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**NOTICE OF CLAIM FILED AGAINST THE TOWN OF MARANA, THE TOWN OF MARANA
MARANA POLICE DEPARTMENT, MARANA POLICE CHIEF TERRY
ROZEMA and MARANA POLICE OFFICER RAPIEJKO #435**

Town of Marana
Terry's Office

Mr., Mario Valencia files the following Notice of Claim pursuant to A.R.S. §12-821.01 for violations of his civil and constitutional rights, damages and injuries sustained as a result of the excessive use of force and violation of violation of his right to be free from unreasonable search and seizure.

FACTUAL BACKGROUND

On February 19, 2015 Mr. Mario Valencia was living in Tucson, Arizona. Mr. Valencia was working for a painting company and had been to work as usual that day. At the end of his day Mr. Valencia would normally go home and eat dinner and rest for the night. Rather that afternoon Mr. Valencia allegedly entered a Walmart Store and came into possession of a rifle. At some point, Mr. Valencia left the store, again allegedly in possession of the rifle which may or may not have been loaded. At some point officers of the Marana Police Department went in pursuit of the individual, who came to be identified as Mr., Valencia walking on foot in the area near the store. Officer Rapiejko was one of the officers pursuing Mr. Valencia. Video from the officers' dash cams has been released to the press and indicate that multiple Marana Police Officers and vehicles were in pursuit of Mr. Valencia and had were in his immediate vicinity. From these dash cam videos a radio transmission can be heard ordering the Officer Rapiejko to "stand down" so that a tactical plan can be put into effect. At this point, dash cam video from Officer Rapiejko's vehicle show him speeding up and wildly passing the vehicle of another Marana Officer. As Officer Rapiejko's vehicle passes on the right it is clear that he is accelerating prior to intentionally crashing his vehicle into Mr. Valencia. From the

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dash cam footage you can hear the vehicle slam into Mr. Valencia's body and Mr. Valencia can be seen bouncing off of the vehicle's windshield. The vehicle then is seen crashing into a concrete block wall. It was clear that Officer Rapiejko's actions were meant to kill Mr. Valencia. Officer Rapiejko's actions were outrageous, shocking to the conscience and a reasonable officer would know that his actions were taken in violation of established law enforcement standards and in violation of Mr. Valencia's civil and constitutional rights.

As a result of these actions Mr. Valencia has suffered physical injuries including head pain and excessive headaches, loss of sense of smell and taste, pain in his hip and leg and loss of cognitive abilities.

CLAIM FOR DAMAGES

CONSTITUTIONAL VIOLATIONS:

As a result of the actions taken against him by the above named entities and individual, Mr. Valencia has had his civil and constitutional rights violated. These violations include violations of his rights under the 4th, 5th, and 14th Amendments to the United States Constitution, and violation of his civil rights under color of state law pursuant to 42 U.S.C. §1983. Additionally, he has suffered violations of Arizona Law including assault.

DEMAND:

For his injuries and losses, Mr. Valencia demands compensation in the amount of \$850,000.