

March 25, 2017

## Claim of Kerubale Getachew Abegaz Against The University Of North Carolina at Greensboro

The claimant's name is Kerubale Getachew Abegaz, 1515 York Avenue, High Point, North Carolina, 27265. All notices regarding this claim should be sent to 1515 York Avenue, High Point, North Carolina, 27265.

Claimant claims compensation in the amount of \$9,000,000.00 or an out-of-court settlement offer from UNC-G that claimant may find reasonable and just. This claim arises from the intentional infliction of emotional distress that claimant has suffered from since June 8, 2016, by the reckless hands of a UNC-G Campus Police Officer. Claimant is complaining that the UNC-G Campus Police played a significant role in exacerbating a preexisting service connected disability when the UNC-G Campus Police denied claimant of his constitutional rights under the Fourth and Eighth Amendment, on June 8, 2016, through June 15, 2016, beginning with High Point City Police Department's execution of an arrest warrant on June 8, 2016, on 1515 York Avenue, High Point, North Carolina. Claimant claims that the UNC-G Campus Police Officer made a false affidavit for the production of said arrest warrant after a Guilford County Magistrate's refusal to accept the UNC-G Campus Police Officer's request to have claimant involuntarily committed. The statutes of limitations for intentional infliction of emotional distress and violations of N.C.G.S. § 20-31 and N.C.G.S. § 122C-263 are three (3) years and will begin on June 9, 2017, upon the dismissal of the criminal charges that were recklessly pursued by UNC-G Campus Police against claimant.

### **Overview**

Claimant is a ten (10) year service connected disabled veteran with honorable discharges from the U.S. Navy and U.S. Army Reserves. Claimant has been awarded a disability rating from the Veterans Affairs for a service connected psychological disability which any reasonably objective person would believe to have been exacerbated as a direct result of the extreme conduct and reckless and outrageous behavior of the UNC-G Campus Police on June 8, 2016 and the UNC-G Campus Police's extreme conduct at claimant's first appearance while claimant was in the custody of the Guilford County Jail in High Point on June 9, 2016.

At no point did MEMBERS OF UNIVERSITY COUNCIL, HUMAN RESOURCES, DEAN OF STUDENTS, AND OTHER MEMBERS OF THE UNIVERSITY ADMINISTRATION inform claimant that his email correspondences were unwelcome before UNC-G Campus Police received a threat assessment report that led to cyber stalking and communicating threats charges that were pressed on claimant. MEMBERS OF UNIVERSITY COUNCIL, HUMAN RESOURCES, DEAN OF STUDENTS, AND OTHER MEMBERS OF THE UNIVERSITY ADMINISTRATION assumed risk by not informing claimant that his communications were unwelcome. Claimant did not behave in a manner of a person that was a threat to others and himself when claimant was confronted by the High Point City Police Department and UNC-G Campus Police prior to claimant's arrested on June 8, 2016. UNC-G Campus Police, The High Point City Police Department and Guilford County Magistrate, and claimant's parents can corroborate this claim as claimant respectfully complied with all their orders. Claimant remained polite and did not even use profane language. Despite this, UNC-G Campus Police steadfastly pursued the cyberstalking and communicating charges on June 8, 2016, and persisted in having claimant mentally evaluated as part of the conditions for claimant's release from Guilford County Jail in High Point, during claimant's first court appearance on June 9, 2016. Their only excuse for seeking the mental evaluation was that claimant sent numerous emails.

An informal deferred prosecution and the subsequent dismissal of all charges that UNC-G Campus Police recklessly pursued against claimant means that claimant's conduct was 100 percent constitutionally protected. UNC-G's legal council will be suppressed from using claimant's 100 percent constitutionally protected speech to justify UNC-G Campus Police's reckless and outrageous pursuit of criminal charges and mental evaluation against claimant. Furthermore, any defense raised by UNC-G's legal counsel suggesting that UNC-G Campus Police were not trained on what qualified as a true threat would be equivalent to an admission that UNC-G Campus Police were not trained on what qualified as a true threat and would therefore establish UNC-G's liability for the intentional infliction of emotional distress that claimant has suffered from since June 8, 2016. Finally, claimant will be able to dispute such a justification for UNC-G Campus Police's actions by virtue of an eyewitness account from the Guilford County Public Defender's Office which stated that UNC-G Campus Police was heard to say that they originally did not want to pursue criminal charges against claimant but had only done so because their request to have claimant involuntarily committed was rejected by a magistrate.

### **Informal Deferred Prosecution**

The charges that the UNC-G Campus Police recklessly and outrageously pursued against claimant are scheduled to be dismissed in Guilford County Court on June 9, 2017, as part of an informal deferred

prosecution agreement that claimant struck with the Guilford County District Attorney's Office (see [Exhibit 3](#)). It would be objectively unreasonable for the UNC-Gs legal counsel to question the 100 percent constitutionally protected conduct of claimant on June 8, 2016, including the words that appeared to have prompted the UNC-G Campus Police to conduct itself in an extreme manner when the UNC-G Campus Police recklessly and outrageously committed perjury by affidavit in order to unlawfully imprison claimant from June 8, 2016, through June 15, 2016, in the Guilford County Jail in High Point, North Carolina, and unlawfully request for claimant to undergo an unlawful mental evaluation, during claimant's first appearance on June 9, 2016, as part of the conditions of claimant's release from the Guilford County Jail in High Point, North Carolina (see [p. 4 of Exhibit 1](#)). Therefore, claimant will not be obliged to defend the accusations after their dismissal on June 9, 2017, because claimant will not be standing on trial for said dismissed charges.

The UNC-G Campus Police Officer who is the subject of this claim interrogated claimant on June 8, 2016, in the presence of a High Point City Police Officer during the period between the moment claimant stood before the Guilford County Magistrate and when claimant was booked into the Guilford County Jail in High Point. During this period, and the High Point City Police Officer can attest to this, the UNC-G Campus Police Officer who is the subject of this claim asked claimant if he was a "Sovereign Citizen" to which claimant responded, "No" and informed the UNC-G Campus Police Officer who is the subject of this claim that claimant was a Reverend. The UNC-G Campus Police Officer who is the subject of this claim then asked claimant what denomination claimant was, to which claimant responded with "One Christ." During this entire period, claimant remained respectful. Claimant did not raise his voice. Claimant cooperated with the investigation. Eye witnesses can attest that claimant did not give sufficient reason for the UNC-G Campus Police to determine that claimant required a mental evaluation on June 9, 2016, during claimant's first appearance in front of a Guilford County Judge. Claimant's parents were able to afford the \$10,000.00 bond that said Judge reduced from the outrageous \$50,000.00. Claimant could have easily been bailed out on June 9, 2016, were it not for the UNC-G Campus Police's request to have claimant mentally evaluated while in the custody of the Guilford County Jail in High Point during his first appearance. The outrageous request from the UNC-G Campus Police resulted in claimant remaining in Guilford County Jail for approximately six (6) more days than claimant would have normally been detained if the UNC-G Campus Police simply complied with a Guilford County Magistrate's refusal to have claimant involuntarily committed.

The main reason why the Communicating Threats and Cyberstalking charges were not thrown out by the Judge who presided over claimant's first appearance on June 9, 2016, was because the entire email in

question was not presented to the Judge. The Judge that presided over claimant's first appearance on June 9, 2016, was only presented with the excerpt of the email which is on said complaint that UNC-G Campus Police committed perjury upon. This omission of contextual information by the hands of UNC-G Campus Police led to the presiding Judge's decision to sustain the charges instead of throwing them out as baseless and this also influenced the presiding Judge's decision to grant the UNC-G Campus Police's outrageous request to have claimant mentally evaluated as part of the conditions for claimant's release from the custody of Guilford County Jail in High Point, North Carolina. So, UNC-G is hereby notified that a motion will be filed, following a civil complaint concerning this issue, that will exclude UNC-G's legal council from raising any questions or submitting any evidence pertaining to claimant's 100 percent constitutional speech from consideration by the judge or jury at trial. This motion to suppress will prevent UNC-G's legal council from using claimant's 100 percent constitutional speech while defending UNC-G Campus Police's extreme conduct and outrageous behavior on June 8, 2016 and June 9, 2016.

Insulting the MEMBERS OF UNIVERSITY COUNCIL, HUMAN RESOURCES, DEAN OF STUDENTS, AND OTHER MEMBERS OF THE UNIVERSITY ADMINISTRATION was not a crime, and unless the UNC-G Campus Police had another reason to have found probable cause, the UNC-G Campus Police knowingly acted in an unlawful manner by falsely swearing or affirming to believe that claimant committed the alleged crimes. Evidence indicates that MEMBERS OF UNIVERSITY COUNCIL, HUMAN RESOURCES, DEAN OF STUDENTS, AND OTHER MEMBERS OF THE UNIVERSITY ADMINISTRATION did not express to claimant that claimant's communications were unwelcome prior to the execution of the threat assessment report that led to UNC-C Campus Police's investigation in the matter and the subsequent unlawful arrest, unlawful imprisonment, and unlawful involuntary commitment of claimant on June 8, 2016 through June 15, 2016. True threat statements are statements in which a speaker expresses a "serious" intent "to commit an act of unlawful violence to a particular individual or group of individuals." The UNC-G Campus Police was trained to know what qualified as a true threat and what didn't. The UNC-G Campus Police knew that "imminence" was necessarily a function of the actual language of claimant and the surrounding facts of the email. An objectively reasonable person would not have deemed what was stated in the email as a threat, let alone a law enforcement officer. Nevertheless, if it cannot be proven in a court of law that UNC-G Campus Police knew what qualified as "true threats" then such lack of training would indicate that UNC-G is 100 percent liable for the deprivation of claimant's rights which are secured by the Constitution and this deprivation was caused by persons acting under of color of state law.

**District Attorney's Office, Public Defender's Office, Dr. Soban, and The UNC-G Campus Police**

The issue claimant is arguing in this claim is not whether probable cause means that the UNC-G Campus Police had proof beyond a reasonable doubt or proof by a preponderance of the evidence that claimant threatened to inflict bodily harm when the UNC-G Campus Police committed perjury by affidavit. The issue here is not whether probable cause meant that claimant was found guilty for threatening to inflict bodily harm when the UNC-G Campus Police committed perjury by affidavit. The precise issue that needs to be ascertained here is whether probable cause meant that the UNC-G Campus Police had a "reasonable belief" that claimant committed the alleged crimes (i.e., communicating threats and cyberstalking) at the time that the UNC-G Campus Police filed the complaint. Evidence overwhelmingly suggests that UNC-G Campus Police did not have reasonable belief that claimant committed the alleged crimes at the time that the UNC-G Campus Police pursued a warrant for claimant's arrest. Claimant can prove that the UNC-G Campus Police was heard to have essentially admitted to not having a reasonable belief that claimant committed the alleged crimes at the time that the UNC-G Campus Police pursued a warrant for claimant's arrest. It can be proven in a court of law that claimant received an email from the Guilford County Public Defender's Office at 5:59 PM on September 8, 2016, which stated that the UNC-G Campus Police admitted that the UNC-G Campus Police did not want to pursue criminal charges against claimant originally during the meeting with the Guilford County District Attorney's Office, Guilford County Public Defender's Office, and Dr. Soban. This indicates that the UNC-G Campus Police knew, from the beginning, that the speech within an email was constitutionally protected and that the UNC-G Campus Police did not have probable cause to pursue the criminal charges.

It can be proven in a court of law that claimant received an email from the Guilford County Public Defender's Office which stated that the UNC-G Campus Police admitted during the meeting with the Guilford County District Attorney's Office, Guilford County Public Defender's Office, and Dr. Soban, that the UNC-G Campus Police's intention had been to take out commitment papers to ensure that claimant would not be a danger to himself or others. It can be proven in a court of law that claimant received an email from the Guilford County Public Defender's Office which stated that the UNC-G Campus Police admitted during the meeting with the Guilford County District Attorney's Office, Guilford County Public Defender's Office, and Dr. Soban, that the UNC-G Campus Police only decided to pursue the criminal charges against claimant because commitment papers were denied by a Guilford County Magistrate.

The UNC-G Campus Police falsely issued a sworn or affirmed statement claiming to have probable cause that claimant would inflict bodily harm on MEMBERS OF UNIVERSITY COUNCIL, HUMAN RESOURCES, DEAN OF STUDENTS, AND OTHER MEMBERS OF THE UNIVERSITY

ADMINISTRATION, but such belief can be easily disputed by the preponderance of facts: such as the fact that claimant received an email from the Guilford County Public Defender's Office which stated that the UNC-G Campus Police admitted during the meeting with the Guilford County District Attorney's Office, Guilford County Public Defender's Office, and Dr. Soban, that the UNC-G Campus Police only decided to pursue the criminal charges against claimant because commitment papers were denied by a Guilford County Magistrate; and the remainder of the email and its context, which happened to be conveniently excluded from the arrest warrant, indicates that the UNC-G Campus Police was aware that claimant was exercising constitutionally protected speech.

**Violations of N.C.G.S. § 20-31 & N.C.G.S. § 122C-263**

When all of these facts are carefully assessed, the court should come to the conviction that the UNC-G Campus Police knew that there was no basis for reasonable suspicion that claimant posed an imminent threat that warranted the circumstances (i.e., violations of N.C.G.S. § 20-31 & N.C.G.S. § 122C-263) that effectively eliminated claimant's Fourth and Eighth Amendment rights through the dates of June 8, 2016 and June 15, 2016: PURSUANT TO N.C.G.S. § 20-31. ANY PERSON WHO SHALL MAKE ANY FALSE AFFIDAVIT, OR SHALL KNOWINGLY SWEAR OR AFFIRM FALSELY, TO ANY MATTER OR THING REQUIRED BY THE TERMS OF THIS ARTICLE TO BE SWORN TO OR AFFIRMED SHALL BE GUILTY OF A CLASS I FELONY. (1935, c. 52, s. 25; 1993, c. 539, s. 1249; 1994, Ex. Sess., c. 24, s. 14(c)). PURSUANT TO N.C.G.S. § 122C-263. DUTIES OF LAW-ENFORCEMENT OFFICER; FIRST EXAMINATION BY PHYSICIAN OR ELIGIBLE PSYCHOLOGIST. (A) WITHOUT UNNECESSARY DELAY AFTER ASSUMING CUSTODY, THE LAW ENFORCEMENT OFFICER OR THE INDIVIDUAL DESIGNATED BY THE CLERK OR MAGISTRATE UNDER G.S. 122C-251(G) TO PROVIDE TRANSPORTATION SHALL TAKE THE RESPONDENT TO AN AREA FACILITY FOR EXAMINATION BY A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST; IF A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST IS NOT AVAILABLE IN THE AREA FACILITY, THE PERSON DESIGNATED TO PROVIDE TRANSPORTATION SHALL TAKE THE RESPONDENT TO ANY PHYSICIAN OR ELIGIBLE PSYCHOLOGIST LOCALLY AVAILABLE. IF A PHYSICIAN OR ELIGIBLE PSYCHOLOGIST IS NOT IMMEDIATELY AVAILABLE, THE RESPONDENT MAY BE TEMPORARILY DETAINED IN AN AREA FACILITY, IF ONE IS AVAILABLE; IF AN AREA FACILITY IS NOT AVAILABLE, THE RESPONDENT MAY BE DETAINED UNDER APPROPRIATE SUPERVISION IN THE RESPONDENT'S HOME, IN A PRIVATE HOSPITAL OR A CLINIC, IN A GENERAL HOSPITAL, OR IN A STATE FACILITY FOR THE MENTALLY ILL, BUT NOT IN A JAIL OR OTHER PENAL FACILITY.

### **Exacerbation of Claimant's Preexisting Service Connected Disability**

It can be proven in a court of law that issues related to claimant's service connected disability has been heightened and magnified as a direct result of the UNC-G Campus Police's extreme conduct and reckless and outrageous behavior. The emotional distress is even more compounded by the pressures that claimant is forced to deal with in order to receive justice for the UNC-G Campus Police's injuries to his rights and to his mental state. Claimant is left with no choice but to litigate this matter alone because of difficulties in finding an attorney. Claimant has and continues to greatly suffer at the hands of the UNC-G Campus Police and this claim can be corroborated by personal statements from his parents and the narrative from his sessions with a Kernersville VA Medical Center mental therapist which began on June 15, 2016.

Claimant is struggling with feelings of helplessness which have their roots in events that transpired during his experiences in active duty military. The UNC-G Campus Police's extreme conduct and reckless and outrageous behavior can be proven to have exacerbated issues that claimant's been suffering with for over thirteen (13) years now. Claimant had to battle demons in his mind while he was unlawfully imprisoned and unlawfully involuntarily committed in the Guilford County Jail in High Point NC without access to mental healthcare for seven days. Claimant had to endure the fact that the tier he was in was mostly of Blood gang members that would not let him use the phone to call for help. Claimant was too afraid to request to be placed in solitary confinement instead of being placed in population while he was being in-processed by a correctional officer because claimant reasoned that claimant would appear violent at claimant's first court appearance if claimant wore a red jail suit. In claimant's mind, claimant thought that the Judge would not decrease claimant's \$50,000 bail if the judge noticed a red maximum security jail suit on claimant. If anything, claimant thought, the Judge might have increased the bail if the judge saw claimant in claimant's red suit instead of the orange jail suit normally issued to inmates in population. The court should know that claimant is extremely troubled by the possibility that he would have been left in the Guilford County Jail for so much longer than the seven (7) days claimant endured in jail if the bail was frozen at \$50,000 or increased, because claimant had no way of paying bail that high. The notion that claimant's life would have been on pause for months in jail still haunts him to this day.

The days and nights in jail were excruciatingly long and filled with anxiety. Claimant's cellmates ranged from a heroine addict that claimant was forced to share close proximity with that was suffering with withdrawal symptoms (i.e., diarrhea and vomiting), to a big shot drug dealer who openly bragged how easy it was for him to kill an entire family if he wanted to "for a bag of money." Claimant's sanity was about to reach a boiling point because claimant was unaware of what the unlawful involuntary

commitment process was at the jail. Claimant heard the judge agree to the UNC-G Campus Police's request to have claimant unlawfully mentally evaluated as a condition for claimant's release but claimant was confused as to whether claimant would have to be bailed out first and then involuntarily committed in an appropriate facility such as High Point UNC Regional Hospital to have a lawful mental evaluation performed. So claimant was very confused when claimant's parents were finally able to visit claimant on June 14, 2016. Claimant stormed out of the visitor booth at one point during the visitation abruptly ending the meeting many minutes prior the time limit for it because claimant was convinced that his parents were lying to him about having a mental evaluation conducted at the jail prior to his bail and subsequent release. Later that night, claimant almost got in a fist fight with an alleged Blood gang member over claimant's rightful turn to use the phone during a one (1) hour lunch break. As soon as claimant was released from the Guilford County Jail in High Point, North Carolina on June 15, 2016, he was so desperate for help in dealing with the intentional distress inflicted upon him by the UNC-G Campus Police that he set up an initial appointment scheduled for six days after his release.

These days, not much has changed since claimant's release from being unlawfully imprisoned and unlawfully involuntarily committed at the Guilford County Jail in High Point, North Carolina. On June 15, 2016, claimant came home to an anonymous email in his inbox that was sent through The Cherub Foundation's GoFundMe account. The email read: "ENJOY YOUR STAY DUDE ... TROLL GETS THE TOLL" (see [Exhibit 2](#)). The email was sent and received on the night of claimant's arrest. Claimant asks the court who else could have possibly known so soon about the arrest besides the UNC-G Campus Police or possibly students at the the UNC-G Campus Police's organization? Ever since June 8, 2016, claimant became extremely antisocial, even more antisocial than he'd been while suffering from his service connected disability which was bad enough to begin with. Prior to June 8, 2016, claimant was known to frequent local Starbucks cafes (i.e., 265 Eastchester Drive and 3875 John Gordon Lane). Claimant would also frequent a local Barnes and Nobel (906 Mall Loop Road). The reason why claimant would frequent these locations despite suffering from issues related to his service connected disability was because he felt relatively familiar and safe at these proximate locations. The people that worked or still work at these cafes between 2011 and June 8, 2016, may be able to support the claim that claimant was a regular patron at these cafes. Even if such support cannot be gathered as evidence, the court can easily retrieve surveillance footage that would show claimant at these locations for long periods and for many days if not every day of the week.

Claimant has entirely stopped visiting what was once his favorite locations since his release from the Guilford County Jail in High Point, North Carolina on June 15, 2016. In fact, claimant has completely

stopped frequenting any other location besides his parent's house and random locations to run errands. Claimant has been visiting his parents home just about seven (7) days a week since his release from the Guilford County Jail in High Point, North Carolina on June 15, 2016. He spends all his work hours in the family room of his parent's home which fortunately happens to be walking distance from the apartment that claimant lives in. Since his release, claimant constantly looks over his shoulders when entering and leaving his parents house and his apartment in case the UNC-G Campus Police was there to attack him. Claimant is afraid that the UNC-G Campus Police may retaliate against claimant for still wanting to legally pursue the UNC-G Campus Police for the blatant violations the UNC-G Campus Police has committed. Claimant wonders how far the UNC-G Campus Police will go? Thoughts that run through claimant's mind is whether the UNC-G Campus Police will falsely allege that claimant was seen on campus so that the UNC-G Campus Police can have claimant arrested again for violating a court order not to contact the UNC-G Campus Police or go on the UNC-G Campus Police's property. Claimant even considered downloading a GPS app on his phone so he would have proof of his whereabouts in case the UNC-G Campus Police would retaliate against him with more false accusations and more false witnessing.

### **Conclusion**

A court of law can infer from the eyewitness account provided from the Guilford County Public Defender's Office that the UNC-G Campus Police committed perjury by affidavit in order to recklessly, outrageously, and arbitrarily fulfill its initial desire to have claimant undergo a mental evaluation. When combined with the warrants for claimant's arrest (see [Exhibit 1](#)), the eyewitness testimony from the Guilford County Public Defender's Office indicates that the UNC-G Campus Police falsely swore or affirmed to believe that there was probable cause to arrest claimant for communicating threats and cyber stalking on June 8, 2016. When pressed by the Guilford County Public Defender's Office during the meeting with the Guilford County District Attorney's Office and Dr. Soban on September 8, 2016, the UNC-G Campus Police was witnessed to essentially admit that the UNC-G Campus Police originally found no reason to pursue criminal charges because claimant did not pose as a threat to others and himself. In fact, the court should find that the UNC-G Campus Police was actually in possession of overwhelming evidence that claimant did not pose a threat to others and himself.

The UNC-G Campus Police intentionally committed perjury by affidavit when the UNC-G Campus Police falsely swore or affirmed to have believed that claimant unlawfully and willfully used words and language in an electronic communication to UNCG ADMINISTRATION threatening to inflict bodily harm on MEMBERS OF UNIVERSITY COUNCIL, HUMAN RESOURCES, DEAN OF STUDENTS,

AND OTHER MEMBERS OF THE UNIVERSITY ADMINISTRATION. The UNC-G Campus Police had no basis for uncertainty about what was and wasn't considered constitutionally protected speech on June 8, 2016, when the perjury by affidavit was committed because the UNC-G Campus Police received training regarding such a distinction (see *Virginia v. Black*, 538 U.S. 343 (2003)). This intentional unlawful act led to claimant's emotional distress that resulted from an unlawful arrest, unlawful imprisonment, unlawful involuntary commitment in a Guilford County jail for seven (7) days.

It can be proven in a court of law that claimant received an email from the Guilford County Public Defender's Office which stated that the UNC-G Campus Police essentially admitted not to only commit perjury by affidavit which directly led to claimant's unlawful arrest and unlawful imprisonment on June 8, 2016, but the UNC-G Campus Police also was heard to have essentially admitted to unlawfully, recklessly, maliciously, and corruptly seek the mental evaluation of claimant in Guilford County Jail in High Point and was thus heard by the Guilford County Public Defender's Office to have admitted to violating N.C.G.S. § 122C-263. Evidence gathered from the Guilford County Public Defender's Office shows that while the UNC-G Campus Police may have had grounds for a brief investigatory detention, the UNC-G Campus Police could not have acted in an objectively reasonable manner in willfully perusing the warrant for claimant's arrest in the manner that it had after being heard to admit that it did not originally want to pursue criminal charges on claimant and after being heard to have the UNC-G Campus Polices request for the involuntary commitment of claimant rejected by a Guilford County Magistrate.

Moreover, the UNC-G Campus Police willfully perused the warrant for claimant's arrest in reaction to a threat assessment report (see [Exhibit 4](#)) which is meant as a supportive action and not a punitive action (see [Exhibit 5](#)). Evidence suggests that the UNC-G Campus Police was heard to have essentially admitted that it originally wanted to support claimant, in reaction to a threat assessment report, by requesting for the involuntary commitment of claimant. The UNC-G Campus Police was heard to have essentially admitted to have responded to a threat assessment report in the form of a punitive action when the request for the involuntary commitment of claimant was denied by a Guilford County Magistrate. Evidence overwhelmingly suggests that the pursuit of criminal charges (i.e., Communicating Threats and Cyber Stalking), denial of supportive action, subsequent perjury by affidavit to secure an unlawful arrest warrant, and the unlawful imprisonment of claimant on June 8, 2016, were all intentional and based on entirely on false grounds. The fact of the matter is that claimant, who is a service connected disabled veteran with psychological issues, would not have spent nearly a week in Guilford County Jail at High Point without access to a mental therapist and mental health care had the UNC-G Campus Police simply complied with the Guilford County Magistrate's denial of their request to involuntarily commit claimant

and had the UNC-G Campus Police relied on the UNC-G Campus Police's original intention not to pursue criminal charges. The court should have every reason to conclude that claimant's Fourth and Eighth Amendment rights were intentionally injured by the UNC-G Campus Police. And that claimant's service connected disability was exacerbated as a direct result of the UNC-G Campus Police's extreme conduct and reckless and outrageous behavior.

**Your's Sincerely,**



**Kerubale Getachew Abegaz**

**Dated: March 25, 2017**

**Enclosure:**

**Statement of Facts**

**Exhibits**

## Statement of Facts

1. [Exhibit 1](#) provides the original Email sent from claimant to UNCG Administration on June 8, 2016, which prompted a threat assessment report which led to the arrest, imprisonment, and involuntary commitment of claimant. The Email states: “I need them to be in dishonor. It's the same principal that Police officers and prosecutors use. They pull vehicles over and use just about any excuse to collect more damning evidence. Police aren't the ones to blame for this. Stupid criminals are. The shit head status quo have been subverted to the point of no return. It is in my best interest to be a beneficiary of this subversion. By not responding with a clarification on an email that I was CCd in concerning my grievance, Mrs. Benita Peace and UNCG legal counsel are basically repudiating the law. The fact that you don't realize this only lends more credence that the status quo have been subverted. You folks have lost your points of reference. You don't know what is right from wrong. Fr. Adolfo Nicholas speaks on this in the video below. It is a symptom of globalization of superficiality. A person like me has options to choose from. Should I violently blitz their office as in the case in many campuses nationwide (e.g., Virginia Tech, UCLA, etc.)? or should I call their bluff and continue to gather evidence? These are options that are perfectly available to me thanks to free will. I am free to act but not free from the ramifications of my actions. It would look real bad for the school if someone who shot up the school also had damning evidence of the school's misdeeds as well as a pending report against the school with the U.S. Justice Department. So my coming over unannounced adds uncertainty to minds of these cowards who openly repudiate the law and use ignorance of the law as an excuse. I choose to be a beneficiary of the F\$%k shit status quo. I will use their own stupidity and arrogance against them. Just as I have done at Drexel with the full army ROTC scholarship and plenty other occasions. The status quo are organic atm cards in every sense of the word. So let them think that I will be pissed off if they don't provide clarity on an email I am CCd in that pertains to a grievance report lol! I want them to ignore it so that I can use it against them later.”; and
2. [Exhibit 2](#) provides the original Email from an anonymous sender to claimant's GoFundMe account while claimant was locked up in Guilford County Jail (June 9, 2016). The Email states: “Enjoy your stay dude ... troll gets the toll.”; and
3. [Exhibit 3](#) provides the original Email sent from the Guilford County Assistant Public Defender to claimant on September 8, 2016, stating: “Today I met with the DA, Dr. Soban, and two detectives from UNCG. In speaking with the detectives, one thing that I was pleased to hear is that they did not want to pursue criminal charges against you originally. Their intention had been to take out commitment papers to ensure that you were not a danger to yourself or others. When those papers

were denied, they then pursued the criminal charges to be able to make sure that you did not have an intention of following through on the statements made in the email. During the meeting, many things were discussed. What it came down to, is the DA is wanting to offer you an informal deferred prosecution. What that means is that the charge would remain pending for one year. During that year, you are not to have contact with anyone in the UNCG administration (except for through a lawyer if your complaints are still pending) and you are to continue to receive treatment from the VA. At the end of that year, the charge would be dismissed as long as you have complied. They would like for you to provide proof that you have been continuing treatment throughout the year. If you are interested in this, please let me know. Also, if you have any questions, please feel free to email me or to call me at the number listed below. If you would like to meet to discuss this in more detail, just let me know and we can schedule a meeting. I do have two questions for you – are your complaints with the university still pending? If so, are you represented by an attorney in those matters? This could affect the terms of the deferred prosecution agreement if you are not represented and the claims are still pending.”; and

4. [Exhibit 4](#) provides an Email sent to claimant from the Guilford County Public Defender’s Office, on November 4, 2016, which states, ““Mr. Abegaz, I received a call regarding a request for a police report from the UNCG Police Department. They wanted me to let you know that because the report you are requesting is a threat assessment, it is not public record. I also want to remind you not to have contact, in any way, with the university except through myself or another attorney. If you have any questions, please let me know.” Claimant then replied, “Hello Mrs. Adler, I submitted the request, indirectly, through the UNCG campus police website. I need to get my hands on a copy of the original police report filed by the UNCG Admin to see if they excluded contextual information. If they had done so, then they may have broken a law. I've received feedback from the U.S. Department of Justice. Now I am able to file a law suite with a state or federal court. Is the UNCG Police claiming that there is no police report?”; and
5. [Exhibit 5](#) provides a url link to the University of North Carolina at Greensboro's official webpage for its Threat Assessment Policy as it appeared on July 18, 2016. The webpage claims that "it is a supportive process, not a disciplinary or punitive one." ; and
6. [Exhibit 6](#) provides a scanned copy of the Guilford County Sheriff's Office Inmate Log: ABEGAZ, KERUBALE GETACHEW (Booking # 606591); and
7. [Exhibit 7](#) provides a scanned copy of the Clerk's Copy of the County of Guilford General Court of Justice District Court Division First Appearance (Jail Docket) wherein it was annotated that the the UNC-G Campus Police requested for the court to order a Mental Evaluation while claimant

was in custody despite having its request for the involuntary commitment of claimant denied by a magistrate the day prior; and

8. [Exhibit 8](#) provides evidence that proves that claimant attended mental therapy at the Kernersville VA Medical Center sua sponte (i.e., by his own accord) for help in dealing with the emotional distress caused by the UNC-G Campus Police. Claimant has attended every regularly scheduled session. Claimant attended the first therapy session at the earliest date that an appointment was made available for him i.e., six (6) days after claimant was released from Guilford County Jail in High Point, North Carolina where claimant was imprisoned and forced to undergo a mental evaluation prior to claimant's release; and
9. [Exhibit 9](#) provides a personal statement written by claimant's parents whereby they stated that “We have personally witnessed our son, Kerubale G. Abegaz, suffer greatly at the hands of the University of North Carolina at Greensboro. I was at our home when the University of North Carolina at Greensboro campus police, accompanied by the High Point Police department, came to our home (1515 York Avenue, High Point, NC) of residence to arrest our son on June 8, 2016. Prior to this tragic event, our son would frequent local Starbucks cafes (i.e., 265 Eastchester Drive and 3875 John Gordon Lane). He would also frequent a local Barnes and Nobel (906 Mall Loop Road). The people that worked at and frequented these facilities would be able to recognize him because he'd spend hours of his days at these locations doing work on his laptop computer over cups of coffee. Our son is a hard worker so he would frequent these locations just about 7 days a week. The court can even ask the people who work in these locations how often our son would patronize these businesses. He was a regular. But, since his release from the Guilford County Jail in High Point, North Carolina on [June 15, 2016], our son has completely stopped frequenting these locations or any other location for that matter. He's been visiting our home 7 days a week since his release. He spends all his work hours in the family room of our home. He is always on edge and extremely antisocial. He was antisocial before his arrest but we have never seen him this antisocial to the point that he stopped going to his favorite cafes. our son has literally spent each day doing work in our family room and would only go back to his apartment for rest and hygiene. I am very concerned about his mental health because he already has a service-connected disability concerning his mental state. Our son told us how difficult it was for him during his seven-day stay in jail. He told us that his tier was a tier filled with Blood gang members that would not let him use the phone to call us. He told us that he desired to be in solitary confinement instead of being placed in community but he was afraid that if he wore the red jail suit, that he would appear violent during his first court appearance and that the Judge would not decrease his bail. Our son is not a criminal but he was locked up with criminals. We

had the opportunity to visit our son on June 15, 2016 and he was irrational during our visit. He stormed out of the visitor booth and ended the meeting many minutes prior the time limit for it because he was convinced that we were lying to him about having a mental evaluation at the jail. We were so hurt by this. To see him in this state where he could not even trust his own parents. Our son thought that he would be involuntarily committed in High Point UNC Regional Hospital after being bailed out. We tried to explain it to him but he was infuriated and accused us of lying to him. He even cussed us out as he stormed out of the [visitor] booth. Our son's sleeping patterns are now all over the place. He would sometimes wake up and go to sleep in normal times of the day and sometimes wake up and go to sleep at odd times of the day. [My] wife and I are really sad to our son be so negatively affected for only following his dreams by attending the University of North Carolina at Greensboro. We are afraid that he is overburdened with this added emotional distress, the work he is involved with, and even the fact that he plans to represent himself in court against the University of North Carolina at Greensboro. We try to tell him to leave it alone and move on but he gets extremely angry at us each time we tell him. Writing this letter to the court and providing our unconditional love and open doors is the best we can do for our deeply troubled son. We are so thankful to have been able to bail our son out of jail on [June 15, 2016]. At first, we could not believe that the bail was set so high at \$50,000.00. It was impossible for us to pay. We almost lost hope for our son until, finally, we were able to put up our home as property for a later reduced \$10,000.00 bail. So, we are also inflicted with emotional distress from this terrible experience. We know that our son has agreed not to contact the University of North Carolina at Greensboro and that he takes his medicine and attends monthly mental therapy sessions. But at this point, with his past history, we really don't know what to expect next. We pray that he isn't let down by all of his dreams and aspirations. He puts his heart and soul in his vocation. To see it stripped from him and to see him punished for his constitutionally protected speech saddens us. We leave everything in God's hands."

<https://archive.org/details/UNCGMisconstruedEMail>

<https://archive.org/details/GmailNewMessageFromMisterMister>

<https://archive.org/details/GmailMeetingToday>

<https://archive.org/details/GmailUNCGPoliceReport>

<https://web.archive.org/web/20160718213022/http://police.un-cg.edu/Information/ThreatAssessment/>

<https://archive.org/details/GuilfordCountySheriffsOfficeInmateLog>

<https://archive.org/details/ClerksCopyOfTheCountyOfGuilfordGeneralCourtOfJusticeDistrictCourtDivisionFirstAppearance>

<https://archive.org/details/VAMentalTherapy>

<https://archive.org/details/PersonalStatementFromParents>