them, only issuing 2 sheets of paper and 2 or 3 envelopes a week and no pens or pencils to arrestees with no money in their commissary accounts, this is so if you happen to be arrested with no cash in your pocket, credit cards and checks are worthless and not deposited and kept from prisoners, as well as access to their own bank accounts to post bail, access and contact with bail bondsman is obstructed, and only permitting envelopes, postage, pen and paper purchases once a week on Wednesday or

Thursday, and restricting prisoners ability to deposit mail and send mail out by restricting mail collection times to a very narrow window instead of providing a 24/7 drop box and many other restrictions designed to unconstitutionally obstruct an arrestees ability to make a defense against the accusations, hire a Lawyer, and post bail. The experience is very much like entering the Twilight Zone, clearly abusive, clearly unconstitutional, and psychologically and physically damaging, akin to torture and is torture.

78. Dettelis was subjected to a $10,000 bail bond release for the remainder of 2011 and through July 2012 thus extending the unlawful false arrest and imprisonment.

79. Dettelis was subjected to a Temporary Retraining Order in favor of Morgen Shirley and Sherry Byrnes for the remainder of 2011 through July 2012 thus extending the unlawful false arrest and imprisonment, and constituting another form of Defamation of Character.

80. D'Angelo continued an unconstitutional prosecution against Dettelis on aggravated harassment and stalking charges when D'Angelo knew or should have known that alleging mere intention to annoy is not aggravated harassment and that no pattern of illegitimate stalking behavior was alleged.

81. D'Angelo continued an unconstitutional prosecution against Dettelis on aggravated harassment and stalking charges when D'Angelo knew or should have known there was no evidence to support the charges.

82. D'Angelo continued an unconstitutional prosecution against Dettelis on aggravated harassment and stalking charges when D'Angelo knew or should have known that free speech and expression whether oral or written and no matter how delivered that does not contain constitutionally proscribed speech of "fighting words" or threats of bodily, mental or emotional harm does not support the elements of aggrevated harassment in the second degree or stalking in the fourth degree.

83. On or about 11:30 pm on January 2, 2012, Kochersberger and John Doe 1 and 2 performed another warrantless false arrest at 123 Bidwell Parkway, Buffalo New York, by entering Dettelis's house without being invited in and under false pretenses and arresting Dettelis inside his apartment on the first floor of the house. Kochersberger took Dettelis's house keys and did not give them back.

84. Kochersberger falsely arrested and imprisoned Dettelis at the Erie County Holding center from January 2, 2012 to January 5 2012, after which Dettelis was released from the Erie County Correction Center in Alden, New York on January 7, 2012.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST ALL NAMED DEFENDANTS DEFAMATION OF CHARACTER THROUGH LIBEL AND SLANDER

85. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 84 of the within complaint as though fully set forth at length therein.

86. Based upon the foregoing, Morgen Shirley, Sherry Byrnes, and Jane Does 1, 2 and 3 defamed Joseph Dettelis and committed the torts of slander and libel by intentionally speaking and writing

words of defamation throughout the Elmwood Village and Buffalo community, to the persons and business interests identified and others not identified by saying and writing the words or words of similar same effect that "Joe Dettelis is a Dangerous predator of women" and had "stalked and harassed multiple women". And they would "send Dettelis up the river for a long time" and that "Dettelis had committed a crime", and that "Joe Dettelis stalked and harassed Morgen Shirley". And by sending emails and written communication to the staff of local, regional news and online publications, purportedly being from different women containing the words or words like them that "Dettelis was stalking and harassing multiple women and was a dangerous predator" and "Dettelis was stalking and harassing them and was of a bad character."

87. Kathryn D'Angelo intentionally slandered Dettelis by saying in open court on August 4, 2011 that "Dettelis was harassing and stalking 5 or 6 women in the community" or words very much like those of the same import, with the intention of defaming his character and raising Dettelis's bail from $10,000 to a greater amount to obstruct his defense. Morgen Shirley committed the same tort by allegedly telling this to Kathryn D'Angelo.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST ALL NAMED DEFENDANTS FALSE ARREST AND FALSE IMPRISONMENT

88. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 87 of the within complaint as though fully set forth at length therein.

89. Christopher Kochersberger and David Piech committed the tort of false arrest and false imprisonment against Dettelis through and including August 5, 2011 and beginning July 29, 2011 by arresting him at his house and imprisoning him at the Erie County Holding Center without probable cause to do so, without any situation of domestic violence being presented that needed to be defused there being no violence or threat of violence or danger of bodily, or imminent emotional or mental anguish or harm to Morgen Shirley presented or reported to Kochersberger.

90. Christopher Kochersberger and David Piech committed the tort of false arrest and false imprisonment against Dettelis through and including August 5, 2011 and beginning July 29, 2011 by arresting him at his house and imprisoning him at the Erie County Holding Center without probable cause to do so, when in fact Kochersberger was informed by Shirley that a Summons by mail process had been initiated by Officer Mendoza on the very same set of facts alleged by Shirley earlier that day with no intervening precipitous event taking place that would support a warrantless arrest of Dettelis.

91. Christopher Kochersberger and John Doe 1 and 2 committed the tort of false arrest and false imprisonment against Dettelis through and including January 7, 2012 and beginning Monday January 2, 2012 by arresting Dettelis at his house and imprisoning him at the Erie County Holding Center without probable cause by entering his home at night under false pretenses, arresting him, taking and not returning his house keys and imprisoning him at the Erie County Holding Center after midnight January 3, 2012. Dettelis did not gain his release on bail until January 7, 2012 from the false arrest and imprisonment and was under bail restrictions until July 2012.

92. On January 2, 2012, Christopher Kochersberger and John Doe 1 and 2 gained access to Dettelis's

home by telling him specifically that they were not there to arrest him but just to talk about Morgen Shirley. that it was cold out and they would like to come inside just to talk – after which Dettelis let them in to talk and after which they arrested him for allegedly violating a TRO against Shirley over the weekend. with no provocation by Dettelis.

93. Timothy B. Howard. Robert A. Koch. and Michael F. Reardon falsely imprisoned Dettelis at the Erie County Holding Center in Buffalo, New York and Erie County Correction Center in Alden, New York by implementing and maintaining policies at the holding and correction centers contrary to official written policy, regulation. law and the Constitution by denying Dettelis his rights as an arrestee to communicate with the outside world, outside of the Holding and Correction Centers so he could retain a Lawyer, communicate with family and friends and post his bail to achieve release by excessively restricting and obstructing Dettelis's communication to Lawyers. family and friends. This was accomplished through, but not limited to. denial of phone books. phone calls. not processing requests for phone calls to retain a Lawyer and post bail. denial of pens, writing instruments, paper, envelopes and postage. obstructing and denying access to his own property and other such violations. Said policies going far beyond what is rational. reasonable or constitutional to maintain so called discipline at the Holding and Correction Centers, but rather specifically designed to obstruct arrestees defense and release from those centers thus prolonging imprisonment and overcrowding the Holding and correction Centers in Erie County.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST ALL NAMED DEFENDANTS VIOLATION OF THE FOURTH AMENDMENT – ILLEGAL ARREST, IMPRISONMENT AND SIEZURE OF PERSON

94. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 93 of the within complaint as though fully set forth at length therein.

95. Christopher Kochersberger, David Piech. Timothy B. Howard. Robert A, Koch. and Michael F. Reardon. violated the Fourth Amendment by falsely arresting and falsely imprisoning Dettelis as set forth above.

DAMAGES

96. Plaintiff repeats and re-alleges the allegations contained in foregoing paragraphs 1 through 95 as though fully set forth herein, and that all Defendants damaged him and are indebted to him thusly:

97. Plaintiff has experienced actual damages of $250,000 directly attributable to the defamation, false arrest and imprisonment and Fourth Amendment claims set forth above because for an entire year – since July 29. 2011 through and including the present day said torts and constitutional violations have obstructed the supply. mass manufacturing. marketing and product launch of Dettelis's business interest Super-Fuel-Systems.com Inc., and prevented Dettelis from effectively engaging in his alternative energy business research. development and operations.

98. Plaintiff has experienced actual damages of $100,000 directly attributable to the defamation. false

arrest and imprisonment and Fourth Amendment claims set forth above because for an entire year – since July 29, 2011 through and including the present day said torts and constitutional violations have prevented the historical rehabilitation of Dettelis's CD Arnold House at 123 Bidwell Parkway.

99. Plaintiff experienced actual damages of $1500 directly attributable to the defamation, false arrest and imprisonment and Fourth Amendment claims set forth above because after the arrest of July 29, 2011 his car was impounded.

100. Plaintiff experienced actual damages of $1200 directly attributable to the defamation, false arrest and imprisonment and Fourth Amendment claims set forth above because after the arrest of July 29, 2011 his and his tenants gas was shut off, which is included in tenants rent, because he could not physically pay the bill due to the false imprisonment, restrictions of communication, resulting from the violations.

101. Plaintiff has experienced actual damages of $7,000 in attorney fees directly attributable to the defamation, false arrest and imprisonment and Fourth Amendment claims set forth above.

102. Plaintiff experienced actual damages of $100,000, including emotional damage, pain and suffering, directly attributable to the defamation, accusing him of a crime and placing him in a bad light by diminishing his character and harming his business and personal relationships and damaging his relationships with women in the community and by falsely arresting and imprisoning him.

WHEREFORE, Joseph Dettelis demands judgment against the defendants upon the first, second, and third ~~and fourth~~ causes of action in the amount of Four hundred and Fifty-nine thousand Seven hundred Dollars ($459,700) together with costs and disbursements of this action; and such other and further relief as the court may deem just and proper.

Dated: Buffalo, New York
August 1, 2012

Joseph Dettelis

Office and Post Office Address

123 Bidwell Parkway, #1
Buffalo, New York 14222

Tel. (716) 884-2155
M/t (716) 390-0405

VERIFICATION OF COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE ss.:

I, am the Plaintiff in the within action. I have read the foregoing Complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true. Said information and belief is based on documents and records in my possession and conversations and investigations of other persons with knowledge and information about the matters so alleged.

Plaintiff's Signature

Subscribed and Sworn to before me on this 3RD day of August, 2012

Jennifer Renda

NOTARY PUBLIC

JENNIFER LYNN RENDA
No. 01RE6160296
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 01/07/20 16