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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
Docket No. _____

SIGRIDUR BALDURSDOTTIR

v.

BOSTON, MICHELLE WU, KATHLEEN
COFFEY, SEAN PAUL MURPHY,
JUSTICES OF THE WEST ROXBURY
DIVISION OF THE BOSTON MUNICIPAL
COURT

INTRODUCTION

As part of an official policy, Defendants dispensed with due process in order to criminally prosecute Plaintiff in retaliation for protected petitioning activity directed at Boston Mayor Michelle Wu. In doing so, Defendants have all but obliterated the separating lines among the executive, legislative, and judicial branches—thus abandoning the Commonwealth’s government of laws for the fiefdom of a Carrollesque Queen of Hearts. Pursuant to 42 U.S. § 1983 and G.L. c. 12, §§ 11H-11J, Plaintiff now brings First Amendment claims for retaliatory arrest and prosecution, Fourth Amendment claims for malicious prosecution and abuse of process, as well as Fourteenth Amendment due process and equal protection claims against all Defendants. Additionally, Plaintiff bring common law abuse of process, malicious prosecution, and conspiracy claims against all Defendants.

JURISDICTION AND VENUE

1. This court has jurisdiction pursuant to G.L. c. 212, §§ 3, 4; G.L. c. 214, §§ 1, 2; G. L. c. 231A, § 1, and G.L. c. 12, § 11I.
2. Venue is appropriate pursuant to G.L. c. 214, § 5 and G.L. c. G.L. c. 12, § 11I.

PARTIES

3. Plaintiff Sigridur Baldursdottir is a citizen of Iceland and holds permanent resident status in the United States. She splits her time between the two countries. While growing up in Iceland, Ms. Baldursdottir did not speak any English. Because of this, she was unable to communicate with her American grandfather as a child. As an adult, Ms. Baldursdottir learned some English while studying art in Paris. She then moved to the United States later in life to study art in Boston. Ms. Baldursdottir has a history of post-traumatic stress disorder, which causes her to experience anxiety, panic, and other mental anguish. These symptoms are severely aggravated by traumatic events.
4. Defendant city of Boston is a municipality located in the Commonwealth of Massachusetts.
5. Defendant Michelle Wu (Wu) is the Mayor of the city of Boston, Massachusetts and a resident of Boston. She is sued in her official and individual capacities.
6. Defendant Kathleen Coffey (Judge Coffey) is the first justice of the West Roxbury Division of the Boston Municipal Court. Judge Coffey is a resident of Boston, Massachusetts. She is sued in her official and individual capacity.
7. Defendant Sean Paul Murphy (Murphy) is the Clerk-Magistrate of the West Roxbury Division of the Boston Municipal Court. Murphy is a resident of Pepperell, Massachusetts. He is sued in his official and individual capacity.

8. Defendants Justices of the West Roxbury Division of the Boston Municipal Court are Boston Municipal Court justices who regularly hear cases at the West Roxbury Division, including Associate Justices Michael Bolden and Paul Treseler. They are sued in their official capacities.

FACTS

9. Under the supervision of Defendant Hon. Chief Justice Kathleen Coffee (Judge Coffee) and Chief Clerk-Magistrate Sean Paul Murphy (Clerk-Magistrate Murphy), the West Roxbury Division of the Boston Municipal Court (West Roxbury Court) and Boston Police Department (BPD) districts within the jurisdiction of West Roxbury Court provide two standards of criminal justice.
10. The first standard applies to economically-disadvantaged areas and homeless persons, where and whose crimes are leniently enforced; while the second applies to economically-privileged areas and non-homeless persons, where and whose crimes are strictly enforced.
11. Through Defendant Sean Murphy, the West Roxbury Court directs Boston Police Department (BPD) districts in economically-disadvantaged neighborhoods within its jurisdiction to adopt more lenient criminal enforcement policies than those in place in richer neighborhoods. For example, on April 25, 2022, BPD Lieutenant Michael O'Hara wrote to the officers of BPD District E-13, which includes the low income, high crime area of Egleston Square:

Officers, Please be advised that on this date I had a discussion with [Defendant Sean] Paul Murphy, Clerk of Court at West Roxbury District Court. We discussed the use and issuance of the handwritten summons process for incidents on E-13 in Egleston Square. It is acceptable for you to handwrite the summonses requesting a hearing on the street for minor issues involving Park Rules & Regulations

violations, City Ordinance violations and Misdemeanors law violations that occur in your presence.

12. In stark contrast, through Defendant Sean Murphy, the West Roxbury Court directs BPD districts in elite neighborhoods within its jurisdiction, such as the neighborhood of Boston's Mayor, Defendant Michelle Wu, to rigidly enforce purely civil noise ordinance violations by means of criminal complaints.
13. On March 21, 2022, BPD Captain Darrin Greeley (ret.) (Greeley), then the commander of BPD District E-5, informed his subordinates, frequently using all capital letters for emphasis, that he has received a "NEW POLICY regarding Mayor's HOUSE" from the "West Roxbury Court." The new policy required that BPD officers "DISREGARD THE CIVIL CITATION" process for enforcing civil noise ordinance violations outside of Wu's residence because "THE COURT WANTS CRIMINAL COMPLAINT HEARING" instead.
14. In an email sent April 4, 2022, under the subject, "Response for Protest 17 Augustus Ave Roslindale," Greeley informed his subordinates that the West Roxbury Court has updated its directives to authorize going as far as arresting individuals who are observed twice violating civil city ordinances outside of Defendant Wu's residence, writing:

If second subsequent time then add Mass 272.s 59 [authorizing arrests] for Willful Violation of City Ordinance. . . . West Roxbury Court will handle all civil complaints in Clerks Hearing and issue fines, warnings etc. We will follow the policy and guidelines of the Court and if an arrest is to be determined it will be by the Court for violations of the ordinance.
15. Greeley added: "We have a master list of protesters that will help with identification."
16. The master list of protesters was created by BPD Sergeant Stephen T. O'Brien (O'Brien), who then was assigned to serve as the dedicated patrol supervisor for Defendant Wu's residence.

17. As part of a signed statement submitted by O'Brien, O'Brien created the master list in order:

to seek a hearing against some of [Defendant Wu's] protesters for violating the City of Boston Ordinances, disorderly conduct and disturbing the peace. I subsequently took notes concerning 6-8 protesters to assist with setting up a hearing. These notes were shredded once the hearing at West Roxbury Court in front of Clerk Magistrate Sean Murphy was held.
18. In an email sent by O'Brien to BPD Detective Louis Madeira on April 12, 2022, O'Brien stated: "Clerk Magistrate Sean Murphy at West Roxbury Court will be handling hearings on protesters on Thursday April 14, 2022."
19. Not only has the West Roxbury Court created a socioeconomic double standard of criminal justice within its own jurisdiction, but Defendants Judge Coffey and Clerk-Magistrate Murphy have extended this double standard throughout the Commonwealth by assuming some strange form of personal jurisdiction over all misdemeanor and non-violent crimes committed in Massachusetts by individuals who are "homeless."
20. Judge Coffey has developed and presides over a specialty criminal process in the Boston area that is generally known as the Homeless Court.
21. As the name implies, homelessness or a risk of homelessness is the main prerequisite for participation in Homeless Court. There, homeless individuals who have pending or open default warrants for misdemeanors or non-violent felonies committed anywhere in the Commonwealth can have their warrants removed and their cases dismissed or terminated as long as they have undertaken to receive services for their behaviors and substance addictions.
22. Judge Coffey has publicly stated that she developed the Homeless Court because "[i]t is evident that there is a far greater likelihood that a homeless individual will enter the

criminal justice system than a housed individual.” At the same time, according to Coffey, the crimes committed by homeless individuals are often minor, since “[m]any of their offenses include common nuisance offenses such as being a disorderly person, trespassing, and sleeping outdoors.” Removing defaults and dismissing charges for such minor offenses committed by the homeless is therefore justified, according to Judge Coffey, because “cases and outstanding warrants interfere with their ability to find housing and receive government benefits.”

23. Plaintiff Sigrídur Baldursdóttir (Ms. Baldursdóttir) is not homeless.
24. Ms. Baldursdóttir has been charged in West Roxbury Court with committing a common nuisance offence outside of Defendant Wu’s residence, which offense also is frequently committed by homeless persons: misdemeanor larceny of property having a value of \$ 1,200 or less.
25. The West Roxbury Court has prosecuted Ms. Baldursdóttir under a standard of criminal justice that is markedly different from the standards used by the Court and Judge Coffee to prosecute crimes committed in economically-disadvantaged neighborhoods within the Court’s jurisdiction and as part of criminal process in Homeless Court.
26. Ms. Baldursdóttir is a prominent leader of a local civil rights movement that is often critical of Defendant Wu’s political policies. Since the beginning of 2022, Ms. Baldursdóttir has been a frequent gadfly at Defendant Wu’s political appearances.
27. On March 18, 2022, the Boston Herald featured on its front cover a photograph of a blissfully unaware Defendant Wu appearing at Boston’s March 17, 2022 Evacuation Day events, and a deadpan Ms. Baldursdóttir standing directly behind Wu with a large protest sign that read: “Evacuate Wu”.

28. On March 18, 2022, BPD Detective Michael Rockwell (Rockwell) of District E-5 filed an application for a misdemeanor criminal complaint against Ms. Baldursdottir in West Roxbury Court. In the application, Rockwell accused Ms. Baldursdottir of misdemeanor larceny in violation of G.L. c. 266, § 30(1).
29. The accusation was based on events that had taken place a month and a half earlier at a protest outside Wu's residence on February 3, 2022. As documented on multiple BPD officers' body cameras, including the one in question; on that day, a BPD officer pushed Ms. Baldursdottir out of the street in front of the Wu residence to make room for Wu's vehicle to drive down the street.
30. As he pushed Ms. Baldursdottir, the BPD officer knocked his body worn camera off the magnetic release mounts holding it to his uniform; and the camera fell onto the street. The officer did not notice that he had lost his camera and immediately ran from the vicinity.
31. Ms. Baldursdottir heard something fall and noticed an object on the ground that she did not recognize. She believed that the object had come from the open rear hatch of a nearby sport utility vehicle owned by another protester, which was overflowing with various noisemaking gadgets that the vehicle owner had brought to the protest.
32. Baldursdottir picked the object up from the pavement and put it inside the open rear hatch of the sport utility vehicle.
33. About five minutes later, the owner of the vehicle, who happened to be a law enforcement officer herself, discovered the camera, recognized what it was, and returned it to the BPD officer who had lost it. In the five minutes that it was missing, the BPD

officer was not aware that he had lost the camera, and only realized the loss when the camera had been returned.

34. On these facts, West Roxbury Court summonsed Baldursdottir for a misdemeanor larceny show cause hearing pursuant to G.L. c. 218, § 35A on April 6, 2022. Baldursdottir appeared at the hearing, along with 1) the vehicle owner who found and returned the body camera, and who testified on Ms. Baldursdottir's behalf. 2) two other defense witnesses, and 3) Rockwell. The hearing was held in front of Caroline DeLuca, a non-attorney judicial officer who is a subordinate of Defendant Murphy.
35. At the start of the show cause hearing, DeLuca told the participants that any audio recording of the show cause hearing is prohibited, and threatened the participants that that making such a recording could result in criminal charges.
36. At the show cause hearing, Baldursdottir testified that she did not know the object she found on the ground was a body-worn camera, and that she believed it had fallen out of the vehicle. The vehicle owner testified that there were various noisemaking devices in the open rear hatch of her vehicle, and Baldursdottir testified that she believed the body camera had been one of those devices.
37. Immediately upon the conclusion of testimony, Ms. DeLuca issued a criminal complaint against Ms. Baldursdottir. The case file contains no findings of fact made by Ms. DeLuca in support of any probable cause finding, and instead contains only a brief handwritten note: "det. accused + several witnesses present. Hearing held. PC fo[u]nd."
38. On May 27, 2022, Ms. Baldursdottir's counsel called the West Roxbury Court to request a recording of the April 6, 2022 show cause hearing. He was informed by the Court that

no record of the show cause hearing exists—and that it is the practice of the West Roxbury Division never to record show cause hearings.

39. On June 9, 2022, Ms. Baldursdottir filed a motion to dismiss the larceny complaint for lack of probable cause, arguing that the complaint failed to allege the requisite mental state element of larceny, and also that dismissal is an appropriate remedy for DeLuca’s failure to preserve an adequate record of the facts underlying her probable cause finding. In the motion to dismiss, Baldursdottir recounted the exculpatory facts that she and her witnesses testified to at the show cause hearing; and the witnesses each filed affidavits, in which they again testified to those exculpatory facts.
40. West Roxbury Court Associate Justice Hon. Michael Bolden (Judge Bolden) heard and ruled on Baldursdottir motion to dismiss. Judge Bolden denied the motion, ruling that “the failure to record the show cause hearing is not cause for dismissal,” and that the motion “fails to present what exculpatory evidence was not persevered.”
41. Remarkably, Judge Bolden also ruled that no mental state element had been necessary for BPD to charge a defendant with larceny; so “[t]he criminal complaint application is not the proper forum for resolving ‘subtle gradations of offenses’ such as whether the Defendant had the requisite intent to deprive the officer of the body worn camera.”
42. Ms. Baldursdottir primarily uses Icelandic, rather than English, as a spoken language in her daily life, and has difficulty in speaking or understanding the English language as a result.
43. To Ms. Baldursdottir, the West Roxbury Court proceedings against her have been largely a “babble of voices.” To Ms. Baldursdottir’s counsel, it has been a challenge to provide her with meaningful consultation in those proceedings.

44. On September 9, 2022, after having made two oral requests for an Icelandic interpreter in the course of the proceedings on her motion to dismiss the misdemeanor larceny charge against her, which requests were not honored by the West Roxbury Court, Ms. Baldursdottir moved in writing, pursuant to G.L. c. 221C, § 2, to appoint a qualified Icelandic language interpreter who could assist her throughout the remainder of the proceedings against her.
45. On September 9, 2022, at a hearing before Boston Municipal Court Central Division Associate Justice Hon. Joseph Griffin, Jr., who was filling in for one of the Defendant Justices of the West Roxbury Court on that day, granted Ms. Baldursdottir's motion to appoint an Icelandic interpreter and set a status hearing on September 30, 2022.
46. Defendant Judge Coffey presided over Ms. Baldursdottir's status hearing on September 30, 2022. No Icelandic interpreter was present. Defendant Coffey implicitly threatened Ms. Baldursdottir's counsel with perjury for affirming that Ms. Baldursdottir primarily uses Icelandic and has difficulty understanding English, but assured Ms. Baldursdottir that the West Roxbury Court will find an Icelandic interpreter soon. Judge Coffey set another status hearing for November 14, 2022.
47. Judge Bolden presided over the November 14, 2022 status hearing. No Icelandic interpreter was present. Judge Bolden scheduled yet another status hearing for January 30, 2023.
48. Boston Municipal Court Associate Justice Hon. Paul Treseler (Judge Treseler), who usually sits at the Central Division, presided over the January 30, 2023 status hearing. He stated that Judge Coffey informed him that an Icelandic interpreter finally has been

procured, but that the West Roxbury Court needs an additional continuance to March 24, 2023 to ensure the interpreter's presence in court.

49. On March 23, 2023, Ms. Baldursdottir's counsel called the clerk's office at West Roxbury Court to ensure that the Icelandic interpreter will be present in court at the March 24, 2023 hearing. The clerk who answered informed counsel that the interpreter will not be present, and that counsel should know this since every time counsel has come to court with Ms. Baldursdottir, there was no interpreter present.
50. On March 23, 2023, Ms. Baldursdottir filed the instant Complaint.
51. Ms. Baldursdottir's post-traumatic stress disorder has been aggravated severely as a result of the events described in this Complaint. She is constantly concerned about being placed in prison, about being deported back to Iceland, and about her ability to earn a living if she is convicted for larceny. The mix of Kafkaesque and Beckettian existential uncertainty created by court hearing after court hearing being continued in order to wait for an Icelandic interpreter, who never turns up, is severely psychologically torturous for Ms. Baldursdottir, who comes from a nation that deeply values free speech and due process. Over the entire year that the unlawful process against her has dragged on in West Roxbury Court so far, Ms. Baldursdottir has suffered extreme daily anguish and increasingly deteriorating mental health.

COUNT I
(Deprivation of Constitutional Rights, 42 U.S.C. 1983)

52. Plaintiff hereby realleges and incorporates herein all of the allegations contained in paragraphs 1-51 as if fully set forth herein.
53. By their actions, Defendants have retaliated against Plaintiff's exercise of and subjected Plaintiff to the deprivation of rights, privileges, and immunities secured by the First,

Fourth, Sixth, and Fourteenth Amendments to the U.S. Constitution in violation of 42 U.S.C. 1983, thereby causing injury to Plaintiff.

COUNT II
(Conspiracy to Violate Constitutional Rights, 42 U.S.C. 1983)

54. Plaintiff hereby realleges and incorporates herein all of the allegations contained in paragraphs 1-51 as if fully set forth herein.
55. By their actions, Defendants have conspired to deprive Plaintiff of the exercise of the rights, privileges, and immunities secured by the First, Fourth, and Fourteenth Amendments to the U.S. Constitution in violation of 42 U.S.C. 1983, thereby causing injury to Plaintiff.

COUNT III
(Interference with Legal Rights, G.L. c. 12, §§ 11H-11J)

56. Plaintiff hereby realleges and incorporates herein all of the allegations contained in paragraphs 1-51 as if fully set forth herein.
57. By their actions, Defendants have interfered and/or attempted to interfere by threats, intimidation, and/or coercion with Plaintiff's rights secured by the constitutions and laws of the United States and the Commonwealth in violation of G.L. c. 12, § 11H, thereby causing injury to Plaintiff.

COUNT IV
(Conspiracy to Interfere with Legal Rights, G.L. c. 12, §§ 11H-11J)

58. Plaintiff hereby realleges and incorporates herein all of the allegations contained in paragraphs 1-51 as if fully set forth herein.
59. By their actions, Defendants have conspired to interfere by threats, intimidation, and/or coercion with Plaintiff's rights secured by the constitutions and laws of the United States and the Commonwealth in violation of G.L. c. 12, § 11H, thereby causing injury to

Plaintiff.

**COUNT V
(Abuse of Process)**

60. Plaintiff hereby realleges and incorporates herein all of the allegations contained in paragraphs 1-51 as if fully set forth herein.
61. By their actions, Defendants have abused process against Plaintiff, thereby causing injury to Plaintiff.

**COUNT VI
(Conspiracy to Abuse Process)**

62. Plaintiff hereby realleges and incorporates herein all of the allegations contained in paragraphs 1-51 as if fully set forth herein.
63. By their actions, Defendants have conspired to abuse process against Plaintiff, thereby causing injury to Plaintiff.

**COUNT VII
(Malicious Prosecution)**

64. Plaintiff hereby realleges and incorporates herein all of the allegations contained in paragraphs 1-51 as if fully set forth herein.
65. By their actions, Defendants have maliciously prosecuted Plaintiff, thereby causing injury to Plaintiff.

**COUNT VIII
(Conspiracy to Maliciously Prosecute)**

66. Plaintiff hereby realleges and incorporates herein all of the allegations contained in paragraphs 1-51 as if fully set forth herein.
67. By their actions, Defendants have conspired to maliciously prosecute Plaintiff, thereby causing injury to Plaintiff.

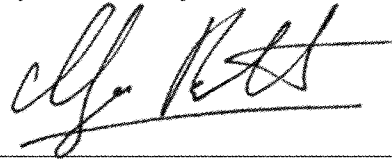
PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request this Court:

- A. Enter judgment in favor of Plaintiff and against Defendants.
- B. Enter an order declaring that criminal process provided through the Massachusetts “Homeless Court” violates the due process and equal protection clauses of the Fourteenth Amendment.
- C. Enter an order declaring that Defendants’ conduct toward Plaintiff deprived Plaintiff of the exercise of the rights, privileges, and immunities secured by the First, Fourth and Sixth, and Fourteenth Amendments to the U.S. Constitution in violation of 42 U.S.C. 1983.
- D. Enter an order declaring Defendants’ conduct to be a conspiracy to deprive Plaintiff of the exercise of the rights, privileges, and immunities secured by the First and Fourteenth Amendments of the U.S. Constitution in violation of 42 U.S.C. 1983.
- E. Enter an order declaring that Defendants have interfered and/or attempted to interfere by threats, intimidation, and/or coercion with Plaintiffs’ rights secured by the constitutions and laws of the United States and the Commonwealth in violation of G.L. c. 12, § 11H.
- F. Enter an order declaring that Defendants have conspired to interfere by threats, intimidation, and/or coercion with Plaintiffs’ rights secured by the constitutions and laws of the United States and the Commonwealth in violation of G.L. c. 12, § 11H.
- G. Enter an order declaring that Defendants have maliciously prosecuted Plaintiff.
- H. Enter an order declaring that Defendants have conspired to maliciously prosecute Plaintiff.
- I. Enter an order declaring that Defendants have abused process against Plaintiff.
- J. Enter an order declaring that Defendants have conspired to abuse process against Plaintiff.
- K. Award Plaintiff compensatory and punitive damages against Defendants in an amount to be determined at trial.
- L. Award Plaintiff’s counsel reasonable attorneys’ fees and costs pursuant to 42 U.S.C. § 1988, G.L. c. 12, § 11I, and any other applicable provisions of law.
- M. Permanently enjoin criminal prosecution in the case of Commonwealth v. Baldursdottir, No. 2206CR000303.
- N. Grant Plaintiff such other and further relief as may be just and proper under the circumstances, including but not limited to appropriate injunctive relief.

PLAINTIFF DEMANDS TRIAL BY JURY

Respectfully submitted,
Plaintiff Sigridur Baldursdottir,
By her attorney,

A handwritten signature in black ink, appearing to read 'Ilya Feoktistov', written over a horizontal line.

Ilya I. Feoktistov, Esq.
B.B.O. No. 704458
LAW OFFICE OF ILYA FEOKTISTOV
292 Columbus Avenue, No. 544
Boston, MA 02115
(617) 462-7938
if@ilyafeoktistov.com

March 23, 2023