

## Misconduct Incident Report for Raleigh Police Department

|                          |   |
|--------------------------|---|
| OpenPolice.org Report ID | Complaint #18   |
| Indicent Date            | March 2012  |
| Indicent Location        | Haverty Dr., Raleigh, NC 27610  |
| Publishing Settings      | Publish Complainant's Name, Publish Officer Names, Publish Incident Address |

### Allegations

Including comments from the complainant

#### **Wrongful Search**

Because the search warrant's probable cause section is based on 2 lies.

#### **Policy or Procedure Violation**

Is it proper policy or procedure to lie to obtain search warrant?

## Story

I am writing to initiate a formal complaint against Raleigh officer T.R. Varnadoe related to his deliberately false statements, which were made to a magistrate for the purpose of securing a warrant to search my home. The incident in question took place in 2012, and I filed a complaint at the time without the benefit of the evidence I now possess. On December 21, 2017, after years of back-and-forth with the Wake County District Attorney's Office, an assistant district attorney finally acknowledged that Officer Varnadoe had lied to a judge in my case, and as a result, he dismissed all charges against me relating to the incident in question.

Officer Varnadoe, in seeking a search warrant against me, made two false statements under oath to the magistrate in my case. These statements led to an illegal search being conducted on my home and to my subsequent arrest. Although these statements were made in 2012, the evidence of their falsity did not come to light — or at least went unacknowledged by prosecutors — until late last year. Because of the serious nature of a police officer lying under oath to a judge, I am renewing my 2012 complaint and asking that Raleigh PD hold Officer Varnadoe accountable.

The specific false, sworn statements are:

- “The driver and passenger had a history of drug convictions ...”
- “Following the traffic stop a bag containing crack cocaine and a bindle of heroine was recovered in the area where the vehicle was stopped.”

The first statement was false, and a criminal records history check on myself and my passenger in the traffic stop in question will make clear that I did not have a “history of drug convictions” (plural) — I had a single prior conviction — and that my passenger, Stephon Levonta Huggins, had no prior drug conviction of any kind.

The second statement is more egregious, because it implies a connection between my traffic stop with Officer Varnadoe and his purported finding of “a bindle of heroine ... in the area where the vehicle was stopped.” In fact, as the D.A. recently acknowledged, the “area” where Officer Vanadoe found the heroine (Chasteal Trail) is approximately half a mile from the location of my traffic stop (Berkeley Lake) and the drugs were not even recovered from that location on the same day that I was stopped. The wording of Officer Varnadoe's search warrant application clearly attempts to paint a very different picture.

I have endured a great deal of personal hardship because of Officer Varnadoe's decision to lie about the circumstances of the traffic stop he initiated with me in 2012. It took six years until the truth of the matter finally came to light. I am asking that the Raleigh Police Department not excuse Officer Varnadoe's misconduct, even though a significant amount of time has passed. There must be consequences for police officers who lie under oath.

## Katryna Lawson (Victim #1)

|                            |                         |
|----------------------------|-------------------------|
| Creator of this complaint? | Yes                     |
| Race                       | Black/African/Caribbean |
| Gender                     | Female                  |
| Recorded this Incident?    | No                      |
| Chased by police?          | No                      |

## Victim #2

|                           |                         |
|---------------------------|-------------------------|
| Race                      | Black/African/Caribbean |
| Age Range                 | 0-15                    |
| Gender                    | Female                  |
| Height                    | 5' 2"                   |
| Body Type                 | Slim/Slender            |
| Resident of jurisdiction? | Yes                     |
| Recorded this Incident?   | No                      |
| Chased by police?         | No                      |

## Thomas Varnadoe (Officer #1)

|                                 |                           |
|---------------------------------|---------------------------|
| Department Name                 | Raleigh Police Department |
| Officer's Role in this Incident | Subject Officer           |
| Duty Status During Incident     | On-Duty                   |
| Wearing uniform?                | Yes                       |
| Age Range                       | 25-34                     |
| Race                            | White/Caucasian           |
| Gender                          | Male                      |
| Height                          | 5' 10"                    |
| Body Type                       | Medium/Average            |
| Wearing body camera?            | No                        |

## Johnson (Officer #2)

|                                 |                           |
|---------------------------------|---------------------------|
| Department Name                 | Raleigh Police Department |
| Officer's Role in this Incident | Subject Officer           |
| Duty Status During Incident     | On-Duty                   |
| Wearing uniform?                | Yes                       |
| Age Range                       | 35-44                     |
| Race                            | White/Caucasian           |
| Gender                          | Male                      |
| Height                          | 5' 11"                    |
| Body Type                       | Large/Fat                 |
| Wearing body camera?            | No                        |

## What Happened

| Scene Type  | Home or private residence (includes just outside the residence) |
|---|---|
| Incident began with forcible entry?                     | Yes   |
| Incident began with vehicle stop?                       | No  |
| Incident began with traffic accident?                   | No  |
| Closed circuit cameras on scene?                        | Not sure  |
| Officer stop, detain, or questioned someone?            | Yes   |
| Think stop or detention wrongful?                       | No  |
| Anyone ask for officer's ID?                            | No  |
| Officer searched someone or something?                  | Yes   |
| Think search was wrongful?                              | Yes   |
| Property seized or damaged?                             | Yes   |
| Think property damage wrongful?                         | Not sure  |
| Officer used physical force?                            | Yes   |
| Think physical force unreasonable?                      | Not sure  |
| Officer arrested someone?                               | Yes   |
| Officer give ticket or citation?                        | No  |
| Think officer neglected duty?                           | Not sure  |
| Think officer violated policy or procedure?             | Yes   |
| Think officer wrongfully intimidated w/ weapon display? | Not sure  |
| Think officer actions were biased?                      | Not sure  |
| Think arrest charges were retaliation?                  | Not sure  |
| Think officer was discourteous?                         | Not sure  |
| Civilian used profanity?                                | Katryna Lawson (Victim #1)                                      |
| Any officers injured?                                   | No  |

## Stop / Detention

| Officer gave reason for stop              | Other Reason |
|---|--------------|
| Officer requested ID?                     | No           |
| Subject asked for officer's ID?           | No           |
| Officer gave alcohol breath test?         | No           |
| Officer gave marijuana breath test?       | No           |
| Officer collected saliva?                 | No           |
| Officer gave other sobriety tests?        | No           |
| Subject frisked?                          | Yes          |
| Subject handcuffed?                       | Yes          |
| Officer entered private property?         | Yes          |
| Officer request permission to enter?      | Yes          |
| Subject gave officer permission to enter? | No           |

## Search & Property

|   |     |
|---|-----|
| Did officer state reason for search?                  | Yes |
| Officer have warrant?                                 | Yes |
| Officer request permission to search?                 | No  |
| Did subject consent to search?                        | No  |
| Officer make threats or lie to get consent to search? | No  |
| Officer use K9 (dog) sniff?                           | No  |
| Officer strip searched someone?                       | No  |
| Officer discover contraband?                          | No  |
| Officer damaged property?                             | Yes |

## Arrests

|   |     |
|---|-----|
| Did officer state a reason for arrest?    | No  |
| Strip search done at station?             | No  |
| Were any charges filed?                   | Yes |
| Were all charges dropped before released? | No  |

## Use of Force

### Uploads

Search Warrant

Arrest Report

## Glossary of Terms

### **Gold-Level Complaint**

This user opted to share more complete details about their police experience than a Basic Complaint.

### **Wrongful Search**

Allegation: Police conducted a search without a warrant, probable cause, or consent.

### **Policy or Procedure Violation**

Allegation: An officer took actions which did not follow appropriate policy, procedure, or guidelines.

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