

VIRGINIA:

IN THE CIRCUIT COURT FOR CULPEPER COUNTY

GARY D. COOK, Administrator of the
Estate of PATRICIA A. COOK, Deceased,

Plaintiff,

v.

Civil Action No.: 2012-L-428

DANIEL W. HARMON-WRIGHT
(a/k/a Daniel W. Sullivan),

Defendant.

COMPLAINT

COMES NOW the Plaintiff, Gary D. Cook, Administrator of the Estate of Patricia A. Cook, Deceased, by counsel, and for his cause of action against the Defendant Daniel W. Harmon-Wright (a/k/a Daniel W. Sullivan), states as follows:

1. This wrongful death action arises out of an incident that occurred on February 9, 2012, when Defendant Harmon-Wright, a Culpeper police officer, shot Patricia A. Cook in the head and upper body. Defendant Harmon-Wright approached Patricia A. Cook as she was parked in her Jeep Wrangler in the parking lot of a school annex on North East Street in the Town of Culpeper. When Mrs. Cook began driving slowly away, Defendant Harmon-Wright fired at her from beside her driver's side door and continued to fire at her as she tried to depart, shooting her several times. Mrs. Cook was unarmed and died at the scene of the shooting.

Orig
Filed In Culpeper County
Circuit Court Clerk's
Office 5/11, 20 12
Deputy
_____, Clerk

Parties and Venue

2. Plaintiff Gary D. Cook was married to Patricia A. Cook at the time of her death and was appointed Administrator of the Estate of Patricia A. Cook on February 22, 2012. A copy of the Certificate/Letter of Qualification is attached hereto as Exhibit A.

3. At all times relevant hereto, Defendant Harmon-Wright was employed by the Culpeper Police Department as a police officer and was acting in his capacity as an officer of the Culpeper Police Department. Plaintiff sues Defendant Harmon-Wright in his individual capacity.

4. Defendant Harmon-Wright shot Patricia A. Cook on North East Avenue in the Town of Culpeper, Virginia.

5. This Court has venue and jurisdiction over this action pursuant to § 8.01-262 and 328.1 of the Code of Virginia (1950, as amended).

Factual Allegations

6. On February 9, 2012, at about 10:00 a.m., Patricia A. Cook, age 54, was sitting in her Jeep Wrangler in the parking lot of the Epiphany Catholic School annex located on North East Street in the Town of Culpeper.

7. As she sat parked in her Jeep, Defendant Harmon-Wright approached Mrs. Cook in his police vehicle.

8. Responding to a report of a "suspicious person" in the school annex parking lot, Defendant Harmon-Wright went to that location. The flashing lights on Defendant Harmon-Wright's police vehicle were not activated when he approached Mrs. Cook in his police cruiser or on foot.

9. Defendant Harmon-Wright approached Mrs. Cook and spoke to her in an aggressive and demanding manner.
10. Mrs. Cook had not committed any criminal act, she was not engaged in any criminal activity, she was plainly visible to Defendant Harmon-Wright, she was unarmed and posed no physical threat to Defendant.
11. The windows on her Jeep Wrangler were manually operated.
12. Mrs. Cook began rolling up her car window as Defendant Harmon-Wright spoke to her in a loud, argumentative, aggressive and demanding manner.
13. Defendant Harmon-Wright threatened to shoot Mrs. Cook if she did not stop rolling up her car window and do as he demanded.
14. Defendant Harmon-Wright threatened Mrs. Cook with his gun in an attempt to coerce her into complying with his demands.
15. At all times relevant hereto, Defendant Harmon-Wright did not have probable cause to arrest Mrs. Cook nor did he have a reasonable suspicion that a crime had been committed or that a crime was about to be committed by her. As a result, Defendant Harmon-Wright had no basis to detain Mrs. Cook for questioning or to demand that she remain there and do as he said.
16. When Mrs. Cook attempted to drive away from Defendant Harmon-Wright, she did not use her vehicle as a weapon and did not try to strike or otherwise injure Defendant Harmon-Wright.
17. Defendant Harmon-Wright had one hand on the door of Mrs. Cook's Jeep and the other on his gun when she began driving away.

18. When Defendant Harmon-Wright drew his gun and fired, Mrs. Cook was not endangering his life or his person, nor was she endangering or threatening the life and safety of any other person.

19. Contrary to what has been claimed and reported, Defendant Harmon-Wright did not have his hand or arm trapped inside the car window of Mrs. Cook's Jeep at any time during this incident. Had he reached into Mrs. Cook's Jeep, Defendant would have violated his training and basic police procedure. In addition, Defendant Harmon-Wright was not dragged by Mrs. Cook's vehicle. Defendant Harmon-Wright suffered no injuries as a result of Mrs. Cook's actions.

20. When Mrs. Cook began driving away from Defendant Harmon-Wright, he shot her at close range and continued firing at her as she attempted to depart.

21. As a citizen of the United States and a resident of the Commonwealth of Virginia, Mrs. Cook acted lawfully and within her rights when and if she declined to speak or respond to Defendant Harmon-Wright, when and if she rolled up her car window and when she attempted to drive away.

22. When Defendant Harmon-Wright attempted to bully and coerce Mrs. Cook into complying with his commands by raising his voice and threatening to shoot her, she was lawfully entitled to refuse to comply with his commands and she was lawfully entitled to depart unharmed and unhindered under the circumstances then and there existing.

23. Defendant Harmon-Wright shot Mrs. Cook multiple times in the head and upper body, causing her to crash into a telephone pole on North East Street.

24. Mrs. Cook was pronounced dead at the scene of the shooting.

25. In Virginia, a police officer has no right to inflict serious bodily harm on a person who is simply fleeing arrest for a misdemeanor, much less a person who has committed no crime and who is simply exercising her right to decline to speak with a police officer.

26. Defendant Harmon-Wright violated his training and failed to follow the customs, policies and procedures of the Culpeper Police Department and the laws of the Commonwealth of Virginia regarding the use of deadly force by a uniformed law enforcement officer.

27. As a direct and proximate result of this deliberate and cruel use of excessive force by Defendant Harmon-Wright, Mrs. Cook suffered gunshot wounds causing her death and causing the damages described below.

COUNT ONE
CLAIM FOR NEGLIGENCE

28. The allegations of Paragraphs 1 - 27 are incorporated herein.

29. At all times relevant hereto, Defendant Harmon-Wright had a duty to use reasonable care toward Mrs. Cook.

30. Defendant Harmon-Wright breached this duty of care during the events described above and was therefore negligent.

31. Defendant Harmon-Wright's conduct showed such indifference to others, including Mrs. Cook, that it constituted an utter disregard of caution amounting to a complete neglect of the safety of another person. Defendant Harmon-Wright acted with such indifference that his conduct constituted gross negligence.

32. As a direct and proximate result of Defendant Harmon-Wright's negligent and grossly negligent breach of the standard of care, Defendant Harmon-Wright caused Patricia Cook's death and the damages suffered by Plaintiff and the statutory beneficiaries of Mrs. Cook.

**COUNT TWO - IN THE ALTERNATIVE
CLAIM FOR BATTERY**

33. The allegations in Paragraphs 1 - 32 are incorporated herein.

34. In the alternative, Defendant Harmon-Wright, without just cause or provocation, committed multiple counts of battery upon Mrs. Cook by shooting her multiple times without just cause or excuse, using excessive force.

35. As a direct and proximate result of Defendant Harmon-Wright's battery upon Mrs. Cook, Defendant Harmon-Wright caused Mrs. Cook's death and the damages described below.

DAMAGES

36. As a direct and proximate cause of Defendant Harmon-Wright's conduct as described above, Mrs. Cook was mortally wounded and died on February 9, 2012.

37. Mrs. Cook died intestate survived by the following statutory beneficiaries: her husband and Plaintiff herein, Gary D. Cook, and her mother; each of whom has suffered, as a direct and proximate result of Defendant Harmon-Wright's unlawful conduct, severe mental anguish, sorrow, and loss of the solace, society, companionship, comfort, guidance and advice of Mrs. Cook, as well as the loss of her company, counsel, and love; and the said beneficiaries have further suffered the loss of the services, protection, care, and assistance provided by Mrs. Cook; and finally, Plaintiff has suffered her funeral expenses.

38. Plaintiff seeks all damages to which he and the statutory beneficiaries of Mrs. Cook are entitled pursuant to Virginia's Wrongful Death Act, Va. Code § 8.01-50, et seq.

39. Defendant Harmon-Wright's actions constituted willful and wanton misconduct, and accordingly, Plaintiff requests punitive damages in the amount of \$350,000.00 against the Defendant in order to deter any such violent conduct in the future and to set an example in this community against such behavior; \$350,000 being the maximum amount currently allowable by law in the Commonwealth of Virginia for punitive damages.

WHEREFORE, Plaintiff Gary D. Cook, Administrator of the Estate of Patricia A. Cook, by counsel, demands judgment against Defendant Daniel W. Harmon-Wright in the amount of FIVE MILLION DOLLARS (\$5,000,000.00) as compensatory damages and THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) as punitive damages, together with Plaintiff's costs incurred herein and interest from February 9, 2012.

TRIAL BY JURY IS DEMANDED.

GARY D. COOK, Administrator of the
Estate of PATRICIA A. COOK, Deceased
By Counsel



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CERTIFICATE/LETTER OF QUALIFICATION
COMMONWEALTH OF VIRGINIA
VA. CODE §§ 6.2-893, 6.2-1171, 6.2-1365, 6.2-1367, 37.2-1011, 64.1-122, 64.1-128

Court File No. 12000053

Culpeper County Circuit Court

I, the duly qualified clerk/deputy clerk of this Court, **CERTIFY** that on February 22, 2012

DATE

Gary D. Cook
NAME(S) OF PERSON(S) QUALIFYING

duly qualified in this court, under applicable provisions of law, as **Administrator** under Va. Code § 8.01-50 of the estate of

Patricia Ann Cook
 DECEASED MINOR INCAPACITATED

The powers of the fiduciary(ies) named above continue in full force and effect.

\$1,000.00 bond has been posted.

Given under my hand and the seal of this Court on

February 22, 2012
DATE

Janice J. Corbin, Clerk

by Judie M Smith, Deputy Clerk

