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Receipt Number

561319

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KARIM KOUBRITI,

Plaintiff,

v

RICHARD CONVERTINO,
MICHAEL THOMAS and
HARRY RAYMOND SMITH,
Jointly and Severally
and in their Individual Capacities,

Defendants.

Case: 2:07-cv-13678
Assigned To: Cohn, Avern
Referral Judge: Morgan, Virginia M
Filed: 08-30-2007 At 03:07 PM
CMP KOUBRITI V CONVERTINO (LG)

BEN M. GONEK (P43716)
BEN M. GONEK, P.C.
Attorney for Plaintiff
615 Griswold Street
1300 Ford Building
Detroit, Michigan 48226
(313) 963-3377

There is no other pending or resolved civil litigation between these parties arising out of the same transaction or occurrence alleged in the Complaint.

COMPLAINT and JURY DEMAND

NOW COMES the Plaintiff, KARIM KOUBRITI, by and through his attorney, BEN M. GONEK, and for his Complaint states the following:

Jurisdiction Allegations

1. This action is brought pursuant to the Fourth, Fifth and Fourteenth Amendments of the United States Constitution and 42 USC 1983, 1985 and 1988 as a result of events that caused the alleged and malicious prosecution of the Plaintiff, Karim Koubriti.

2. Jurisdiction is conferred upon this Court by 28 USC 1331 et. seq.

3. The Plaintiff, Karim Koubriti, is a resident of the City of Detroit, Wayne County, State of Michigan.

4. Upon information and belief, Defendant Richard Convertino, is resident of Wayne County, State of Michigan and all times relevant to this Complaint was employed as an Assistant United States Attorney by the United States Department of Justice.

5. Upon information and belief, Defendant Michael Thomas, is resident of Wayne County, State of Michigan and all times relevant to this Complaint was a Special Agent employed by with the Federal Bureau of Investigation.

6. Upon information and belief, Defendant Harry Raymond Smith, is resident of Washington, D.C. and all times relevant to this Complaint was a Special Agent employed by with the Department of State.

7. At the time the events alleged in this Complaint occurred, the individually named Defendants were not acting in the furtherance of any legitimate governmental function. Furthermore, their illegal and unconstitutional actions were intentional torts. As such, the individual Defendants named in this Complaint are not entitled to the defense of governmental immunity.

8. At the time the events alleged in this Complaint occurred, the individually named Defendants were violating Plaintiff's constitutional rights and their actions were clearly unreasonable. As such, the individual Defendants named in this Complaint are not entitled to the defense of qualified immunity.

9. All the individually named Defendants are being sued in their individual capacities and were acting under color of law at all relevant times to this Complaint.

10. This Court has jurisdiction over all the parties and the amount in controversy exceeds \$75,000.00.

Factual Allegations

11. This lawsuit stems from the malicious prosecution and the violation of the civil rights of the Plaintiff, Karim Koubriti, in connection with Plaintiff's arrest and prosecution for the offense of conspiracy to provide materials for or resources to terrorists contrary to 18 USC 371 and 2339(a).

12. On or about September 17, 2001, a group of task force agents from the Detroit Joint Terrorism Task Force ("JTTF"), searched an apartment for subjects on the FBI's Terrorist Watch List. In that apartment, the JTTF team found three of the Koubriti case defendants along with the following items, among others, which became evidence in the Koubriti case: a day planner containing sketches, a videotape and numerous arabic language audio tapes.

13. The Defendants caused manufactured evidence and prepared testimony to be developed against Plaintiff while his criminal case was pending. Due to the nature of manufactured testimony and the failure to disclose the known exculpatory evidence, a federal grand jury indicted the Plaintiff with the following felony offenses: conspiracy to provide material support or resources to terrorists and conspiracy to engage fraud and misuse of VISAs, permits and other documents.

14. From on or about September 17, 2001 through September 2003, Defendant Convertino was the lead Assistant United States Attorney prosecuting the Plaintiff.

15. From on or about February 2002 until on or about April 2003, Defendants Smith and Thomas assisted in the investigation of the Koubriti case and were witnesses at the Koubriti trial.

16. After Koubriti's arrest, Defendants Convertino, Thomas and Smith acted in concert and conspired to manufacture evidence against Plaintiff to be used at his trial.

17. During this investigation, Defendants Convertino, Thomas and Smith all intentionally withheld exculpatory evidence showing that the Plaintiff was not guilty of the terrorist related charges. As a result of these actions, Plaintiff was convicted of all charged offenses.

18. The court subsequently vacated the convictions of all the charges Plaintiff was convicted of due to the Defendants' unconstitutional actions.

19. At the time of Defendant Convertino's unconstitutional actions as described above, he was acting in an investigative role and not the role of a prosecutor. As such, Defendant Convertino cannot avail himself of prosecutorial immunity.

20. As a direct and proximate cause of all the individuals unconstitutional actions as described above, Plaintiff was wrongfully convicted of a terrorism related charge.

21. As a direct and proximate cause of the Defendants' unconstitutional actions, Plaintiff was incarcerated for nearly three years in a county jail.

COUNT I
Violations of 42 USC 1983 and Fourth Amendment
Malicious Prosecution

22. By this reference, Plaintiff incorporates all paragraphs of this Complaint.

23. Defendants Convertino, Thomas and Smith's acts of manufacturing evidence against the Plaintiff, failing to turn over exculpatory evidence and prosecuting him on terrorism related charges constituted a malicious prosecution in violation of Plaintiff's Fourth Amendment rights.

24. As a direct and proximate cause of Defendants violating Plaintiff's Fourth Amendment rights, Plaintiff was wrongfully convicted of criminal charges and was illegally incarcerated for nearly three years.

COUNT II
Violations of 42 USC 1983 and Fifth Amendment
Malicious Prosecution

25. By this reference, Plaintiff incorporates all paragraphs of this Complaint.

26. Defendants Convertino, Thomas and Smith's acts of manufacturing evidence against the Plaintiff, failing to turn over exculpatory evidence and prosecuting him on terrorism related charges constituted a malicious prosecution in violation of Plaintiff's Fifth Amendment rights.

27. As a direct and proximate cause of Defendants violating Plaintiff's Fifth Amendment rights, Plaintiff was wrongfully convicted of criminal charges and was illegally incarcerated for nearly three years.

COUNT III
Violations of 42 USC 1983 and Fourteenth Amendment
Malicious Prosecution

28. By this reference, Plaintiff incorporates all paragraphs of this Complaint.

29. Defendants Convertino, Thomas and Smith's acts of manufacturing evidence against the Plaintiff, failing to turn over exculpatory evidence and prosecuting him on terrorism related charges constituted a malicious prosecution in violation of Plaintiff's Fourteenth Amendment rights.

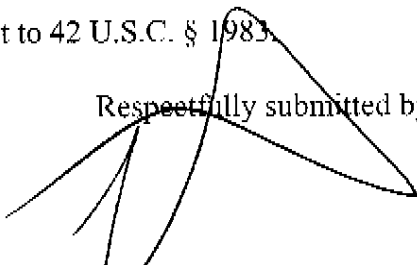
30. As a direct and proximate cause of Defendants violating Plaintiff's Fourteenth Amendment rights, Plaintiff was wrongfully convicted of criminal charges and was illegally incarcerated for nearly three years.

Relief Requested

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant the following relief against Defendants:

- a. Compensatory damages in the amount of \$9,000,000.00;
- b. Punitive and/or exemplary damages in an amount which is fair, just and reasonable;
- c. Such other and further relief as this Court may deem appropriate, including costs, interest and reasonable attorney fees pursuant to 42 U.S.C. § 1983.

Respectfully submitted by:



BEN M. GONEK (P43716)
BEN M. GONEK, P.C.
Attorneys for Plaintiff
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615 Griswold Street
Detroit, Michigan 48226
(313) 963-3377
bgonek@aol.com

Dated: August 30, 2007

UNITED STATES DISTRICT COURT
EASTER DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KARIM KOUBRITI,

Plaintiff,

Case No.
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RICHARD CONVERTINO,
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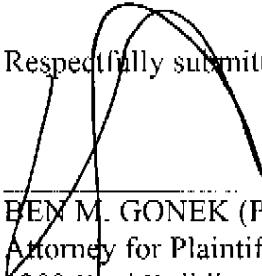
Defendants.

..... /
BEN M. GONEK (P43716)
Attorney for Plaintiff
1300 Ford Building
615 Griswold Street
Detroit, Michigan 48226
(313) 963-3377
..... /

DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, KARIM KOUBRITI, by and through his attorney, BEN M. GONEK, P.C., and hereby demands a trial by jury on all issues of this cause of action.

Respectfully submitted by:


.....
BEN M. GONEK (P43716)
Attorney for Plaintiff
1300 Ford Building
615 Griswold Street
Detroit, Michigan 48226
(313) 963-3377
bgonck@aol.com

Dated: August 30, 2007

CIVIL COVER SHEET COUNTY IN WHICH THIS ACTION AROSE: Wayne

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) PLAINTIFFS

Karim Koubriti

DEFENDANTS

Richard Convertino, Michael Thomas and Harry Raymond Smith, jointly and severally

(b) County of Residence of First Listed Plaintiff Wayne

County of Residence of First Listed Defendant Wayne

(C) Attorney's (Firm Name, Address, and Telephone Number)

Ben M. Gonek (P43716) (313) 963-3377
615 Griswold, Suite 1300
Detroit MI 48226

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11. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item 11)

- III. CITIZENSHIP (For Diversity Cases Only)
Citizen of This State
Citizen of Another
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 main columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes sub-sections like PERSONAL INJURY, PERSONAL PROPERTY, and LABOR.

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multi district Litigation
7 Appeal to District Judge from Magistrate

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 USC 1983, 1985 and 1988

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

\$ DEMAND \$75,000.00

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE AUG 30 2007

SIGNATURE OF ATTORNEY OF RECORD

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
