

APR 15, 2019 03:56 PM


Joy Turner, Clerk
Camden County, Georgia

**IN THE SUPERIOR COURT OF CAMDEN COUNTY
STATE OF GEORGIA**

T.G., a minor, by and through her next friend and guardian, Wendi Lattany,)
)
)
Plaintiff,) CIVIL ACTION FILE NO.
)
)
v.)
)
ZACHARIAH PRESLEY, individually,)
and in his official capacity as a City of)
Kingsland Police Officer,)
) JURY TRIAL DEMANDED
and)
)
THE CITY OF KINGSLAND, GEORGIA)
)
Defendants.)

COMPLAINT FOR DAMAGES

COMES NOW, T.G., a minor, by and through her next friend and guardian, Wendi Lattany (“Plaintiff”), by and through her attorney, Reginald A. Greene, Esq., and files this Complaint for Damages (this “Complaint”) against Zachariah Presley (“Defendant Presley”), a former City of Kingsland Police Officer; and, the City of Kingsland, Georgia (“Defendant Kingsland”). Plaintiff shows this Honorable Court the following:

INTRODUCTION

1.

This wrongful death action arises from an incident that occurred on June 20, 2018 in which Plaintiff’s biological father, Tony Marcel Green, Jr. (“Decedent”), died as a result of being shot multiple times by Defendant Presley while Defendant Presley was on duty as a police officer for Defendant Kingsland.

PARTIES, JURISDICTION AND VENUE

2.

Plaintiff is a resident of Camden County, Georgia and willfully avails herself of the jurisdiction and venue of this honorable Court.

3.

Upon information and belief, Defendant Presley is a resident of Camden County, Georgia and may be served with this Complaint and the Summons at 105 Wolf Bay Circle, Kingsland, GA 31548.

4.

Defendant Kingsland is a city in Camden County, Georgia and may be served with this Complaint and the Summons upon Mayor Day Grayson or any agent who is authorized by appointment to receive service of process at 107 S Lee Street, Kingsland, Georgia 31548.

5.

Jurisdiction and venue are proper in this Court because Defendants are residents of Camden County, Georgia.

FACTUAL BACKGROUND

6.

The City of Kingsland Police Department provides law enforcement services to an area measuring over 44 square miles and serves a growing population of over 16,000 residents of Kingsland, Georgia.

7.

At all times relevant herein, Defendant Presley was a police officer for the City of Kingsland Police Department.

8.

At all times relevant herein, Defendant Presley acted under color of the laws, statutes, ordinances, regulations, policies, customs, and usages of Defendant Kingsland and the state of Georgia pursuant to his authority as a police officer.

9.

On June 20, 2018 at approximately 10:30 p.m., Decedent was driving with an unidentified passenger and pulled into the parking lot of SP Food Mart, located at 301 N Lee Street, Kingsland, Georgia 31548 (the “SP Food Mart”).

10.

On the same date and at the same time and location, Defendant Presley was on duty as a Kingsland Police Officer and pulled his police cruiser into the SP Food Mart.

11.

When Decedent and his passenger left the SP Food Mart at 10:42 p.m., Defendant Presley followed their vehicle in his police cruiser.

12.

Neither Decedent nor his passenger committed any act whatsoever at SP Food Mart to give Defendant Presley reasonable suspicion to pursue, investigate, follow or detain either Decedent or his passenger.

13.

While pursuing Decedent’s vehicle for no apparent reason, Defendant Presley activated his lights and siren to pull Decedent over.

14.

Shortly after Defendant Presley activated his lights and siren, Decedent stopped the vehicle at the intersection of East Lily Street and North East Street in Kingsland, Georgia.

15.

Decedent and the passenger exited the vehicle and fled by foot.

16.

Defendant Presley exited his vehicle and pursued Decedent for approximately two blocks.

17.

According to the Georgia Bureau of Investigation (“GBI”), who reviewed Defendant Presley’s dash cam and body cam footage from the incident, a brief altercation occurred between Decedent and Defendant Presley.

18.

Following the brief altercation, Decedent fled again and Defendant Presley fired multiple rounds from his service weapon at Decedent, striking him multiple times and killing him almost instantly.

19.

Decedent was pronounced dead at 11:31 p.m. on June 20, 2018.

20.

According to his death certificate, Decedent’s immediate cause of death was “multiple gunshot wounds” and the death was determined to be a “homicide.”

21.

At all times relevant to this action, Decedent was unarmed and did not pose an imminent threat of serious bodily harm or death to Defendant Presley.

22.

Defendant Presley took Decedent's life without justification or excuse.

23.

On or about June 27, 2018, Defendant Presley was arrested on various charges related to Decedent's homicide.

24.

On November 28, 2018, Defendant Presley was indicted by a grand jury on charges of voluntary manslaughter, involuntary manslaughter and violation of his oath of office in connection with Decedent's homicide.

25.

On or about June 28, 2018, Plaintiff gave notice to Defendant Kingsland pursuant to O.C.G.A. § 36-33-5, via certified mail, return receipt requested (the "Ante Litem Notice").

26.

The Ante Litem Notice was received by Defendant Kingsland on or about July 5, 2018.

27.

More than 30 days have passed since the Ante Litem Notice was given to Defendant Kingsland and this matter has not been resolved by Defendant Kingsland.

COUNT I
(Wrongful Death)

28.

Plaintiff adopts and incorporates by reference the relevant portions paragraphs 1 through 27 above as if fully set forth herein.

29.

On June 20, 2018, while on duty for Defendant Kingsland as a City of Kingsland police officer, Defendant Presley took the life of Decedent.

30.

According to his death certificate, Decedent's immediate cause of death was "multiple gunshot wounds" and the death was determined to be a "homicide."

31.

Pursuant to O.C.G.A. § 51-4-1, "[h]omicide" includes all cases in which the death of a human being results from a crime, from criminal or other negligence..."

32.

Decedent's homicide occurred as a direct and proximate result of Defendant Presley's tortious and otherwise criminal conduct while on duty as a police officer for Defendant Kingsland.

33.

Decedent's homicide by Defendant Presley was without justification or excuse.

34.

Decedent was not married at the time of his death.

35.

Plaintiff is the biological daughter of Decedent.

36.

Decedent is listed on Plaintiff's Birth Certificate as her father.

37.

As a surviving minor child of Decedent, Plaintiff is entitled to bring this action against Defendants for the wrongful death of Decedent, and hereby does so in her capacity as a surviving child of Decedent pursuant to O.C.G.A. § 51-4-2(a).

38.

Plaintiff brings this suit by and through her next friend pursuant to O.C.G.A. § 9-11-17.

39.

Plaintiff is entitled to recover damages from Defendants equal to the full value of the life of Decedent; without deduction for any necessary or personal expenses had he lived. See O.C.G.A. §§ 51-4-1(1), 51-4-2(a).

PLAINTIFF'S PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- (a) That summons be issued and service be had upon Defendants;
- (b) That this matter be tried before an impartial jury of twelve (12) persons;
- (c) That judgment be entered against Defendants and in favor of Plaintiff for an amount equal to the full value of the life of Decedent; without deduction for any necessary or personal expenses had he lived;
- (d) That Plaintiff be awarded the costs and expenses of bringing and prosecuting this action; and,

(e) That Plaintiff receives such other relief as this honorable Court deems just and proper.

This 15th day of April, 2019.

Respectfully submitted,

GREENE LEGAL GROUP LLC

By /s/ Reginald A. Greene
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