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September 12, 2016

Via hand Delivery

Kevin Kamenetz
County Executive
Baltimore County Maryland
400 Washington Avenue, Mailstop 2M01A
Old Courthouse Mezzanine
Towson, Maryland 21204

Serve:

Michael E. Field
County Attorney
Baltimore County Maryland
Historic Courthouse
The Baltimore County Office of Law
400 Washington Avenue,
Towson, Maryland 21204

Re: Notice of claim for Rhanda P. Gaines, Personal Representative of the Estate of Korryn Shadawn Gaines deceased, Rhanda P. Gaines and as Guardian on behalf of her minor grandchild (for violation of Maryland Declaration of Rights Article 10, 24, 26 {Suppression of Speech; Excessive Force; Gross Negligence (failure to train and failure to supervise)}; and Wrongful Death and Survival Action.

Dear Mr. Kamenetz,

The Plaintiff, Rhanda P. Gaines, Personal Representative of the Estate of Korryn Shadawn Gaines, deceased; Rhanda P. Gaines on behalf of herself and as Guardian on behalf of her minor grandchild, K. Gaines, and Plaintiff Kareem K. Courtney, the father and legal custodian of said child, K. Gaines; (to the use of Plaintiff Corey Cunningham, the father of minor child Kodi Gaines –unrepresented by instant counsel) by and through her attorneys, Jimmy A. Bell, Esq. and the Law Office of Jimmy Bell, L.L.C. and J. Wyndal Gordon, Esq. and The Law Office of J. Wyndal Gordon, P.A., 20 South Charles Street, Suite 400, Baltimore, Maryland 21201, present this notice of intent to file a claim under

the Local Government Tort Claims Act, MD. COURTS AND JUDICIAL PROCEEDINGS CODE ANN. § 5-301 *et seq.* In accordance with the requirements of the Act, I provide the following information from our clients:

Korryn Gaines, a 23 year old Black woman and mother of two children, was illegally shot and killed by Officer Rudy of the Baltimore County Police on August 1, 2016. Korryn was the daughter of two Black parents, including her mother Rhanda P. Gaines, who serves as the Personal Representative of Korryn's Estate, and Guardian of Korryn's one-year old orphaned child. Korryn's mother is a retired psychiatric nurse formerly employed by Harbor Hospital and Bon Secours Hospital and her father is a former dispatcher for the Baltimore City Housing Police.

Korryn Gaines, graduated from Baltimore City College High School in 2010, which was founded in 1839 and is the third oldest public high school in the United States, and remains one of Baltimore's most highly regarded educational institutions. It was listed as one of Top High Schools in 2010 as published in Baltimore Magazine; Awarded certificate of outstanding achievement on the 2010 Maryland High School Assessment from Baltimore City Public Schools; and listed in 2006, 2007, and 2008, America's Top Public High Schools as featured in Newsweek.com.

After graduating from high school she enrolled at Historic Morgan State University in the fall of semester of 2010 and majored in political science. When Korryn learned she was pregnant with her first child, she began working as a hairdresser to support herself.

On August 1, 2016, Korryn Gains was illegally shot and killed in front of one of her two children, by Officer Ruby of the Baltimore County Police Department.

Korryn Gains was at her apartment located in Baltimore County Maryland, when she was illegally and unconstitutionally killed by Officer Ruby of the Baltimore County Police Department. Korryn Gaines is not the first person that Officer Ruby has killed while he was on duty as at the Baltimore County Police Department. Officer Ruby' acted with malice and he had no legal justification for his actions.

Fortunately for Korryn Gaines, there were witnesses to the events that led to her illegal death. In fact, an eye witness named Ramone Coleman, Korryn's next door neighbor, was home during the entire incident on August 1, 2016.

Mr. Coleman recalls that his apartment, directly adjacent to Korryn's apartment, was involuntarily commandeered by the Baltimore County Police SWAT Unit and used a command post. Mr. Coleman was present during the entire incident as he and his daughter were not allowed to leave.

According to Mr. Coleman, around 8:30am – 8:45am Monday, August 1, 2016, he heard yelling outside his door, so he opened his door and a lot of police where outside. There was a lot of yelling.

The Baltimore County Police Department has told the media that three Baltimore County Police Department officers went to Korryn's apartment to serve her a failure to appear in court arrest warrant (not a search warrant) for traffic and misdemeanors and to serve her child's father, Kareem Courtney (who's address and drivers license shows that he lives in Baltimore City and has never lived with Korryn in Baltimore County) with an arrest warrant (not a search warrant). No one answered the door, the police didn't leave and come back a different day even though Korryn's apartment complex is right across the street from the Baltimore County Police Department. More importantly, police did not know whether Korryn or Kareem were in the home prior to their unlawful entry.

Instead, after hearing conversations inside Korryn's apartment, the officers, without a search warrant, then obtained a key from building management and illegally opened the front door to her apartment unit in violation of Korryn's and the interior occupants' constitutional rights.

The Baltimore County Police Department did not say officers believed that forcible entry was necessary to apprehend an armed individual suspected of committing a violent felony offense.

The Baltimore County Police Department did not say officers believed that forcible entry was necessary to because they feared that that the occupants would destroy evidence.

The Baltimore County Police Department did not say officers believed that forcible entry was necessary to because they were dealing with violent fugitives.

Police obtained a key from her landlord (without a search warrant) and opened the door to Korryn's residence despite not having any exigent circumstance, consent, a search warrant, nor a reasonable belief that Korryn was home.

The Baltimore County Police Department stated that police officers tried to open the door, but that it was secured by a chain. Through the partially opened door, the officers alleged that they could see Korryn sitting on the floor holding a shotgun, and her five-year-old nearby, but the crisis intervention team was never called in. Police admit that Korryn had legally purchased the gun in 2015.

Meanwhile, Mr. Coleman, heard everything being said, including Korryn requesting to inspect a copy of the warrant and police refusing to comply, and Korryn inquiring about the physical location of the warrant.

In order to execute the arrest warrant for failing to appear in court for traffic violations and misdemeanors on Korryn, at about 9:00am the police took over Colman's apartment to set up surveillance equipment with four (4) big black boxes. They were not regular police. These police appeared to be Baltimore County special forces. They didn't have regular Baltimore County Police uniforms. Their uniforms were dark green. They carried assault rifles with the 9mm around the kneecap.

In order to execute the arrest warrant for failing to appear in court for traffic violations and misdemeanors on Korryn, the special forces from the tactical unit drilled holes in Colman's living room, bedroom and bathroom walls to monitor the movements of his next door neighbor, Korryn Gaines with surveillance equipment that were connected to tv-like monitors in his apartment so they could watch what was going on in her apartment for different angles. Mr. Coleman stated that he did remember seeing one of the tactical unit police wearing a camera mounted on his helmet.

According to Police, about 25 minutes later, Korryn's baby father left the apartment and took his 1-year-old child out of the apartment with him. He was arrested and later released on his own recognizance.

According to Mr. Coleman, between 10am and 10:30am, Korryn Gaines said to the police, *"if you put your guns down and back up from my apartment, I will come out"* but the cops did not back off.

Mr. Coleman recalls there were at least eight (8) Baltimore County Police Officers in the hall way right outside her door and six (6) to eight (8) in Baltimore County Tactical Unit Police in his apartment attempting to execute the arrest warrant for a failure to appear in court for traffic violations and misdemeanors on Korryn. The Tactical Unit Police kept Mr. Coleman's front door open during the entire stand-off.

According to Mr. Coleman, at that point Korryn Gaines told the police, *"put your guns down back away from my door and I'll come out."* And when they didn't, she said, *"leave me alone and get the hell away from my house."* Refusing to holster their weapons, or back away from the door, Baltimore County Police escalated the confrontation into a full-blown standoff, all because of an arrest warrant for failure to appear to court for traffic citations and a few misdemeanor offenses.

Mr. Coleman stated that he saw Police Officers turn away Korryn Gaines' family members from his window who desperately offered and pleaded to help deescalate the situation.

Korryn Gaines family members were present during the standoff but were not asked by the police to help. In fact, they were told by the Baltimore County Police Officers, early as 10 a.m., less than an hour into the standoff, that the situation was past the point where they could be useful, according to her family members.

The Baltimore County Police Department admitted that the police department's Crisis Team was not used during the standoff. This "Mobile Crisis Team," the county website explains, can be dispatched for "suicidal subjects, mentally ill subjects, situational crisis, emergency petitions and other acute situations."

According to Mr. Coleman, Baltimore County Police tried to communicate with Korryn Gaines through her closed front door but she was non-responsive until police forcefully opened her door and observed her present and holding a weapon, but even at

that time they did not receive confirmation that the person they were communicating with was Korryn. Instead they had to rely upon prior arrest photos.

According to the Baltimore County Police Department, the police went and applied for arrest warrant at 12:30pm from a Baltimore County District Court Commissioner and alleged conduct of Korryn. If they already had valid arrest warrants in their hands in the first place before they tried to enter Korryn's apartment with a key from management, why would they need to go rush get another warrant and bring it back to the stand-off? Plaintiffs submit that County police did not have the warrant present with them to serve it.

Mr. Coleman stated that Korryn Gaines' door got kicked in around the time Korryn Gaines Officer Ruby killed her.

The Baltimore County Police Department has admitted Korryn Gaines attempted to stream live through social media to capture what was going on in real time but the Baltimore County Police Department learned of her live streaming and had the social media outlets block her live streaming coverage. By blocking her live streaming, the Baltimore County Police Department not only suppressed he speech under the Maryland Constitution but also stopped the only independent visual video record of what was taking place before Officer Ruby killed her.

According to Mr. Coleman, at one point she was about to come out, but police didn't back up. After that, she said: "*leave me alone leave my house.*"

According to Mr. Coleman, the police said they were not leaving until Korryn came out. However, the police got frustrated because Korryn would not drop the gun and come out of the apartment so they went in. Apparently, police didn't feel like waiting it out any longer. Their inconvenience was worth more than her life.

According to Mr. Coleman, the last thing he heard before gunshots were fired was the police officer saying "*I'm sick of this shit.*" then shots were fired.

The Baltimore County Police Department has admitted that they shot at Korryn first, disregarding Korryn's life, and the life of her five-year old child. Officer Ruby did not act reasonably in his decision to shoot and kill Korryn. In fact his actions of shooting Plaintiff were done with actual malice under color of law.

On behalf of my clients, claims are being made against Baltimore County Maryland for the sum of two million dollars (\$2,000,000), and claims against Officer Ruby only in the amount of two million dollars (\$2,000,000) for violations of the Maryland Declaration of Rights Articles 10, 24, 26 {Suppression of Speech; Excessive Force; Gross Negligence (failure to train and failure to supervise)}; and Wrongful Death and Survival Action. and other common law torts.

If you have any questions, please feel free to contact the undersigned or J.

Wyndal Gordon, Esq., lead counsel at (410) 332-4121.

Sincerely,

Jimmy A. Bell, Esq.

cc: J. Wyndal Gordon, Esq.