

UNITED STATES DISTRICT COURT  
for the  
Southern District of Florida  
West Palm Beach Division

Cindy Falco - Di Corrado

Plaintiff(s)

v.

Carlos Penagos

Defendant(s)

Civil Action No. 26-CV-80073

Sluzky  
145P  
09/31

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Carlos Penagos  
c/o Delray Beach Police Department  
300 W. Atlantic Avenue  
Delray Beach, FL 33444

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

To:

Cindy Falco - Di Corrado  
316 N.W. 1st Avenue  
Boynton Beach, Florida 33435

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date:

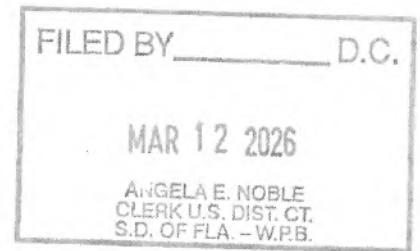
5/19/2026



[Handwritten Signature]

Signature of Clerk or Deputy Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**



Cindy Falco Di Corrado,  
Plaintiff,

v.

City of Delray Beach, et al.,  
Defendants.

Case No:26-CV-80073

**“SECOND AMENDED CIVIL RIGHTS COMPLAINT”**

**I. JURISDICTION AND VENUE**

This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and 42 U.S.C. §1983, because the matters in controversy arise under the Constitution and laws of the United States.

This action arises from violations of Plaintiff’s rights under the First, Fourth and Fourteenth Amendments to the United States Constitution.

Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) because the events giving rise to this action occurred in Palm Beach County, Florida, within the jurisdiction of the United States District Court for the Southern District of Florida.

**II. INTRODUCTION**

This civil rights action arises from the unlawful assault, excessive force, and false arrest of Plaintiff Cindy Falco Di Corrado on April 6, 2025, in a parking garage located at 180 N.W. 1st Street in Delray Beach, Florida.

Plaintiff is a senior citizen who was arrested without probable cause by officers acting under color of state law, including Officer Carlos Penagos, Officer Roxanne Robertson,

Officer Theodore Williams, Officer Jasmine Spooner, Anthony Perez, John Doe and Daniela Quinn

Despite posing no threat and committing no crime, Plaintiff was surrounded by officers carrying loaded firearms and subjected to unnecessary and excessive force. Multiple officers failed to intervene to stop the assault and participated in the unlawful detention of Plaintiff.

As a result of Defendants' actions, Plaintiff suffered physical injury, emotional distress, humiliation, and violations of her constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution.

### III. PARTIES

#### 1. Plaintiff – Cindy Falco- Di Corrado

Plaintiff Cindy Falco-Di Corrado is a resident of Palm Beach County, Florida

#### **Delray Beach Defendants**

#### 2. Defendant Carlos Penagos (Badge #1190)

Defendant Carlos Penagos was an **off-duty police officer employed by the Delray Beach Police Department** who acted under color of state law during the events described in this complaint.

#### 3. Defendant Roxanne Robertson (Badge #0976)

Defendant Roxanne Robertson was, at all relevant times, a police officer employed by the Delray Beach Police Department acting under color of state law.

#### 4. Defendant – Theodore Williams (Badge #1188)

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Defendant Theodore Williams was, at all relevant times, a police officer employed by the Delray Beach Police Department acting under color of state law.

**5. Defendant - Jasmine Spooner (Badge #1078)**

Defendant Spooner was, at all relevant times, a police officer employed by the Delray Beach Police Department acting under color of state law.

**6. Defendant - Anthony Perez (Badge #1117)**

Defendant Perez was, at all relevant times, a police officer employed by the Delray Beach Police Department acting under color of state law.

**7. Defendant Daniela Quinn (Badge #933)**

Daniela Quinn was, at all relevant times, a police officer employed by the Delray Beach Police Department acting under color of state law.

**8. Defendant John Doe Officer 1**

Defendant John Doe Officer was, at all relevant times, a law enforcement officer whose identity is currently unknown to Plaintiff This officer was present during the events described herein and was observed recording the incident.

**9. Defendant City of Delray Beach**

Defendant City of Delray Beach is a municipal corporation organized under the laws of State of Florida and is responsible for the policies, training, supervision, and conduct of the Delray Beach Police Department and its officer.

Plaintiff reserves the right to amend this complaint to add additional defendants whose identities may become known through discovery.

The following factual allegations are based upon Plaintiff's personal knowledge and the information presently available. Plaintiff reserves the right to amend or supplement these allegations as additional information becomes available through discovery.

**10. Defendant Nila (last name presently unknown)**

Was at all relevant times employed as a clerk for the City Delray Beach Police Department. Nila refused to accept or sign for service of Plaintiff's rebuttal to the Internal Affairs report concerning the incident described in this complaint

**11. Defendant Katherine**

At all relevant times employed as a clerk within for the City of Delray Beach Police Department. Katherine refused to accept or sign for service of Plaintiff's rebuttal to the Internal Affairs report concerning the incident described in this complaint.

**12. Defendant Russ Mager (former Chief of Police)**

At all relevant times employed as the Chief of Police for the City of Delray Beach Police Department. As Chief of Police, he was responsible for the supervision, training, policies, and conduct of officers employed by the department. Defendant Russ Mager is sued in his individual and official capacities.

**13. Defendant Lt. Casey Kelly (Internal Affairs Officer)**

Was at all relevant times the Internal Affairs Section Commander for the Delray Beach Police Department. In that capacity, Defendant Kelly was responsible for supervising and reviewing investigations into officer misconduct, including complaints regarding use of force by department officers. Defendant Kelly acted under color of state law in the course and scope of employment.

**14. Defendant Stephanie Baker**

Was at all relevant times employed with the Internal Affairs Division of the Delray Beach Police Department and participated in the investigation of Plaintiff's complaint regarding officer conduct.

**15. Defendant Darrell Hunter (New Chief of Police)**

Was at all relevant times the Chief of Police for the City of Delray Beach Police Department. Defendant Hunter was responsible for the supervision, training, discipline and policies governing officers of the department. Defendant Hunter acted under color of state law in the course and cope of employment

**Palm Beach County Jail/Sheriff's Office Defendants**

**16. Defendant Officer Helga Santana**

Was at all relevant times employed as correctional officer at the Palm Beach County Jail, acting under color of state law

**17. Defendant Jane Doe Nurse**

Was at all relevant times a nurse employed at the Palm Beach County Jail responsible for medical intake and evaluation of detainees. Defendant Jane Doe Nurse acted under color of state law in the course and scope of employment. Plaintiff does not presently know the identity of this nurse and the name will be submitted when discovered.

**18. Defendant Jane/John Doe 1**

A correctional officer employed at the Palm Beach County Jail, participated in the removal of Plaintiff's clothing while Plaintiff was in custody. The true identity of this defendant is presently unknown.

**19. Defendant Jane/John Doe 2**

A correctional officer employed at the Palm Beach County Jail, participated in the removal of Plaintiff's clothing while Plaintiff was in custody. The true identity of this defendant is presently unknown.

**20. Defendant Jane/John Doe 3**

A correctional officer employed at the Palm Beach County Jail, participated in the removal of Plaintiff's clothing while Plaintiff was in custody. The true identity of this defendant is presently unknown.

**21. Defendant Jane/John Doe 4**

A correctional officer employed at the Palm Beach County Jail, participated in the removal of Plaintiff's clothing while Plaintiff was in custody. The true identity of this defendant is presently unknown.

**22. Defendant Jane/John Doe 5**

A correctional officer employed at the Palm Beach County Jail, participated in the removal of Plaintiff's clothing while Plaintiff was in custody. The true identity of this defendant is presently unknown.

**23. Defendant Ric Bradshaw**

Was at all relevant times the elected Sheriff of Palm Beach County, Florida and the head of the Palm Beach County Sheriff's Office. In that capacity, Defendant Bradshaw was responsible for the supervision, training, policies, and the practices governing deputies and correctional personnel operating within the Palm Beach County Jail. Defendant Bradshaw acted under color of state law in the course and scope of his employment.

**IV. FACTUAL ALLEGATIONS**

**A. Events at the Delray Beach Parking Garage and Arrest**

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## SUMMARY OF EVENTS

1. On April 6, 2025, Plaintiff was present in a parking garage in Delray Beach, Florida when she attempted to address what she believed to be a parking attendant regarding a parking matter.
2. The individual was later identified as Defendant Carlos Penagos, a Delray Beach police officer. Plaintiff did not know he was a police officer at the time of the interaction.
3. The encounter quickly escalated when Defendant Penagos aggressively confronted Plaintiff and prevented her from completing her statement.
4. Multiple Delray Beach police officers arrived on the scene, including Defendants Robertson, Williams, Spooner, Perez, and John Doe. Rather than de-escalate the situation, the officers collectively escalated the encounter.
5. During the incident, Plaintiff was subjected to excessive force, including being forced ~~on~~ the ground and restrained. Plaintiff suffered injuries to her body, including bruising and pain.
6. Plaintiff's husband, Luciano Di Corrado, was also confronted by officer Penagos and was pushed during the encounter while another officer recorded the incident and failed to intervene.
7. Plaintiff was then transported to the police substation by Defendant Williams while handcuffed and without being secured by a seatbelt, placing Plaintiff at risk of injury.
8. At the substation and during the booking process, Plaintiff was subjected to additional searches and processing by officers " " , Defendant Quinn.
9. Plaintiff was later transported to the Palm Beach County jail facility where jail personnel, including Deputy Helga Santana and medical staff, failed to properly document or treat Plaintiff's injuries.
10. Plaintiff subsequently attempted to report the misconduct and provide evidence, including photographs of her injuries. However, administrative staff and Internal Affairs personnel failed to properly address or investigate the incident despite being provided with evidence.
11. The actions of the officers and officials involved resulted in violations of Plaintiff's constitutional rights, including unlawful detention, excessive force, unreasonable searches, and failure to intervene.

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## DEFENDANTS

1. City of Delray Beach, Florida is a municipal entity organized under the laws of the State of Florida and is responsible for the policies, training, supervision, and conduct of the Delray Beach Police Department and its officers.
2. Carlos Penagos, at all times relevant, was a police officer employed by the Delray Beach Police Department and was acting under color of law within the scope of his employment.
3. Roxanne Robertson, at all times relevant, was a police officer employed by the Delray Beach Police Department and was acting under color of law within the scope of her employment.
4. Theodore Williams, at all times relevant, was a police officer employed by the Delray Beach Police Department and was acting under color of law within the scope of his employment.
5. Jasmine Spooner, at all times relevant, was a police officer employed by the Delray Beach Police Department and was acting under color of law within the scope of her employment.
6. Anthony Perez, at all times relevant, was a police officer employed by the Delray Beach Police Department and was acting under color of law within the scope of his employment.
7. Daniela Quinn, at all times relevant, was a police officer employed by the Delray Beach Police Department and was acting under color of law within the scope of her employment.
8. John Doe Officer, whose identity is currently unknown, was a police officer present during the incident who recorded the encounter and failed to intervene to prevent the use of force against Luciano Di Corrado.
9. Helga Santana (Badge #32396), at all times relevant, was a deputy assigned to the Palm Beach County jail facility and was responsible for the custody and care of detainees.
10. Unknown Jail Nurse (Jane Doe) was a medical staff member responsible for evaluating detainees and documenting injuries while Plaintiff was in custody.
11. Nila, at all times relevant, was a front desk clerk at the Delray Beach Police Department responsible for receiving public records, complaints, and documentation.

12. Katherine, at all times relevant, was a records administrator for the Delray Beach Police Department responsible for receiving and processing official documentation.
13. Russ Mager, at all times relevant, served as Chief of Police for the City of Delray Beach and was responsible for training, supervising, and establishing policies governing police conduct.
14. Darrell Hunter, the current Chief of Police for the City of Delray Beach, is responsible for oversight, supervision, and accountability within the department.
15. Casey Kelly, a Lieutenant and Internal Affairs Commander with the Delray Beach Police Department, was responsible for reviewing and investigating complaints of officer misconduct.
16. Stephanie Baker, an Internal Affairs officer with the Delray Beach Police Department, participated in the review of Plaintiff's complaint.
17. Ric Bradshaw, Sheriff of Palm Beach County, is responsible for the supervision, training, policies, and operation of the Palm Beach County Sheriff's Office and jail facilities.

On April 6, 2025, Plaintiff Cindy Falco Di Corrado and her husband, Luciano Di Corrado, traveled to downtown Delray Beach, Florida to attend a local art show and enjoy the day together. The couple entered the parking garage located at 180 N.W. 1st Street in Delray Beach. **At no time during this encounter had Plaintiff committed any crime or posed a threat to the officers or to any other person.**

Upon entering the garage, Plaintiff and her husband paid the required five-dollar parking fee at the entrance. A young male who appeared to be collecting the parking payments was moving between vehicles at the entrance. While Luciano Di Corrado was placing his credit card back into his wallet, another vehicle suddenly cut in front of them and proceeded through the entrance without paying the required fee. This caused traffic to stop inside the garage which caused a backup behind Plaintiff's vehicle because vehicles could not pass through the entrance, and Plaintiff's vehicle was also unable to proceed forward.

The young male collecting the parking payments continued moving to the vehicles behind Plaintiff's car to collect their payments while the driver of the vehicle that had cut in front remained stopped near the entrance. The parking attendant did not go to that vehicle who cut in front of Plaintiff to collect the required Five-dollar payment because the driver was speaking with a man seated nearby. At that time, Plaintiff believed the man seated near the entrance was simply a parking attendant.

Traffic remained stopped for several minutes while this conversation continued and the vehicle that had cut in front did not move aside. In an effort to alert the attendant that traffic was building behind the stopped vehicle, Plaintiff briefly tapped the horn once.

Shortly thereafter, traffic began moving again and Plaintiff and her husband proceeded forward and parked their vehicle inside the garage.

After parking, Plaintiff exited the vehicle and began walking toward the exit of the parking garage. As Plaintiff passed the area near the entrance, she attempted to address the individual she believed to be the parking attendant in order to suggest that vehicles who had not paid could be asked to pull aside so that traffic could continue moving.

Plaintiff began to say the words "young man," but before she could finish speaking, the individual suddenly stepped directly into Plaintiff's personal space and began yelling aggressively in Plaintiff's face. Plaintiff was simply attempting to offer a helpful suggestion when the encounter escalated.

At that time Plaintiff had committed no crime, posed no threat to anyone, and was simply attempting to leave the parking garage after parking the vehicle.

Immediately after the man seated near the entrance began yelling in Plaintiff's face "get out of my face", suddenly a woman approached from across the parking area and started yelling "get out of his face."

Both individuals created an intimidating and chaotic situation. Plaintiff, a senior woman, became extremely frightened and overwhelmed by the sudden aggressive confrontation.

As a result of the intense shouting and intimidation, Plaintiff experienced extreme fear and lost bladder control.

The man, later identified as **Defendant Officer Carlos Penagos**, then physically attacked Plaintiff despite the fact that Plaintiff had committed no crime and posed no threat to anyone.

The man then grabbed Plaintiff's water bottle that Plaintiff was holding. He forcibly twisted Plaintiff's left arm behind her back. At that time Plaintiff still believed the man was a parking attendant. Believing she was being attacked, Plaintiff called out for her husband, Luciano Di Corrado, for help.

The man was later identified as **Officer Carlos Penagos**.

When Plaintiff called out for help, her husband, Luciano Di Corrado, came around the corner and saw what was happening. At that time Luciano also believed the man confronting Plaintiff was simply a parking attendant. Luciano attempted to calmly de-escalate the situation and stated words to the effect that he would simply take his wife, that they would forget about the incident, and that they would leave and go to the art show.

Robertson initially stated words to the effect of "Let her go to her husband." Plaintiff began walking toward her husband.

However, the man who had been confronting Plaintiff grabbed her again and stated that she was "not going anywhere" and that she was "going to jail."

Instead of calming the situation, the man began pushing Luciano. Luciano told the man that if he did not stop pushing him he would call the police. At that point the woman later identified as Defendant **Officer Roxanne Robertson** stated words to the effect of, "We are the police." Immediately thereafter, it looked like the same young male who had been collecting the parking payments at the entrance handed the man a police vest.

This was the first moment Plaintiff understood that the individual confronting her was a police officer.

Plaintiff ended up on the ground during the confrontation. Plaintiff is uncertain whether she was pushed down or whether she sat down out of fear during the chaotic encounter.

While Plaintiff was on the ground, the man, later identified as Carlos Penagos, had put on the police vest that had just been handed to him. Officer Penagos then placed his full body weight on top of Plaintiff while she was on the pavement. The combined weight of Officer Penagos and the Police vest caused additional pressure on Plaintiff's body while she was restrained and unable to protect herself.

Immediately thereafter, Defendant Carlos Penagos instructed Robertson to take Plaintiff's husband away from her. Robertson moved Luciano Di Corrado away from Plaintiff and placed him in handcuffs. Luciano was not told that he was under arrest at that time. During this process Robertson pulled her husband Luciano Di Corrado, causing him to fall to the ground and injure his wrist.

After Plaintiff had been restrained on the pavement, another officer later identified as Theodore Williams approached the scene.

While Plaintiff remained on the pavement, **Defendants Carlos Penagos and Theodore Williams** dragged Plaintiff across the ground. Plaintiff experienced significant pain during this action and was unable to brace herself. Plaintiff later developed black- and -blue bruising and injuries to her elbows and knees, including visible marks and a lasting scar, consistent with being dragged. Plaintiff possesses photographs documenting this injury.

At that time, Plaintiff informed Officer Williams that she had involuntarily lost bladder control earlier during the encounter and that her clothing had been soiled, as she would be required to sit in that condition. Officer Williams mocked Plaintiff for this and made

statements to the effect of “you pee peed in your pants.” Plaintiff was further humiliated when officer Williams also mocked her after learning that she was a minister.

At some point during the incident, while Plaintiff was still outside near the patrol vehicle, an older female bystander who appeared to have witnessed the events spoke out during the incident, stating words to the effect of, “What are you doing to these people? They did nothing wrong; I saw the whole thing.” Officer Roxanne Robertson then approached the woman, moved directly into her personal space, and yelled words to the effect that if she did not step back, she would be arrested as well. Plaintiff cannot state with certainty whether the statemen occurred immediately before or after she was placed into the patrol car.

Officer Williams and Penagos then shoved Plaintiff into the patrol vehicle. Plaintiff was still handcuffed at the time in a position in a manner that caused her to sit on her hand, which was extremely uncomfortable and painful. Luciano Di Corrado witnessed Plaintiff being put into the vehicle.

Shortly thereafter, Officer Williams removed Plaintiff from the vehicle so that Luciano Di Corrado could be placed inside. When Plaintiff was removed from the vehicle in the parking garage area, another officer later identified as Jasmine Spooner conducted a pat-down search of Plaintiff. During this search Spooner shook and handled Plaintiff’s body and touched Plaintiff in multiple areas while performing the search in public view.

Officer Jasmine Spooner conducted a pat-down search of Plaintiff in the open parking garage area in view of numerous members of the public. During this search Officer Spooner and another officer pulled Plaintiff’s pockets outward and continued touching Plaintiff’s body. Plaintiff protested and stated words to the effect of “quit fondling me.” This statement is captured on the video recording of the incident over her body.

Plaintiff found the search extremely humiliating and degrading, particularly because she had committed no crime and posed no threat.

While still at the parking garage where the incident occurred, Defendant **Theodore Williams** confiscated a cellular phone that was in Plaintiff’s possession. The phone was used by Plaintiff but was registered in the name of Plaintiff’s husband, Luciano Di Corrado. Plaintiff did not consent to the seizure or search of the phone, and no warrant was presented. When Plaintiff objected and stated that the phone was not his to keep,

Defendant Williams responded in substance that the phone was no longer Plaintiff's and that it now belonged to the Police because they had possession of it. Rather than returning the phone to Plaintiff's husband, who was present at the location Defendant Williams retained possession of the device.

## **B. Events at the Delray Beach Police Substation**

Officer Theodore Williams then transported Plaintiff from the parking garage to the Police substation. During this transport, Plaintiff remained handcuffed and was not secured with a seatbelt, which placed Plaintiff at risk of harm.

Upon arrival at the police substation, Plaintiff was subjected to another search after being transported from the scene to a police substation in the City of Delray Beach.

Plaintiff had visible injuries including bruising and abrasions to Plaintiff's right arm, elbows and knees. Plaintiff showed these injuries to Defendant **Daniela Quinn**, including skin that had been scraped off Plaintiff's elbows. Despite observing these injuries, no medical assistance was provided, and the injuries were not treated.

After Plaintiff showed injuries, **Defendant Daniela Quinn** placed Plaintiff into a holding cell at the substation. From inside the cell, Plaintiff could see through the glass window into the processing area.

While Plaintiff was inside the holding cell, **Defendant Quinn** continued asking Plaintiff to provide her name. Plaintiff informed Defendant Quinn that she was Cindy Falco. Plaintiff provided her maiden name because Plaintiff did not want officers to harm or target Plaintiff's husband, Luciano Di Corrado, who had already been present during the earlier incident and was handcuffed and harmed.

From inside the holding cell, Plaintiff observed **Defendant Carlos Penagos** holding the cellular phone that had been taken from Plaintiff and attempting to access or unlock the device. During this time, Defendant Penagos appeared agitated and nervous repeatedly scratching his head and biting his fingernails while conferring with other officers regarding what charges to place on Plaintiff.

During this time Defendant Penagos stated in substance that if Plaintiff provided her husband's phone number, he could call him so that he could come pick plaintiff up. Plaintiff declined to provide her husband's phone number because Plaintiff did not trust Defendant Penagos after observing his conduct during the incident and arrest.

**Defendant Penagos** then asked Plaintiff if she had a friend who could come pick her up. Plaintiff declined to provide any phone numbers. Plaintiff did not feel safe providing contact information for others after the earlier encounter during the arrest.

Plaintiff **later learned** from Luciano Di Corrado that he was never placed into a patrol vehicle. After Plaintiff was driven away from the scene, Roxanne Roberston removed the handcuffs and released him. Neither Plaintiff nor Luciano Di Corrado was advised of Miranda rights during the events described in this section.

Plaintiff had committed no crime, posed no threat to anyone, and was attempting to leave the parking garage after lawfully paying the parking fee and parking the vehicle.

### **C. Detention at the Palm Beach County Jail**

**Upon arrival at the Palm Beach County Jail**, Defendant **Carlos Penagos**, escorted Plaintiff toward the intake area. Plaintiff stated to Defendant Penagos, "You are taking me to the men's jail. I am a woman." Defendant Penagos responded in substance that he would take Plaintiff wherever he wanted and then pushed Plaintiff forward while Plaintiff remained in custody.

Carlos Penagos escorted Plaintiff into the intake processing area of the men's facility. While inside the intake area, Plaintiff informed the officers that she would provide her full legal name once Defendant Penagos left the area. Plaintiff had already provided her maiden name and explained that she did not want her husband, Luciano Di Corrado, to be unnecessarily harmed.

Plaintiff was placed into a cell which Plaintiff later learned was a male suicidal observation cell, despite Plaintiff being a female detainee and having received no mental health evaluation. Despite Plaintiff not expressing suicidal ideation and without a Medical Doctors evaluation.

The cell contained no chair or furnishings, forcing Plaintiff to sit on the cold cement floor.

While Plaintiff was inside the cell, **approximately four to five unidentified correctional officers ("John/Jane Doe Officers 1-5)** suddenly entered the area without warning. Without explanation, the officers began removing Plaintiff's clothing. Multiple officers placed their hands on Plaintiff and removed Plaintiff's clothing until Plaintiff was left naked. After removing Plaintiff's clothing, the officers placed a jail-issued jumpsuit on Plaintiff.

Defendant Deputy Santana stated that she would have the nurse come to examine Plaintiff's visible bruises including black-and-blue mark on Plaintiff's arm. Shortly thereafter, an **unidentified nurse** arrived but remained outside the cell doorway. The nurse briefly looked toward the Plaintiff but did not enter the cell, perform an examination, or document Plaintiff's injuries.

Shortly thereafter, **Defendant Deputy Santana** approached Plaintiff and states "You don't want to stay in here - look at all the cockroaches." Plaintiff looked around the cell and observed there were none. Defendant Deputy Santana insisted that there were cockroaches present. Plaintiff responded that she did not see any. Plaintiff then stated that she was of sound mind. Defendant Santana replied, "Who told you that?" Plaintiff responded, "Who told you that I wasn't?"

Plaintiff remained in custody for several hours before being processed and was not provided with access to a telephone during this time.

The Palm Beach County Jail is operated by the Palm Beach County Sheriff's Office. Defendant **Ric Bradshaw**, as the elected Sheriff of Palm Beach County, was responsible for the policies, training, supervision, and conduct of deputies and correctional personnel working within the Palm Beach County Jail.

#### **Internal Affairs Complaint and Attempted Rebuttal-Delray Beach Police Department**

Plaintiff filed a complaint with the Delray Beach Police Department regarding the conduct of the officers involved in the incident. The complaint was reviewed through the department's Internal Affairs process.

**Defendant Stephanie Baker**, assigned to the Internal Affairs Division of the Delray Beach Police Department, participated in the handling and review of Plaintiff's complaint.

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**Defendant Lieutenant Casey Kelly**, the Internal Affairs Section Commander, later issued written notice to Plaintiff stating that the allegations against the officers had been reviewed by the department's chain of command and that the officers were largely exonerated or that the allegations were deemed unfounded.

After Plaintiff submitted a complaint regarding incident, Plaintiff prepared a written rebuttal to the Internal Affairs report. Plaintiff attempted to deliver this rebuttal to the Delray Beach Police Department. **Defendant Katherine**, a clerk at the department, refused to receive or sign for the document.

Later, Plaintiff's husband returned to the police department in an attempt to deliver the same rebuttal. **Defendant Nila**, another clerk at the department, accepted the document but refused to sign the certificate of receipt that Plaintiff had prepared to document service.

The actions taken against Plaintiff were unreasonable, excessive, and unnecessary under the circumstances.

## **CONSTITUTIONAL VIOLATIONS COMMITTED BY CITY OF DELRAY BEACH – MUNICIPAL LIABILITY (42 U.S.C. S 1983)**

### **Against Defendant**

- City of Delray Beach

Plaintiff realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

At all relevant times, Defendants were employees or agents of the City of Delray Beach acting within the scope of their employment and under color of state law. The actions described herein were carried out pursuant to the customs, practices, policies, or lack of proper training and supervision of the City of Delray Beach.

The City of Delray Beach knew or should have known that its officers would come into contact with members of the public and that the failure to properly train and supervise

officers regarding the use of force, arrests, and the treatment of individuals during detention would likely result in violations of constitutional rights.

As a direct and proximate result of these policies, customs, or failures in training and supervision, Plaintiff's constitutional rights were violated.

Plaintiff suffered injuries and damages as a result of these violations.

As a direct and proximate result of ~~these~~ these unconstitutional policies, customs and failures in training and supervision by the City of Delray Beach, Plaintiff clearly established rights under the Fourth, First and Fourteenth Amendments to the United States Constitution were violated, causing Plaintiff to suffer injuries, damages and deprivation of liberty.

## **Constitutional Violation<sup>s</sup> Committed by Each Defendant**

Each Defendant was acting under color of law and had taken an oath to support and defend the Constitution of the United States. The following actions constitute violations of Plaintiff's constitutional rights.

### **DEFENDANT: OFFICER CARLOS PENAGOS**

Violations committed under color of law:

1. First Amendment – Interference with Freedom of Speech (42 U.S.C. §1983)  
Prevented Plaintiff from speaking while she was addressing him regarding parking.
2. Fourth Amendment – Excessive Force (42 U.S.C. §1983)  
Used unreasonable and disproportionate physical force against Plaintiff by twisting her arm, forcing her on the pavement, and pressing his body weight onto her.
3. Fourth Amendment – Unlawful Seizure / False Arrest (42 U.S.C. §1983)  
Detained and arrested Plaintiff without probable cause.
4. Fourth Amendment – Unreasonable Use of Force Against a Non-Threatening Individual  
Used aggressive force against a non-violent elderly woman who posed no threat.
5. Abuse of Authority Under Color of Law (42 U.S.C. §1983)  
Misused his official position as a police officer to intimidate and physically restrain Plaintiff without lawful justification.
6. Failure to De-escalate / Unreasonable Escalation of Encounter  
Escalated a verbal interaction into a physical confrontation.
7. State Law Assault and Battery

### **DEFENDANT: OFFICER ROXANNE ROBERTSON**

Violations committed under color of law:

1. Fourth Amendment – Unlawful Seizure / False Arrest (42 U.S.C. §1983)  
Participated in and carried out the arrest of Plaintiff without lawful probable cause.
2. Failure to Intervene (42 U.S.C. §1983)  
Observed the excessive force used against Plaintiff and failed to intervene to stop the unlawful conduct despite having the opportunity and duty to do so.

3. Abuse of Authority Under Color of Law (42 U.S.C. §1983)  
Misused her authority as a police officer to escalate the encounter and participate in the unlawful arrest of Plaintiff.
4. Failure to De-escalate the Encounter  
Screamed aggressively at Plaintiff and failed to take reasonable steps to calm or control the situation.
5. Fourth Amendment – Unlawful Seizure of Luciano Di Corrado (42 U.S.C. §1983)  
Arrested Luciano Di Corrado during the encounter, causing him to fall to the ground and hurt his wrist

**DEFENDANT: OFFICER THEODORE WILLIAMS**

Violations committed under color of law:

1. Fourth Amendment – Excessive Force (42 U.S.C. §1983)  
Defendant Theodore Williams used unreasonable and excessive physical force against Plaintiff by grabbing Plaintiff's arm with sufficient force to leave a visible thumbprint bruise.
2. Fourth Amendment – Unlawful Seizure / False Arrest (42 U.S.C. §1983)  
Defendant Williams participated in the detention and arrest of Plaintiff without lawful probable cause.
3. Failure to Intervene (42 U.S.C. §1983)  
Defendant Williams failed to intervene or stop the excessive force and unlawful conduct occurring during the encounter despite having the opportunity and duty to do so.
4. Abuse of Authority Under Color of Law (42 U.S.C. §1983)  
Defendant Williams misused his authority as a police officer to intimidate and unlawfully detain Plaintiff.
5. Failure to De-escalate the Encounter  
Defendant Williams failed to take reasonable steps to calm or control the situation and instead mocked Plaintiff during the incident.
6. Unreasonable Use of Force Against a Non-Threatening Elderly Individual  
Defendant Williams used force against Plaintiff despite Plaintiff posing no threat and being an elderly woman.
7. Fourth Amendment – Reckless Endangerment During Custodial Transport (42 U.S.C. §1983)  
Defendant Williams transported Plaintiff while she was handcuffed and failed to secure Plaintiff with a seatbelt while driving her to the substation, placing Plaintiff at unnecessary risk of injury and harm. Plaintiff, being restrained and unable to protect herself, was placed in a vulnerable and dangerous position.

8. State Law Assault and Battery

The physical conduct of Defendant Williams constituted assault and battery and caused physical injury and emotional distress to Plaintiff.

**DEFENDANT: OFFICER JASMINE SPOONER**

Violations committed under color of law:

1. Fourth Amendment – Unreasonable Search (42 U.S.C. §1983)  
Defendant Jasmine Spooner conducted an intrusive pat-down search of Plaintiff in a public driveway without lawful justification. During the search Defendant Spooner repeatedly pulled and tugged on Plaintiff's bra while patting Plaintiff down, causing Plaintiff's breasts to shake in a humiliating manner.
2. Fourth Amendment – Unlawful Search of Person (42 U.S.C. §1983)  
Defendant Spooner pulled Plaintiff's pockets completely out during the search even though Plaintiff possessed no contraband and there was no reasonable basis to believe Plaintiff had any weapons or illegal items.
3. Intrusive Search Conducted in Public View  
Defendant Spooner performed the pat-down search in a public area where other people could observe the search, causing unnecessary humiliation and distress to Plaintiff.
4. Failure to De-escalate the Encounter  
Defendant Spooner failed to take reasonable steps to calm or control the situation and instead participated in the continued escalation of the encounter.
5. State Law Battery / Offensive Touching  
The manner in which Defendant Spooner handled Plaintiff's body during the search constituted unwanted and offensive physical contact.

**DEFENDANT: OFFICER ANTHONY PEREZ**

Violations committed under color of law:

1. Failure to Intervene (42 U.S.C. §1983)  
Defendant Anthony Perez was present during the incident and failed to intervene to stop the unlawful conduct and excessive force being used against Plaintiff despite having the opportunity and duty to do so.

2. Failure to De-escalate the Encounter  
Defendant Perez failed to take reasonable steps to calm or control the situation and did nothing to prevent the escalation of the encounter.
3. Abuse of Authority Under Color of Law (42 U.S.C. §1983)  
By remaining present and allowing the unlawful detention and mistreatment of Plaintiff to occur, Defendant Perez misused his authority as a police officer.

**DEFENDANT: JOHN DOE OFFICER (UNKNOWN DELRAY BEACH POLICE OFFICER)**

Violations committed under color of law:

1. Failure to Intervene (42 U.S.C. §1983)  
Defendant John Doe was present during the incident and observed Defendant Carlos Penagos push Luciano Di Corrado. Despite witnessing the use of force, Defendant John Doe failed to intervene or take any action to stop the conduct.
2. Failure to Protect Against Excessive Force (42 U.S.C. §1983)  
Defendant John Doe observed the physical force being used against Luciano Di Corrado and did nothing to prevent or stop the conduct.
3. Abuse of Authority Under Color of Law (42 U.S.C. §1983)  
Rather than intervening to prevent harm, Defendant John Doe recorded the incident while allowing the conduct to continue.
4. Failure to De-escalate the Encounter  
Defendant John Doe took no action to calm the situation or prevent further escalation.

**DEFENDANT: OFFICER DANIELA QUINN**

Violations committed under color of law:

1. Fourth Amendment – Unlawful Seizure / False Arrest (42 U.S.C. §1983)  
Defendant Daniela Quinn participated in the continued detention and processing of Plaintiff following the unlawful arrest despite the absence of probable cause.
2. Fourth Amendment – Unreasonable Search (42 U.S.C. §1983)  
Defendant Quinn conducted a pat-down search of Plaintiff at the police substation despite the lack of any contraband or lawful justification for an additional search.

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3. Failure to Intervene (42 U.S.C. §1983)  
Defendant Quinn had the opportunity to question or stop the unlawful detention and charges being made against Plaintiff but failed to intervene.
4. Abuse of Authority Under Color of Law (42 U.S.C. §1983)  
Defendant Quinn used her authority as a police officer to participate in the continued unlawful detention and processing of Plaintiff.
5. Participation in the Continuation of False Charges  
Defendant Quinn participated in the processing and preparation of charges against Plaintiff despite the absence of evidence supporting the accusations.

**DEFENDANT: Russ Mager (Former Chief of Police)**

Violations committed under color of law:

1. Supervisory Liability Under 42 U.S.C. §1983  
Defendant Russ Mager, as Chief of Police for the City of Delray Beach at the time of the incident, was responsible for the supervision, policies, and training of the officers involved.
2. Failure to Train and Supervise Officers  
Defendant Mager failed to properly train and supervise officers regarding constitutional limits on the use of force, lawful detention, searches, and the duty to intervene.
3. Custom or Practice Allowing Constitutional Violations  
The actions of the officers involved reflect a pattern or tolerance within the police department of excessive force, unlawful detention, intrusive searches, and failure to intervene.

**DEFENDANT: Darrell Hunter (Current Chief of Police)**

Violations committed under color of law:

1. Supervisory Liability Under 42 U.S.C. §1983  
Defendant Darrell Hunter, as Chief of Police, had responsibility to review and correct unconstitutional conduct within the department.
2. Failure to Correct or Address Misconduct  
Defendant Hunter failed to ensure proper review and accountability for the actions of the officers involved in the incident.

**DEFENDANT: Casey Kelly (Internal Affairs Commander)**

Violations committed under color of law:

1. Failure to Properly Investigate Constitutional Violations  
Defendant Casey Kelly reviewed Plaintiff's complaint and evidence, including photographs of injuries, yet concluded that no excessive force occurred.
2. Failure to Hold Officers Accountable  
Defendant Kelly failed to take appropriate action despite being provided with evidence supporting Plaintiff's claims.

**DEFENDANT: Stephanie Baker**

Violations committed under color of law:

1. Failure to Properly Investigate Misconduct  
Defendant Stephanie Baker participated in the Internal Affairs process and failed to adequately investigate the misconduct alleged by Plaintiff.
2. Failure to Address Evidence of Excessive Force  
Defendant Baker received or had access to evidence of Plaintiff's injuries yet failed to ensure proper accountability.

**DEFENDANT: Ric L. Bradshaw**

Violations committed under color of law:

1. Supervisory Liability Under 42 U.S.C. §1983  
Defendant Ric Bradshaw, as Sheriff of Palm Beach County, is responsible for the operation, policies, training, and supervision of the Palm Beach County Sheriff's Office and the county jail facility where Plaintiff was detained.
2. Failure to Train and Supervise Employees  
Defendant Bradshaw failed to ensure that deputies, jail personnel, and medical

staff were properly trained regarding detainee rights, constitutional protections, and the duty to provide proper care and documentation of injuries.

3. **Failure to Ensure Proper Medical Evaluation of Detainees**

Plaintiff was held in custody with visible injuries and did not receive proper medical documentation or treatment. The failure of jail staff and medical personnel to evaluate and document Plaintiff's injuries reflects inadequate supervision and training.

4. **Policies or Customs Allowing Constitutional Violations**

The conduct of jail personnel demonstrates a failure of policy, supervision, or enforcement that allowed Plaintiff's constitutional rights to be disregarded while she was in custody.

**Defendant: Helga Santana**

Violations committed under color of law:

1. **Fourteenth Amendment – Due Process Violation**

By placing Plaintiff in a suicidal observation cell without any mental health evaluation and subjecting Plaintiff to unsafe and degrading detention conditions.

2. **Fourteenth Amendment – Unlawful Conditions of Confinement**

By participating in the detention of Plaintiff under circumstances that caused fear, distress, and deprivation of basic procedural protections while Plaintiff was in custody.

**Defendant: Jane Doe Nurse (Palm Beach County Jail)**

Violations committed under color of law:

1. **Fourteenth Amendment – Deliberate Indifference to Serious Medical Needs**

Defendant Jane Doe Nurse failed to properly examine, document, or treat Plaintiff's visible injuries despite being aware that Plaintiff had suffered bruising and physical trauma while in custody.

2. **Fourteenth Amendment – Deprivation of Due Process**

By failing to provide necessary medical evaluation or care while Plaintiff was detained at the Palm Beach County Jail.

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**Defendants: John/Jane Doe Correctional Officers 1-5**

Violations committed under color of law:

1. Fourteenth Amendment – Unlawful Conditions of Confinement  
By entering Plaintiff's cell without warning and forcibly removing Plaintiff's clothing.
2. Fourteenth Amendment – Degrading and Unlawful Treatment of a Detainee  
By subjecting Plaintiff to humiliating and unnecessary physical handling while Plaintiff was detained.

**Defendant: Katherine (Delray Beach Police Department Clerk)**

Violations committed under color of law:

1. First Amendment – Interference with the Right to Petition the Government  
By refusing to accept or sign acknowledgment of Plaintiff's rebuttal to the Internal Affairs report, thereby interfering with Plaintiff's attempt to submit a formal response regarding the misconduct of officers.

**Defendant: Nila (Delray Beach Police Department Clerk)**

Violations committed under color of law:

1. First Amendment – Interference with the Right to Petition the Government  
By refusing to sign acknowledgment of receipt of Plaintiff's rebuttal to the Internal Affairs report, obstructing Plaintiff's effort to document submission of her response.

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## **Additional Financial Harm**

Following Plaintiff's detention, Plaintiff later received a billing notice in the amount of \$58.00 related to the Palm Beach County jail facility. The billing statement was issued by Palm Beach County Sheriff's Office c/o Advent Financial Systems P.O. Box 6333 Elizabethtown, Kentucky zip code 42702-6333 despite the detention occurring in Palm Beach County, Florida.

As a result of Plaintiff's unlawful detention and processing through the jail facility, Plaintiff incurred unexpected financial charges associated with the booking and detention process.

## **CLAIMS FOR RELIEF**

### **DAMAGES**

As a direct and proximate result of Defendants' actions described herein, Plaintiff suffered damages including, but not limited to:

- Physical injury, including injuries to her elbows and knees and a permanent scar on her knee
- Emotional distress and mental anguish
- Humiliation and embarrassment
- Medical expenses and related costs
- Loss of enjoyment of life
- Loss of liberty
- Pain and suffering
- Other damages to be proven at trial

Plaintiff seeks compensatory damages, punitive damages, and any additional relief the Court deems just and proper.

### **JURY DEMAND**

Plaintiff demands trial by jury on all issues so triable.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter judgement in favor of Plaintiff and against Defendants, and award the following relief:

- A. Compensatory damages in an amount to be determined at trial.

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- B. Punitive damages as permitted by law.
- C. Costs of this action; and
- D. Any other relief the Court deems just and proper.

March 12, 2026

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*Cindy Falco Di Corrado*

UCC 1-308

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