



**DATE:** February 18, 2020  
**TO:** Colorado Springs City Council  
**FROM:** Office of the City Attorney  
**SUBJECT:** *Michael Sexton v. Officer Matthew Anderson / City of Colorado Springs  
20-CV-00108*

This memorandum is to apprise you of the facts alleged in the above-referenced case as you consider the claims made against the officer involved.

### **NATURE OF THE CASE**

Plaintiff, Michael Sexton, by and through his attorney, brought this claim, in US District Court, District of Colorado, alleging that Officer Anderson and the City of Colorado Springs violated his rights pursuant to the First and Fourth Amendments of United States Constitution. Specifically, Plaintiff claims he was searched, seized, and prosecuted without probable cause and in retaliation for exercising his right to free speech.

Plaintiff alleges that on June 7, 2019, he “flipped off” Officer Anderson’s patrol car as it drove past him on 30<sup>th</sup> Street. According to Plaintiff, Officer Anderson turned around to inquire if Plaintiff needed help. Plaintiff declined assistance and Officer Anderson began to drive away. Plaintiff claims that he then safely crossed 30<sup>th</sup> Street. Plaintiff alleges that Officer Anderson turned his car around and again approached Plaintiff. Plaintiff claims that he again “flipped off” Officer Anderson’s patrol car. According to Plaintiff, Officer Anderson turned on his emergency lights, exited his car, and restrained Plaintiff. Other officers arrived, and Plaintiff claims that they searched him at Officer Anderson’s direction. Plaintiff claims that he was ticketed for jaywalking which was later dismissed. Plaintiff alleges that he was stopped, searched, and ticketed because he “flipped off” Officer Anderson’s patrol car. Plaintiff alleges that the incident caused him physical and mental pain. He also claims that he has suffered from humiliation, emotional distress, loss of enjoyment of life, and lost earnings as a result of this incident. Plaintiff is asking for compensatory, economic, consequential, special, and punitive damages.

According to the report for this incident, on June 7, 2019 at about 11:48 pm, Officer Anderson observed Plaintiff cross 30<sup>th</sup> Street between the intersections of 30<sup>th</sup> and West Colorado Avenue which is controlled by a stoplight, and 30<sup>th</sup> Street and West Pikes Peak Avenue, which is controlled by stop signs. Plaintiff crossed the street from the west to the east without utilizing either intersection.

### **RECOMMENDATION**

The Civil Action Investigation Committee has recommended that the City represent the Officer as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. The Officer was acting in the course and scope of his employment, and was acting in good faith. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.