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COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO.

BRISTOL SUPERIOR COURT  
FILED

2673CV00186A

MIGUEL MARTINEZ,  
Plaintiff

V.

CITY OF NEW BEDFORD, JARED LUCAS,  
Individually and in his official capacity, KEVIN  
BARBOSA, Individually and in his official  
capacity, AND JOHN DOE SUPERVISORY  
OFFICERS,  
Defendants

MAR - 2 2026  
JENNIFER A. SULLIVAN, ESQ  
CLERK/MAGISTRATE

PLAINTIFF'S COMPLAINT WITH  
JURY CLAIM

INTRODUCTION

1. This is a civil rights action arising from an unconstitutional investigation, unlawful search, and wrongful criminal prosecution of Plaintiff Miguel Martinez.
2. In 2019, members of the New Bedford Police Department procured three search warrants targeting Plaintiff's residence, an alleged "stash house," and his vehicle.
3. The warrants were obtained primarily through the use of a confidential informant whose credibility was materially compromised.
4. Defendant Jared Lucas intentionally concealed from the warrant process that:
  - a. He was engaged in a long-term sexual relationship with the informant;
  - b. The informant was romantically involved with Plaintiff at the time; and,
  - c. The informant had motive and animus toward Plaintiff and was seeking his arrest.
5. These omissions were later found by the Superior Court, after a three-day *Franks* evidentiary hearing, to be intentional, material, and dispositive of probable cause. *See* Ex. 1, Memorandum and Order on Defendant's Motion to Suppress in *Commonwealth v. Martinez*, 19-73-CR-00199, dated May 21, 2024.
6. The Superior Court allowed Plaintiff's Motion to Suppress, ruling that inclusion of the omitted information would have negated probable cause and rendered the warrants invalid. *See* Ex. 1.
7. As a direct result of Defendants' misconduct, Plaintiff was arrested, indicted on serious

drug trafficking charges, and deprived of his liberty.

8. By the time of the *Franks* hearing on May 21, 2024, the Plaintiff had already served nearly three years in the Massachusetts House of Corrections based a fraudulent, corrupt, compromised warrant for which the Court found there were material misrepresentations that were dispositive. *See Ex. 1.*

#### JURISDICTION AND VENUE

9. This Court has jurisdiction pursuant to G.L. c. 212, §4 and the Supremacy Clause of the United States Constitution.
10. Plaintiff's federal claims arise under 42 U.S.C. §1983.
11. Venue is proper in Bristol County because the events giving rise to this action occurred in New Bedford, Massachusetts.

#### PARTIES

12. Plaintiff Miguel Martinez is a resident of Massachusetts.
13. Defendant Jared Lucas was at all relevant times a police officer employed by the City of New Bedford acting under color of state law.
14. Defendant Kevin Barbosa was at all relevant times a police officer employed by the City of New Bedford acting under color of state law.
15. Defendant City of New Bedford is a Massachusetts municipality responsible for the policies, customs, training, supervision, and discipline of its police officers.
16. John Doe Supervisory Officers are currently unidentified supervisory officials whose identities will be determined through discovery.

#### FACTUAL ALLEGATIONS

17. In March 2019, Defendant Lucas introduced a confidential informant to Defendant Barbosa as a "reliable confidential informant."
18. Lucas represented that the informant had previously provided reliable information leading to narcotics arrests and seizures.
19. At the time of this representation, Lucas was engaged in a long-term sexual relationship with the informant.
20. The informant was also romantically involved with Plaintiff, and Lucas knew it.

21. Lucas knew or had reason to know that the informant had personal motive to cause Plaintiff's arrest in order to end her relationship with him.
22. Lucas intentionally concealed these facts from Defendant Barbosa.
23. Lucas intentionally concealed these facts from the magistrate issuing the warrants.
24. Defendant Barbosa relied on Lucas's representations in preparing and submitting search warrant affidavits.
25. The affidavits relied heavily on:
  - a. The informant's purported reliability;
  - b. Two controlled buys conducted through the informant.

*See Ex. 1.*
26. The sexual relationship between Lucas and the informant was not disclosed.
27. The informant's simultaneous relationship with Plaintiff was not disclosed.
28. The informant's motive and animus toward Plaintiff were not disclosed.
29. On April 3, 2019, search warrants were issued and executed.
30. Plaintiff was arrested and later indicted for trafficking offenses carrying substantial mandatory minimum sentences.
31. Plaintiff was subjected to pretrial detention and severe liberty restrictions.
32. Once this information came to light in 2024, the Plaintiff moved to suppress the evidence pursuant to *Franks v. Delaware*.
33. After a three-day evidentiary hearing, the Superior Court found:
  - a. Lucas was in a long-term sexual relationship with the informant;
  - b. Lucas intentionally omitted that relationship from the warrant process;
  - c. The informant was simultaneously involved with Plaintiff;
  - d. Inclusion of that information would have negated probable cause.

*See Ex. 1.*
34. The Court allowed Plaintiff's Motion to Suppress.
35. Without the unlawfully obtained evidence, the prosecution collapsed.

36. The criminal proceedings terminated in Plaintiff's favor.
37. Plaintiff suffered loss of liberty, emotional distress, reputational harm, financial loss, and other damages.

COUNT I  
42 U.S.C. §1983 – Unlawful Search and Seizure  
(Against Lucas and Barbosa)

38. Plaintiff incorporates the preceding paragraphs.
39. The Fourth Amendment prohibits unreasonable searches and seizures.
40. A warrant procured through intentional or reckless material omissions violates the Fourth Amendment.
41. Defendant Lucas intentionally omitted material facts necessary to a probable cause determination.
42. Those omissions were necessary to the magistrate's finding of probable cause.
43. Defendant Barbosa relied upon information that was constitutionally tainted.
44. The resulting search warrants were invalid.
45. The searches of Plaintiff's residence and vehicle violated the Fourth Amendment.
46. Plaintiff suffered damages as a direct result.

COUNT II  
42 U.S.C. §1983 – Malicious Prosecution / Unlawful Seizure  
(Against Lucas and Barbosa)

47. Plaintiff incorporates the preceding paragraphs.
48. Plaintiff was seized pursuant to legal process unsupported by probable cause.
49. Defendants initiated and continued criminal proceedings against Plaintiff through use of evidence obtained via unconstitutional warrants.
50. The criminal proceedings terminated in Plaintiff's favor.
51. Defendants acted intentionally or with reckless disregard for Plaintiff's constitutional rights.

COUNT III  
42 U.S.C. §1983 – Civil Conspiracy  
(Against Lucas and Barbosa)

52. Plaintiff incorporates the preceding paragraphs.
53. At all relevant times, Defendants Lucas and Barbosa were acting under color of state law and were engaged in a joint narcotics investigation targeting Plaintiff.
54. Prior to the submission of the search warrant applications, Lucas knowingly possessed material information directly bearing on the credibility and reliability of the confidential informant, including:
  - a. That Lucas was engaged in a long-term sexual relationship with the informant;
  - b. That the informant was simultaneously in a romantic relationship with Plaintiff;
  - c. That the informant had personal motive and animus toward Plaintiff and desired his arrest.
55. Lucas knew that this information was material to any magistrate's probable cause determination.
56. Lucas intentionally withheld this information from the warrant affidavits.
57. Lucas nevertheless affirmatively represented to Barbosa that the informant was "reliable" and had previously provided credible information leading to arrests and seizures.
58. Barbosa relied upon Lucas's representations and incorporated the informant's purported reliability into the search warrant affidavits.
59. The warrants were sought and obtained based substantially upon the informant's credibility and two controlled buys conducted through her.
60. Defendants Lucas and Barbosa shared a common objective: to secure search warrants and initiate criminal charges against Plaintiff.
61. Lucas supplied materially incomplete and misleading information knowing it would be used to establish probable cause.
62. Barbosa, acting in concert with Lucas, adopted and presented the informant's information to the magistrate without disclosing the known credibility conflicts.
63. The agreement between Lucas and Barbosa need not have been express; it is sufficient that they knowingly acted in concert and with a shared understanding that the informant's information would be used to secure warrants without disclosure of material impeachment information.

64. As a direct and foreseeable result of their coordinated actions, search warrants were issued without probable cause, Plaintiff was arrested and prosecuted, and Plaintiff was deprived of his liberty.
65. Defendants' joint conduct constituted a conspiracy to deprive Plaintiff of rights secured by the Fourth and Fourteenth Amendments to the United States Constitution.

COUNT IV  
Municipal Liability – 42 U.S.C. §1983 (Monell)  
(Against City of New Bedford)

66. Plaintiff incorporates the preceding paragraphs.
67. At all relevant times, the City of New Bedford, through its Police Department, maintained policies, customs, or practices governing the use of confidential informants and the preparation of search warrant affidavits.
68. The constitutional violations suffered by Plaintiff were caused by one or more of the following policies, customs, or practices of the City:
  - a. A custom or practice of failing to adequately supervise and monitor officers' relationships with confidential informants;
  - b. A failure to enforce departmental policies prohibiting sexual relationships between officers and informants;
  - c. A failure to implement safeguards requiring disclosure of material credibility conflicts in warrant applications;
  - d. A failure to train officers regarding constitutional disclosure obligations under *Franks v. Delaware*;
  - e. A tolerance or ratification of misconduct within specialized units, including narcotics and gang units.
69. The risk that officers would misuse confidential informants, conceal material credibility conflicts, or exploit personal relationships in narcotics investigations was obvious and highly predictable.
70. The City knew or should have known that the use of confidential informants in drug investigations presents a recurring situation requiring careful supervision, training, and enforcement of ethical boundaries.
71. Despite this obvious risk, the City failed to implement adequate oversight mechanisms to detect and prevent improper relationships between officers and informants.

72. The City further failed to require meaningful review of warrant affidavits for undisclosed credibility conflicts or personal entanglements.
73. Upon information and belief, prior to Plaintiff's prosecution, the City had notice—through internal complaints, supervisory knowledge, or patterns of conduct—of risks associated with inadequate informant supervision and officer misconduct.
74. The City's failure to act in the face of these known or obvious risks constituted deliberate indifference to the constitutional rights of persons targeted in narcotics investigations.
75. The constitutional violations committed by Lucas and Barbosa were a direct and foreseeable result of the City's policies, customs, and deliberate indifference.
76. As a result, the City of New Bedford is liable under 42 U.S.C. §1983 pursuant to *Monell v. Department of Social Services*.

COUNT V  
Massachusetts Civil Rights Act, G.L. c. 12, §§11H–11I  
(Against All Individual Defendants)

77. Plaintiff incorporates the preceding paragraphs.
78. Defendants interfered with Plaintiff's secured constitutional rights, including rights under the Fourth and Fourteenth Amendments, by means of threats, intimidation, or coercion.
79. The misuse of the criminal process, procurement of unconstitutional warrants, and initiation of criminal charges constituted coercive interference with Plaintiff's rights.
80. Plaintiff is entitled to damages and attorneys' fees under the statute.

COUNT VI  
Malicious Prosecution (Common Law)  
(Against Lucas and Barbosa)

81. Plaintiff incorporates the preceding paragraphs.
82. Defendants initiated criminal proceedings against Plaintiff.
83. The proceedings were initiated without probable cause.
84. The proceedings were initiated with malice or reckless disregard for Plaintiff's rights.
85. The proceedings terminated in Plaintiff's favor.

COUNT VII  
False Imprisonment  
(Against Individual Defendants)

86. Plaintiff incorporates the preceding paragraphs.
87. Plaintiff was confined without lawful justification.
88. The confinement resulted from constitutionally invalid search warrants and criminal process.

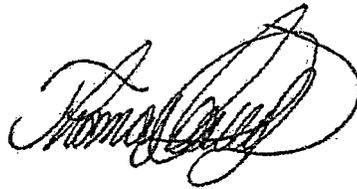
DAMAGES

1. Plaintiff suffered loss of liberty.
2. Plaintiff suffered emotional distress and humiliation.
3. Plaintiff suffered reputational harm.
4. Plaintiff incurred substantial legal expenses.
5. Plaintiff is entitled to compensatory damages, punitive damages against the individual defendants, attorneys' fees pursuant to 42 U.S.C. §1988 and G.L. c. 12, §11I, and such other relief as this Court deems just.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

Respectfully Submitted,  
The Plaintiff,  
By Counsel,



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