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13 *Attorneys for Plaintiff Maurice Hastings*

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 Maurice Hastings,
17

18 Plaintiffs,
19

20 v.
21

22 Grant Price, Russell Enyeart, George W.
23 Clark, *through his successor in interest*
24 Joann M. Clark, and Estate of George W.
25 Clark (Deceased),
26

27 Defendants.
28

CASE NO: 2:23-CV-09684

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

1 Plaintiff Maurice Hastings, by and through his attorneys, alleges as follows:

2 **INTRODUCTION**

3 1. Plaintiff Maurice Hastings was wrongly convicted and served a
4 staggering 38 years of a life sentence for crimes he did not commit: the 1983
5 carjacking, rape, and murder of Roberta Wydermyer and attempted murder of her
6 husband Billy Wydermyer and his friend George Pinson. DNA testing ultimately
7 proved Hastings's innocence and identified the true perpetrator as serial rapist
8 Kenneth Packnett. On March 1, 2023, based on a joint motion by the Los Angeles
9 District Attorney and the Los Angeles Innocence Project, a California Superior Court
10 declared Hastings factually innocent.

11 2. Hastings never should have been prosecuted in the first place. The
12 Inglewood Police Department arrested true perpetrator Packnett for multiple car thefts
13 only two weeks after the carjacking/murder. Although Packnett was apparently
14 arrested with the murder weapon and some of Roberta's jewelry,¹ the Inglewood PD
15 never charged him with any crimes against the Wydermyers and released him from
16 custody. Packnett would go on to commit many further crimes, including horrific
17 sexual assaults.

18 3. Instead of pursuing Packnett, Defendants Inglewood PD Detectives
19 Grant Price and Russell Enyeart, and LADA Investigator George Clark focused on
20 Hastings. When true and reliable evidence failed to implicate Hastings—because he
21 was innocent—Defendants resorted to fabricating evidence, including eyewitness
22 identifications and reports.

23 4. The case against Hastings remained weak, and at a first capital trial, the
24 jury hung. However, based on the evidence Defendants fabricated and without the
25 benefit of exculpatory evidence, in 1988 Hastings was wrongly convicted at a second
26 capital trial. Hastings was sentenced to life in prison without parole.

27 5. Maurice Hastings—now exonerated and finally free at 70 years old—
28

¹ For clarity, the Wydermyers are referred to by first name.

1 brings this lawsuit to hold those who illegally caused his wrongful conviction
2 accountable.

3 **JURISDICTION AND VENUE**

4 6. This action is brought by Maurice Hastings pursuant to 42 U.S.C. §1983.

5 7. Jurisdiction is premised on 28 U.S.C. §§ 1331 and 1343(a)(1)–(a)(4).

6 8. Venue is proper in the United States District Court for the Central District
7 of California pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events,
8 injuries, and violations of rights alleged herein occurred within the City of Inglewood,
9 California, which is within this district and because the Defendants, or some of them,
10 reside within the jurisdictional boundaries of this Court.

11 **PARTIES**

12 9. Plaintiff **Maurice Hastings** lives in Redondo Beach, California and was
13 wrongfully incarcerated from his arrest in 1984 until his release in 2022.

14 10. At all relevant times, **Defendant Grant Price** was employed by the
15 Inglewood Police Department (“IPD”), acting under color of law and in his individual
16 capacity within the scope of employment pursuant to the statutes, ordinances,
17 regulations, policies, customs, and usage of City of Inglewood and the State of
18 California. Upon information and belief, he is entitled to indemnification under statute
19 and by contract. He is sued in his individual capacity.

20 11. At all relevant times, **Defendant Russell Enyeart** was employed by the
21 Inglewood Police Department, acting under color of law and in his individual capacity
22 within the scope of employment pursuant to the statutes, ordinances, regulations,
23 policies, customs, and usage of City of Inglewood and the State of California. Upon
24 information and belief, he is entitled to indemnification under statute and by contract.
25 He is sued in his individual capacity.

26 12. George Clark is deceased. At all relevant times, Defendant **George**
27 **Clark** was employed by the Los Angeles County District Attorney’s Office, acting
28 under color of law and in his individual capacity within the scope of employment

1 pursuant to the statutes, ordinances, regulations, policies, customs, and usage of Los
2 Angeles County and the State of California. Upon information and belief, he is entitled
3 to indemnification under statute and by contract. Upon information and belief, his
4 estate is also protected by insurance. He is sued in his individual capacity.

5 13. Upon information and belief, **Joann M. Clark**, is the successor in
6 interest to Defendant decedent George Clark.

7 **FACTS**

8 **A. Kenneth Packnett, a serial rapist, rapes and murders Roberta**
9 **Wydermyer.**

10 14. In the early morning hours of Sunday, June 19, 1983, Roberta
11 Wydermyer was abducted, raped, and then murdered by Kenneth Packnett—a serial
12 rapist and car thief.

13 15. After Packnett carjacked Roberta, who was driving her white Cadillac El
14 Dorado after an errand to the Boys Market at Crenshaw and Rodeo in Los Angeles,
15 he forced her to perform oral sex on him.

16 16. Packnett then forced Roberta into the trunk of her car and shot her in the
17 head with a Colt Python .357 caliber revolver, killing her.

18 17. Packnett stole jewelry from Roberta, including a gold “nugget” pendant.

19 18. Packnett discarded Roberta’s wallet, which in addition to cash and a
20 checkbook included a telephone calling card.

21 19. For the next nearly 24 hours, Packnett continued to use Roberta’s
22 Cadillac, with her dead body in the trunk, driving it around the area and at times
23 parking at a carport in Inglewood.

24 **B. Packnett shoots Roberta’s husband Billy in the head, then**
25 **repeatedly calls his home to harass him.**

26 20. When Roberta’s husband Billy Wydermyer woke up later that morning,
27 he realized his wife had never returned home after leaving the house to buy nasal spray
28 and cigarettes.

1 21. At about 9 a.m. that same morning, a man called the Wydermyer home
2 and claimed that he found Roberta’s wallet on the street. When Billy met him to
3 retrieve the wallet it included her checkbook but was missing \$300 cash, her telephone
4 calling card, her change purse and her phone book.

5 22. After learning the LAPD would not treat Roberta as missing until she had
6 been gone for 48 hours, Billy and his friend George Pinson drove to the area where
7 her wallet was found to try to find her.

8 23. As Billy and Pinson were driving in the Inglewood area, they saw
9 Kenneth Packnett driving Roberta’s Cadillac—with her personalized license plate,
10 MS RW 1—stopped at a traffic light. Packnett was wearing a blue baseball cap with
11 the letters “LAPD.”

12 24. Pinson pulled up beside the Cadillac and Billy asked Packnett (whom he
13 did not know or recognize) where his wife was. Packnett replied that she was “down
14 on 106th and Normandie,” smiled, and sped away.

15 25. Pinson and Billy followed Packnett until he abruptly stopped the Cadillac
16 in an alley behind an apartment building.

17 26. Still in the driver seat, Packnett turned around and fired three shots from
18 the same revolver he had used to shoot and kill Roberta. One shot blew out the rear
19 window of the Cadillac and another remained lodged in Pinson’s car. The third shot
20 struck Billy in the head.

21 27. Pinson drove Billy to a hospital for emergency treatment where Billy
22 underwent surgery and survived.

23 28. Packnett continued to drive around in the Cadillac and then parked at an
24 Inglewood apartment complex carport. Late that night he set the car on fire while
25 parked in the carport and abandoned it. Packnett left the carport on foot only ten-to-
26 fifteen minutes before police arrived.

27 29. Shortly thereafter—at about 2 a.m. on June 20—Packnett called the
28 Wydermyer home, identifying himself as “Fred,” and asking for Billy. (The

1 Wydermyer number was included in items in Roberta’s purse.) When he was told
2 Billy was not at home, Packnett warned that Billy had made a “big mistake” by
3 chasing him earlier that day.

4 30. The Wydermyer home continued to receive mysterious hang-up calls
5 over the next few days. The evening of June 21, 1983, Packnett called again from a
6 payphone for Billy, again falsely identifying himself as “Fred,” and asked if Billy was
7 still alive.

8 31. In addition, that same day, Packnett also called a Wydermyer family
9 friend with an unlisted phone number that was in Roberta’s address book and
10 referenced Roberta’s death. Packnett asked how Billy was doing, and said if he was
11 not dead, he would be in less than 3 months.

12 **C. Maurice Hastings is actually innocent.**

13 32. Maurice Hastings had nothing to do with the murder, carjacking,
14 abduction, or sexual assault of Roberta Wydermyer or the shooting of Billy
15 Wydermyer. He is completely innocent.

16 33. Maurice Hastings did not know Kenneth Packnett.

17 34. Maurice Hastings has always maintained his innocence of these crimes
18 and repeatedly sought DNA testing to prove his innocence, eventually with the
19 assistance of the Los Angeles Innocence Project. For decades the Los Angeles District
20 Attorney’s Office resisted these requests.

21 35. In 2022, DNA testing yielded a single-source profile as the source of
22 semen on the oral swab in the sexual assault kit collected from Roberta Wydermyer’s
23 body, from which Hastings was excluded. The single-source DNA profile was
24 uploaded to the Combined DNA Index System (CODIS), which identified convicted
25 sex offender Kenneth Packnett as the source.

26 36. Based on the exculpatory DNA results, the Los Angeles Innocence
27 Project, joined by the Los Angeles District Attorney, immediately moved to vacate
28 Hastings’s convictions and release him from custody. His convictions were vacated

1 and he was released on October 20, 2022.

2 37. In a follow-up investigation in 2022 and 2023, the LADA found that
3 Packnett had numerous prior arrests and convictions demonstrating a pattern of
4 criminal behavior matching the circumstances of Roberta's abduction and murder. In
5 particular, Packnett:

- 6 a. Had been convicted of abducting and orally and vaginally raping
7 a 16-year-old girl in January 1989, in which he had used a stolen
8 car, parked the car in a carport, and stolen several items from the
9 victim.
- 10 b. Had been convicted of kidnapping and using a shotgun to beat his
11 ex-girlfriend in October 1983, then locking her into a trunk of a
12 car while he drove around for several hours.
- 13 c. Had a long history of stealing cars, including by force, before and
14 after Roberta's carjacking and murder.
- 15 d. Had a history of possession of handguns, including a .357 Colt
16 Python revolver of the same type as used to kill Roberta he had
17 stolen the year before her murder, and a history of shooting at
18 people from his car.
- 19 e. Had a history of sexually and physically abusing his ex-girlfriend,
20 including forced oral copulation at gunpoint, and also of making
21 harassing phone calls to her.
- 22 f. In addition, the ex-girlfriend whom Packnett had terrorized
23 volunteered to the LADA that one night in June 1983, Packnett
24 drove her to the area of approximately 108th Street and Crenshaw
25 Boulevard in Inglewood and at gunpoint showed her a deceased
26 Black woman in the trunk of a car. She had never before disclosed
27 this because Packnett threatened to kill her and her family if she
28 ever told anyone.

38. Based on its full investigation, the LADA concluded that Maurice

1 Hastings is factually innocent and that Kenneth Packnett was the actual and sole
2 perpetrator of the crimes against Roberta Wydermyer.

3 39. The LADA and the Los Angeles Innocence Project jointly moved for a
4 declaration that Hastings is factually innocent. On March 1, 2023, the Los Angeles
5 Superior Court found Hastings factually innocent of the crimes for which he had spent
6 over 38 years wrongly imprisoned.

7 **D. The Inglewood Police Department investigates and fails to follow**
8 **up on obvious signs implicating Packnett.**

9 40. At around 1:15 a.m. on June 20, 1983—almost 24 hours after Roberta
10 was killed—an Inglewood PD officer noticed smoke emitting from an alley and found
11 her white Cadillac, parked in an apartment complex carport, engulfed in flames.
12 Roberta’s dead body was later discovered in the trunk.

13 41. Detectives Grant Price and Russell Enyeart of the Inglewood PD
14 Homicide Section soon arrived at the scene and led the investigation.

15 42. Within the first day of the investigation Price and Enyeart learned that
16 numerous witnesses had observed the perpetrator: in addition to Billy Wydermyer and
17 George Pinson, who had seen him driving Roberta’s car before he shot at them, several
18 witnesses had observed him in and around the carport where Roberta’s car was
19 discovered.

20 43. From these witnesses, Price and Enyeart had a relatively consistent
21 description of the perpetrator as a Black male, approximately 6’1” tall, slim, with a
22 mustache and afro. Billy had also noted that the perpetrator had “very white teeth.”

23 44. They also learned Roberta had been shot with .357 or .38 caliber bullets
24 and that the gun the perpetrator used to shoot at Billy and Pinson was likely a blue
25 steel .357 revolver.

26 45. The Inglewood Detectives also had other leads to follow, including the
27 harassing phone calls to the Wydermyer home, which continued, and at least one of
28 which had been traced to a payphone outside a liquor store in Los Angeles. However,

1 minimal progress was made in the investigation—at least in part because Price was
2 on vacation for much of the two-and-a-half weeks following the murder.

3 46. At exactly the same time the Inglewood Police Department was looking
4 for the perpetrator of Roberta Wydermyer’s carjacking and murder, the Inglewood
5 PD—including co-lead investigator Enyeart in particular—was investigating Packnett
6 for a series of car thefts.

7 47. On July 6, 1983, Enyeart received a call from an informant implicating
8 Packnett in a series of car thefts and relating that he had two stolen cars in his carport
9 in Inglewood.

10 48. The Inglewood PD quickly learned that Packnett was on parole and
11 wanted for a parole violation, and that he had been arrested on May 26, 1983, in
12 Compton for another car theft as well as carrying a concealed weapon.

13 49. Based on this information, several unmarked Inglewood PD units began
14 a 24-hour surveillance of Packnett at noon on July 6, 1983, at both the auto detail shop
15 in Los Angeles where he worked and his home in Inglewood. Recent photos of him
16 were also distributed to Inglewood PD metro officers.

17 50. After two days of surveillance, Inglewood PD officers arrested Packnett
18 the evening of July 7, 1983. As a 6’1” Black male with an afro, mustache and goatee,
19 he fit the general description of Roberta’s killer.

20 51. There was abundant additional evidence pointing to Packnett’s
21 involvement in Roberta’s carjacking and murder. Packnett was arrested with two gold
22 chains, a gold medallion, and a gold nugget—jewelry similar to the jewelry Roberta
23 was wearing the night she went missing—and a change purse (Roberta’s change purse
24 had been stolen and was not recovered with her wallet).

25 52. At the time of his arrest Packnett was also in possession of a Colt Python
26 .357 revolver blue steel with a six-inch barrel—the caliber and make used to kill
27 Roberta. The revolver—which had been stolen during an Inglewood car theft the year
28 before—was loaded with both .357 caliber and .38 caliber ammunition.

1 53. When Packnett was arrested, the vehicle he was driving was impounded.
2 The car had bullet holes in it—suggesting prior involvement in shootings from the car,
3 like the one between the perpetrator and Billy and Pinson.

4 54. Furthermore, the auto detail shop where Packnett worked was only one
5 mile from the Boys Market Roberta left her home to visit when she was abducted, and
6 only a little over a mile from the payphone outside the Montclair Liquor store where
7 the harassing call to the Wydermyer home had been traced. And Packnett’s home in
8 Inglewood was approximately 2 miles from where Billy and Pinson had encountered
9 the perpetrator driving Roberta’s car and where Roberta’s wallet and car were found.

10 55. Even though the Inglewood PD had Packnett in custody—apparently
11 with the murder weapon and some of Roberta’s jewelry—approximately 18 days after
12 Roberta’s murder, there is no indication in the file of any steps they took to investigate
13 Packnett’s involvement in Roberta’s murder.

14 56. Instead, shortly thereafter Packnett was released from custody.

15 **E. Detectives pursue Maurice Hastings despite obvious indications of**
16 **his innocence.**

17 57. After failing to make progress on the obvious leads pointing to Packnett,
18 in mid-July Price and Enyeart took the investigation in a different direction. On July
19 18 they received Roberta’s phone bill, which listed 20 telephone calls which had been
20 made using her telephone calling card beginning June 21, 1983. With follow-up
21 investigation they determined Maurice Hastings had used the calling card number.

22 58. However, there were immediate indications that Hastings was not the
23 perpetrator.

24 59. Billy had worked with a sketch artist to create a composite drawing of
25 the suspect on July 7. On July 15, Pinson viewed the composite sketch and generally
26 agreed it was a good likeness of the suspect. Apart from the fact that both men were
27 Black, that composite sketch did not resemble Maurice Hastings.

28 60. Hastings did not fit the description of the perpetrator in other ways. At

1 6’5” he was substantially taller than the consistent description of the suspect. Hastings
2 also had a front gold tooth with a diamond in it—a prominent feature which no one
3 had described, and which conflicted with the earlier description of the perpetrator as
4 having “very white teeth.”

5 61. As Price and Enyeart knew, Roberta’s wallet—which had contained the
6 telephone calling card—had been reported found on the street the morning after her
7 abduction, meaning any contents easily could have been removed by someone with
8 no connection to Roberta’s murder.

9 62. They also learned Hastings had told a friend that he had received the
10 calling card number from a friend. At that time, it was a common practice for people
11 to exchange and use telephone calling card numbers without the card. (Hastings had,
12 in fact, received the calling card number from an acquaintance over the telephone—
13 he never touched the physical card, let alone any other of Roberta’s belongings, and
14 did not know the source of the calling card number at the time.)

15 63. Price created a photo array with Hastings’s photo which he showed to
16 Billy and Pinson on August 10, 1983. Both correctly did not identify Hastings as the
17 perpetrator they had seen.

18 64. Eight fingerprints had been lifted from Roberta’s wallet, only one of
19 which belonged to Roberta. Price had Hastings’s fingerprints compared to those lifted
20 from Roberta’s wallet; on August 11, 1983, Price learned Hastings had been excluded
21 as the source of those prints.

22 65. Around this time Price was informed by a deputy district attorney that
23 there was insufficient evidence against Hastings to charge him.

24 66. Although Hastings had been in the Los Angeles area visiting family in
25 June 1983, he had traveled back to Pittsburgh, PA, where he was living, at the end of
26 June. In late August 1983, Price traveled to Pittsburgh for five days to investigate
27 Hastings, including searching his apartment twice and interviewing numerous people
28 who knew him. Consistent with Hastings’s innocence, Price developed no additional

1 evidence implicating him. The investigation largely stalled for the next year.

2 **F. Inglewood receives more evidence pointing to Packnett, but again**
3 **continues to focus on innocent Hastings.**

4 67. On August 25, 1983, Packnett was arrested again by the Inglewood PD
5 for car theft—this time for stealing the car of his ex-girlfriend. That case was being
6 prosecuted by the City Attorney of Inglewood, with a court date set in October 1983.

7 68. On October 6, 1983, Packnett committed a brutal assault and abduction
8 with a striking parallel to the murder of Roberta Wydermyer. Apparently upset with
9 his ex-girlfriend for reporting the car theft to the police, he beat her viciously with a
10 shotgun. Packnett forced her into the trunk of his car, then drove around with her in
11 the trunk. Eventually the victim was released.

12 69. Packnett was arrested on October 7, 1983, and charged with kidnapping,
13 assault with a deadly weapon, and intimidating a witness. The victim reported to the
14 police that Packnett had told her his actions were in retaliation for the car theft case
15 proceeding in Inglewood.

16 70. Over the next year, this case for abducting a woman, assaulting her, and
17 forcing her into his trunk was being prosecuted by the Los Angeles District Attorney's
18 Office at the same time Packnett's related car theft case was being prosecuted by the
19 City Attorney of Inglewood. The deputy district attorney who was prosecuting
20 Packnett for the kidnapping case communicated with the City of Attorney of
21 Inglewood so they could coordinate on these interrelated prosecutions. As a result, the
22 Inglewood City Attorney was aware of Packnett's violent crime with striking
23 similarities to the Roberta Wydermyer assault and murder.

24 71. Ultimately, on a plea of no contest Packnett was convicted of kidnapping
25 on September 14, 1984. He was sentenced to 7 years.

26 72. The City Attorney of Inglewood then dropped the prosecution of the car
27 theft.

28 //

1 **G. Defendants arrest the innocent Hastings but have no evidence to**
2 **charge him.**

3 73. Later, knowing the police were investigating his use of the telephone
4 calling card number, Hastings took his mother's advice that because he had done
5 nothing wrong he should come back to Los Angeles to get the matter straightened out.
6 He returned to the area and was staying with his mother.

7 74. On October 2, 1984, learning that Hastings was in the Los Angeles area,
8 Price and other Inglewood Detectives did a stake out and arrested Hastings on the
9 street, as he was walking with his two-year-old nephew. They searched his mother's
10 apartment; consistent with Hastings's innocence, they found no evidence implicating
11 him.

12 75. Price then sought to interrogate Hastings, but knowing he was being
13 accused in connection to a murder, Hastings asked for an attorney and terminated the
14 interview.

15 76. Although Price now had Hastings in custody, he had no more evidence
16 to support charges against him for the murder than he had the prior year—when a
17 deputy district attorney had informed him there was insufficient evidence to charge
18 him.

19 **H. Defendants use improper suggestion to obtain false identifications**
20 **of Hastings.**

21 77. Determined to build a case against the innocent Hastings, and even
22 though Billy and Pinson had described the suspect as looking different than Hastings,
23 had created a composite sketch of the perpetrator that did not look like Hastings, and
24 had earlier viewed a photo array including Hastings's photo and did *not* identify him,
25 Price created a second photo array including Hastings's photo to show to Billy and
26 Pinson.

27 78. On October 3, 1984, Price showed the photo array first to Billy and then
28 to Pinson. Both identification procedures were conducted without any witnesses.

1 Neither procedure was taped.

2 79. Price subsequently reported that, without any suggestion, both men
3 positively identified Hastings from a fair, unsuggestive photo array.

4 80. This report was false. Hastings did not resemble Packnett, whom Billy
5 and Pinson had observed driving Roberta's car and shooting at them. Both men had
6 previously given descriptions that did not match Hastings, had created a composite
7 that did not look like Hastings, and had viewed Hastings's photo in an array and not
8 identified him. Billy and Pinson would not have misidentified the same innocent man,
9 who did not look like the individual they saw but whom Price wrongly suspected,
10 without suggestion from Price.

11 81. Because Hastings was in custody, Price could have arranged for an in-
12 person lineup, either after or instead of the photo array. However, an in-person lineup
13 is observed by the district attorney and the suspect's defense attorney. Price never
14 requested an in-person lineup.

15 82. Based on Price's false representation about the positive identifications,
16 the district attorneys approved charges against Hastings.

17 **I. Defendants fabricate evidence that witnesses had observed the**
18 **perpetrator with a gold tooth.**

19 83. After his arrest, the evidence against Hastings remained weak. One
20 particular problem with the primary evidence against him—the reported positive
21 identifications from Billy and Pinson—was that Hastings had a prominent gold tooth;
22 not only had no witness ever described the perpetrator as having a gold tooth, but Billy
23 had specifically described the perpetrator's "very white teeth."

24 84. There was a reason no witness had described the perpetrator as having a
25 gold tooth: Packnett, whom the witnesses observed committing the crime, did *not* have
26 a gold tooth.

27 85. On June 4, 1985, Price reinterviewed Linda Toler, one of the witnesses
28 who had observed Packnett around the area of the carport where he had parked

1 Roberta's car.

2 86. Price reported that during this interview, Toler happened to volunteer for
3 the first time that the suspect she had seen nearly 2 years earlier had a gold tooth in
4 his upper right row of teeth.

5 87. This report was false. Toler did not volunteer this false information that
6 just happened to match the innocent suspect Price had arrested.

7 **J. Defendants fabricate evidence to falsely suggest witnesses had**
8 **observed Hastings with the murder weapon.**

9 88. Even with this fabricated evidence, the case against Hastings continued
10 to be weak. In particular, no physical or forensic evidence linked the innocent Hastings
11 to the crime. Not only was there no evidence linking Hastings to the murder weapon,
12 but there was also no evidence he had ever possessed a gun of that caliber and make.

13 89. Searching for any evidence that could inculcate the innocent Hastings,
14 in the summer of 1985 LADA Investigator George Clark went on a cross-country
15 odyssey, stopping to investigate in the cities where Hastings had made phone calls
16 during his bus trip back to Pittsburgh—without success.

17 90. Clark also spent time in Pittsburgh, interviewing acquaintances of
18 Hastings who had been interviewed as part of this investigation two years earlier,
19 including Tammy Fulmore.

20 91. Clark claimed Fulmore volunteered that Hastings had a blue steel
21 revolver with a large barrel. This report was false. Hastings did not have such a gun,
22 and Fulmore would not have volunteered this false information that just happened to
23 describe the murder weapon.

24 **K. Defendants bury exculpatory test results on physical evidence**
25 **collected at autopsy.**

26 92. The Office of the Chief Medical Examiner of the City of Los Angeles
27 conducted an autopsy of Roberta Wydermyer on June 21, 1983. In addition to the
28 sexual assault kit, fingernail clippings, pubic hair combings, head hairs, and hairs

1 found on her body were collected at autopsy and packaged.

2 93. The Los Angeles Sheriff's Department Criminalistics Laboratory
3 examined the reference samples collected at autopsy and excluded Hastings as the
4 source of the pubic hair evidence taken from her body. Although further forensic
5 analysis was not provided, the report suggested that the hairs may have come from
6 Roberta.

7 94. The report was sent to Price and Enyeart, but Price withheld it from the
8 prosecutor and defense. Price maintained a separate forensic file in the homicide
9 division that he never shared with the prosecutor's office. It was not until the LADA
10 investigated Hastings's claims of innocence approximately 35 years later that the
11 separate forensics file containing the exculpatory report on the hair comparison was
12 discovered by anyone outside the Inglewood Police Department.

13 **L. After a first trial ends in a hung jury, Hastings is wrongly convicted.**

14 95. Hastings was first tried in 1986 in the Los Angeles Superior Court. The
15 prosecution sought the death penalty. The trial prosecutor would later be repeatedly
16 called out for unconstitutional racial discrimination against Black murder defendants
17 and have at least two murder convictions overturned by the California Supreme Court.

18 96. After eight days of deliberation, a mistrial was declared when the jury
19 deadlocked and declared it was unable to reach a unanimous verdict.

20 97. Hastings was tried a second time beginning in April 1988. The
21 prosecution—led by the same trial prosecutor—again sought the death penalty.

22 98. The evidence at the second trial mirrored that at the first.

23 99. No physical or forensic evidence linked Hastings to the crime.

24 100. The prosecution relied primarily on the fabricated identifications from
25 Billy Wydermyer and George Pinson to argue that Hastings was the man who killed
26 Roberta and who shot at them from her car.

27 101. The prosecution also relied on the fabricated description of the
28 perpetrator having a gold tooth and the fabricated evidence suggesting Hastings had

1 possessed a gun like the murder weapon.

2 102. The prosecution also presented evidence that Hastings had used
3 Roberta's calling card number.

4 103. Hastings presented an alibi defense that beginning on the morning of
5 Saturday, June 18, 1983, and continuing through the evening of Sunday, June 19,
6 1983, he was with friends, miles away from where the crime occurred.

7 104. Specifically, Hastings put on evidence including photographs and
8 testimony from witnesses that on the night of the murder he attended a birthday party
9 held by a friend, Zach Jenkins.

10 105. Hastings also put on evidence that he had received the calling card
11 number through a third party.

12 106. Hastings argued that he was innocent, and a third party was responsible
13 for Roberta's murder. But Hastings's defense was hampered without the evidence in
14 Inglewood's possession demonstrating that the true perpetrator was Kenneth Jerome
15 Packnett.

16 107. On July 7, 1988, the second jury wrongly convicted Hastings of capital
17 murder and robbery, as well as attempted murder and assault with a firearm of George
18 Pinson and Billy Wydermyer. The jury declined to impose the death penalty. Hastings
19 was sentenced to life in prison without parole.

20 **DAMAGES**

21 108. Maurice Hastings lost more than 38 years of his life incarcerated for a
22 crime he did not commit.

23 109. As a direct result of Defendants' intentional, bad faith, willful, wanton,
24 reckless, or deliberately indifferent acts and omissions, Hastings sustained injuries and
25 damages, which continue to date and will continue into the future, including: loss of
26 freedom for more than 38 years; physical pain and suffering; severe mental anguish;
27 emotional distress; loss of family relationships; severe psychological damage; loss of
28 property; legal expenses; loss of income and career opportunities; humiliation,

1 indignities, and embarrassment; degradation; permanent loss of natural psychological
2 development; and restrictions on all forms of personal freedom including but not
3 limited to diet, sleep, personal contact, educational opportunity, vocational
4 opportunity, athletic opportunity, personal fulfillment, sexual activity, family
5 relations, reading, television, movies, travel, enjoyment, and expression, for which he
6 is entitled to monetary relief.

7 110. Additionally, the emotional pain and suffering caused by losing those
8 years has been substantial. During his incarceration, Hastings was stripped of the
9 various pleasures of basic human experience, from the simplest to the most important,
10 which all free people enjoy as a matter of right.

11 **Count I: 42 U.S.C. § 1983 Deprivation of Liberty Without Due Process of Law**
12 **and Denial of a Fair Trial**

13 *Against All Defendants*

14 111. Plaintiff realleges all the foregoing and any subsequent paragraphs
15 contained in the complaint, as if fully set forth herein.

16 112. Defendants fabricated false evidence of Hastings's guilt, thereby
17 violating his right to a fair trial and causing him to be deprived of his liberty without
18 due process of law. Defendants caused this false evidence to be used against Hastings
19 in his prosecution and at trial.

20 113. The false evidence asserted herein is comprised of material omissions as
21 well as affirmatively false and misleading statements in police reports, documents,
22 and testimony prepared or given in connection with the investigation of the murder of
23 Roberta Wydermyer.

24 114. Defendants' misconduct did not cease with Mr. Hastings's conviction but
25 continued through his exoneration, thereby prolonging his wrongful incarceration.

26 115. Defendants also obtained false and fabricated eyewitness identifications
27 through suggestion, coercion, or other improper means.

28 116. Defendants also deprived Hastings of his right to a fair trial by

1 withholding material exculpatory and impeachment evidence from prosecutors and
2 the defense in violation of the Constitution and *Brady v. Maryland*, 373 U.S. 83 (1963)
3 and its progeny.

4 117. The criminal case against Plaintiff was weak, and the only evidence
5 against him was the false evidence fabricated by Defendants. Had the exculpatory
6 evidence been disclosed, it would have cast doubt on the only evidence presented as
7 to Hastings's guilt, would have been used at trial to impeach Defendants and other
8 witnesses, and would have demonstrated the invalidity of Defendants' entire
9 investigation. Defendants' actions, individually and cumulatively, played a direct and
10 decisive role in the jury's guilty verdict and were highly prejudicial to Hastings's
11 defenses. In consequence, without the false evidence that Defendants fabricated, or
12 had the exculpatory evidence been disclosed, Hastings's trial would most likely have
13 had a different result.

14 118. The foregoing acts and omissions were deliberate, reckless, wanton,
15 cruel, motivated by evil motive or intent, done in bad faith, or involved callous
16 indifference to Hastings's federally protected constitutional rights. These acts were
17 perpetrated while Defendants were acting in their capacities as employees or agents
18 of the City of Inglewood or County of Los Angeles and under color of state law. No
19 reasonable officer would have believed this conduct was lawful in 1983 through 1988.

20 119. As a direct and proximate result of Defendants' actions, Hastings was
21 wrongly arrested, detained, and charged with murder; prosecuted, convicted, and
22 sentenced to life in prison without parole; incarcerated for more than 38 years; and
23 suffered the other grievous injuries and damages set forth above.

24 **Count II: 42 U.S.C. § 1983 Malicious Prosecution in Violation of the Fourth and**
25 **Fourteenth Amendments**

26 *Against All Defendants*

27 120. Plaintiff realleges all the foregoing and any subsequent paragraphs
28 contained in the complaint, as if fully set forth herein.

1 121. Defendants caused criminal proceedings to be brought against Hastings
2 without probable cause and without any reasonable belief in guilt. Hastings is
3 completely innocent of the Wydermyer murder.

4 122. Defendants caused the baseless criminal proceedings to continue against
5 Hastings in violation of his constitutional rights.

6 123. No reasonable officer in 1983 through 1988 would have believed that
7 fabricated evidence provided probable cause to arrest, and no reasonable officer in
8 1983 through 1988 would have believed that an arrest without probable cause was
9 justified.

10 124. Defendants continued the prosecution against Hastings on the basis of
11 false and fabricated inculpatory evidence and suppressed material exculpatory
12 evidence, thereby subjecting him to an ongoing seizure in violation of the Fourth and
13 Fourteenth Amendments.

14 125. The criminal proceedings against Hastings were initiated with malice.
15 Defendants caused the charges against him to be filed—and caused them to be
16 continued—by knowingly providing the prosecution misinformation, concealing
17 exculpatory evidence, and otherwise engaging in wrongful and bad faith conduct that
18 caused the initiation of the legal proceedings against Hastings when they knew there
19 was no probable cause.

20 126. Defendants initiated the action against Hastings for the purpose of
21 denying his constitutional rights, including his right to be free from unreasonable
22 searches and seizures and his right not to be deprived of liberty without due process
23 of law.

24 127. As a direct and proximate result of Defendants' actions, Hastings was
25 wrongly arrested, detained, and charged with murder; prosecuted, convicted, and
26 sentenced to life in prison without parole; incarcerated for more than 38 years; and
27 suffered the other grievous injuries and damages set forth above.

28 128. The criminal proceedings against Hastings terminated in his favor. The
Los Angeles Innocence Project, together with the LADA, moved for a declaration that

1 Hastings is factually innocent. On March 1, 2023, the Los Angeles Superior Court
2 found Hastings factually innocent of the crimes for which he had spent over 38 years
3 wrongly imprisoned.

4 **Count III: 42 U.S.C. § 1983 Civil Rights Conspiracy**

5 *Against All Defendants*

6 129. Plaintiff realleges all the foregoing and any subsequent paragraphs
7 contained in the complaint, as if fully set forth herein.

8 130. Defendants Grant, Enyeart, and Clark agreed among themselves, and with
9 others, to act in concert to deprive Hastings of his clearly established constitutional
10 rights as protected by the Fourth and Fourteenth Amendments, including his right not
11 to be deprived of liberty without due process of law and to be free from illegal seizure.

12 131. As described in detail above, in furtherance of the conspiracy, Defendants
13 Grant, Enyeart, and Clark, and others, engaged in and facilitated numerous overt acts
14 in furtherance of the conspiracy.

15 132. No reasonable officer in 1983 through 1988 would have believed this
16 conduct was lawful. As a direct and proximate result of Defendants' actions Hastings
17 was wrongly arrested, detained, and charged with murder; prosecuted, convicted, and
18 sentenced to life in prison without parole; incarcerated for more than 38 years; and
19 suffered the other grievous injuries and damages set forth above.

20 **Count IV: 42 U.S.C. § 1983 Failure to Intervene**

21 *Against All Defendants*

22 133. Plaintiff realleges all the foregoing and any subsequent paragraphs
23 contained in the complaint, as if fully set forth herein.

24 134. By their conduct and under color of state law, Defendants, acting within
25 the scope of their employment, had opportunities to intervene on behalf of Hastings
26 to prevent his malicious prosecution and deprivation of liberty without due process of
27 law, but with deliberate indifference, declined to do so. No reasonable officer in 1983
28 through 1988 would have believed this conduct was lawful.

1 135. These Defendants' failures to intervene violated Hastings's clearly
2 established constitutional right not to be deprived of liberty without due process of
3 law as guaranteed by the Fourth and Fourteenth Amendments. No reasonable officer
4 or investigator in 1983 through 1988 would have believed that failing to intervene to
5 prevent Defendants from fabricating inculpatory evidence, concealing and
6 withholding exculpatory evidence, or causing Hastings to be arrested and prosecuted
7 without probable cause, were lawful.

8 136. These Defendants' acts and omissions, as described in the preceding
9 paragraphs, were the direct and proximate cause of Hastings's injuries. Defendants
10 knew, or should have known, that their conduct would result in Hastings's wrongful
11 arrest, prosecution, conviction, and incarceration.

12 137. As a direct and proximate result of Defendants' failure to intervene,
13 Hastings was wrongly arrested, detained, and charged with murder; prosecuted,
14 convicted, and sentenced to life in prison without parole; incarcerated for more than
15 38 years, and suffered the other grievous injuries and damages set forth above.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Maurice Hastings demands judgment jointly and severally
18 against Defendants as follows:

- 19 A. that the Court award compensatory damages to him and against the
20 Defendants, jointly and severally, in an amount to be determined at trial
21 but that exceeds the jurisdictional limits of all lower courts that would
22 otherwise have jurisdiction over this action;
- 23 B. that the Court award punitive damages to him, and against all individual
24 Defendants, in an amount to be determined at trial, that will deter such
25 conduct by Defendants in the future;
- 26 C. for a trial by jury;
- 27 D. for pre-judgment and post-judgment interest and recovery of his costs,
28 including reasonable attorneys' fees pursuant to 42 U.S.C. § 1988 for all

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42 U.S.C. § 1983 claims; and

E. for any and all other relief to which he may be entitled.

DEMAND FOR JURY TRIAL

Pursuant to the Seventh Amendment of the United States Constitution, Mr. Hastings requests a jury trial on all issues and claims set forth in this Complaint.

Respectfully submitted,

Dated: November 15, 2023

/s/ Nick Brustin
NICK BRUSTIN
EMMA FREUDENBERGER
CHRISTINA MATTHIAS
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