

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

**LISA TYREE AND TIM TYREE,
as co-administrators of the
ESTATE OF JEFFREY TYREE
DECEASED**

Plaintiffs,

v.

Case No.: CL19-_____

**BRADLEY COLAS, both individually and in his official
capacity as a City of Virginia Beach Police Officer,
Serve: Virginia Beach Police Department
Special Operations
2664 Leroy Road
Virginia Beach, VA 23456**

and

**N. TUFT-WILLIAMS, both individually and in his official
capacity as a City of Virginia Beach Police Officer,
Serve: Virginia Beach Police Department
Special Operations
2664 Leroy Road
Virginia Beach, VA 23456**

Defendants.

COMPLAINT

Plaintiffs, Lisa and Tim Tyree, co-administrators of the Estate of Jeffrey Tyree, Deceased (the "Estate") (collectively, "Plaintiffs"), by and through their attorneys, hereby bring this Complaint and in support thereof state as follows:

NATURE OF ACTION

1. This is a civil action for wrongful death pursuant to Code of Virginia §8.01-50.
2. Plaintiffs bring this action to recover damages for the wrongful death of Jeffrey Tyree, for the physical and emotional trauma he experienced immediately prior to his death, and

for the emotional trauma and pecuniary damages suffered as a result of the Defendant Virginia Beach Police Officers' misconduct in attacking, shooting, and killing Jeffrey.

3. Plaintiffs seek to recover damages due to the unlawful conduct described herein. Defendants are liable for wrongful death caused by battery and gross negligence.

PARTIES

4. Plaintiff Lisa Tyree is a resident of the Commonwealth of Virginia and the brother of the decedent, Jeffrey Tyree. She is the co-administrator of Jeffrey's Estate.¹

5. Tim Tyree is a resident of the State of North Carolina and is the brother of the decedent Jeffrey Tyree. He is the co-administrators of Jeffrey's Estate.

6. Decedent, Jeffrey Tyree, was a fifty-seven-year-old, longtime resident of the Commonwealth of Virginia. He was a decorated veteran of the United States Army. Jeffrey was Honorably Discharged on July 28, 1998 after receiving the following honors:

Army Commendation Medal;
Army Achievement Medal;
Army Good Conduct Medal; and
M-16 Rifle Sharpshooter Badge.

7. Jeffrey was married to Sandy Tyree in 1998. They were happily married until her death on May 9, 2009. Jeffrey is survived by his four siblings and two grandchildren.

8. In addition to the facts alleged in the following subparagraphs, Defendants are sued in their individual and official capacities and acted within the scope of their employment and under color of state law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Virginia and/or the City of Virginia Beach:

¹ Attached hereto as Exhibit "A"

a. Defendant Bradley Colas (“Defendant Colas”) currently holds the rank of detective in the Virginia Beach Police Department and was at all relevant times a police officer employed by the City of Virginia Beach.

b. Defendant N. Tuft-Williams (“Defendant Tuft-Williams”) whose first name is not yet known, is employed with the City of Virginia Beach, currently holds a rank unknown to Plaintiffs and was at all relevant times a police officer employed by the City of Virginia Beach.

STATEMENT OF FACTS COMMON TO ALL COUNTS

9. On or about February 9, 2019, Decedent Jeffrey Tyree was in the backyard of his mother’s home in the Arrowhead Community off South Newtown Road in Virginia Beach, Virginia. He was in the throws of a mental health crisis.

10. Jeffrey was not engaged in any criminal activity.

11. Jeffrey’s sister arrived at the home and realized that her brother was having a mental health episode. She contacted their brother Phil, who shared the home in the Arrowhead Community.

12. Phil contacted the Virginia Beach Police Department seeking their assistance in getting help for Jeffrey, who needed intervention for his mental health episode.

13. After Defendants’ arrival at the home, Jeffrey continued to exhibit behaviors consistent with his mental health crisis. He was suicidal and did not present a threat to anyone other than himself.

14. The Defendants and other officers then began communicating with Mr. Tyree.

15. Additional officers arrived on scene. Police established a safe perimeter around the property from which they communicated with Jeffrey.

16. Jeffrey communicated with the police for several hours. At all times, Jeffrey was surrounded by police and enclosed in the fenced-in yard of his mother's residence.

17. During this time, Jeffrey was often witnessed sitting down and cordially communicating with police. He never presented a threat to any police officers or members of the community.

18. Suddenly and without warning, Defendant Tuft-Williams ran at Jeffrey from behind, startling him, and tackled him to the ground.

19. As Defendant Tuft-Williams tackled Jeffrey, Defendant Colas shot Jeffrey, while he was unarmed and lying on the ground.

20. Jeffrey died a short time later as a result of Defendant Colas's fatal gunshot.

21. To cover up their misconduct, the Defendants and other police officers falsely claimed that Jeffrey posed a threat sufficient to justify the use of deadly force.

22. The actions of the Defendants were taken jointly, in concert, and with shared intent.

23. As a direct and proximate result of the Defendants' misconduct, Jeffrey suffered terror and pain inflicted upon him, including severe personal injuries and extreme emotional distress, during the course of this attack and as he died.

24. As a direct and proximate result of the Defendants' misconduct and as a result of Jeffrey's death, Jeffrey's siblings, family members and his community suffered and continue to suffer, *inter alia*, severe grief, injury, pain and suffering, mental distress, loss of love, affection, society, companionship, consortium, as well as pecuniary loss and expenses, and other injuries.

COUNT I

WRONGFUL DEATH RESULTING FROM BATTERY

25. Plaintiffs incorporate by reference paragraphs 1 through 24 as if fully set forth herein.

26. Defendants, without just cause or provocation, committed multiple acts of battery upon Jeffrey Tyree by tackling and shooting him. Defendants used excessive force and had no lawful reason or basis for using such force against Jeffrey Tyree.

27. As a direct and proximate result of Defendants' unlawful conduct, Jeffrey Tyree was injured and killed.

COUNT II

WRONGFUL DEATH RESULTING FROM GROSS NEGLIGENCE

28. Plaintiffs incorporate by reference paragraphs 1 through 27 as if fully set forth herein.

29. Defendants had a duty to employ reasonable care and employ only reasonable measures in their interactions with Jeffrey Tyree.

30. In violation of their legal duties, Defendants acted in a reckless and grossly negligent manner, resulting in the injury and death of Jeffrey Tyree.

31. Defendants knew or should have known that (i) Jeffrey Tyree was suffering from a mental health crisis and needed help; (ii) Jeffrey Tyree was in no way involved in any criminal activity that would justify their conduct and use of force; and (iii) Jeffrey Tyree was surrounded by police, and was not a threat to himself, officers or other members of the community.

32. Defendants acted recklessly and grossly negligently as described above in tackling and then shooting the disabled, unarmed veteran while he was lying on the ground and did not pose any real threat to anyone.

33. Defendants knew or should have known that their conduct described herein would place Jeffrey Tyree in imminent danger of serious bodily injury and/or death.

34. As a direct and proximate cause of the individual Defendants' unlawful, grossly negligent and reckless conduct, Defendants caused Jeffrey Tyree's injury and death.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in favor of Plaintiffs against Defendants as follows:

A. Pursuant to Count I, compensatory damages in an amount justified by the evidence up to the sum of \$15,000,000.00, jointly and severally, and punitive damages against each individual police officer in an amount deemed appropriate by the trier of fact up to \$350,000.00, plus pre-judgment and post-judgment interest and all costs allowable by law; or

B. Pursuant to Count II, compensatory damages in an amount justified by the evidence up to the sum of \$15,000,000.00, jointly and severally, and punitive damages against each individual police officer defendant in an amount deemed appropriate by the trier of fact up to \$350,000.00, plus pre-judgment and post-judgment interest and all costs allowable by law.

JURY TRIAL DEMAND

Plaintiffs hereby demand a trial by jury as to all issues so triable.

**LISA TYREE AND TIM TYREE,
as co-administrators of the
ESTATE OF JEFFREY TYREE
DECEASED**

By 
Of Counsel

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VIRGINIA: IN THE VIRGINIA BEACH CIRCUIT COURT CLERK'S OFFICE

**CERTIFICATE/LETTER OF QUALIFICATION FOR
SMALL ASSET ESTATE**

I, the duly qualified clerk/deputy clerk of this Court, **CERTIFY** that on **MARCH 19, 2019**

TIMOTHY S. TYREE AND LISA C. TYREE

duly qualified in this Office under applicable provision of law as **CO-ADMINISTRATORS** of
the Estate of

JEFFERY TYREE, DECEASED

Bond \$ 10,000.00 without surety - none required by Va. Code § 64.2-1411

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

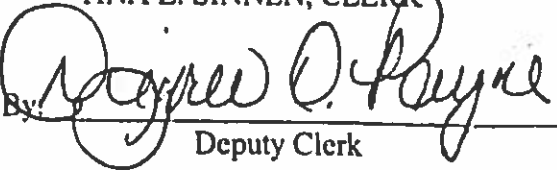
The maximum amount of estate assets that may be collected pursuant to this certificate shall not
exceed \$25,000.00

ANY PERSON MAY PAY OR DELIVER TO THE FIDUCIARY NAMED IN THIS
CERTIFICATE ANY ASSET, BELONGING, OWED, OR DISTRIBUTABLE TO THE
SPECIFIED DECEASED PERSON, INCAPACITATED WARD, OR MINOR HAVING A
VALUE, ON THE DATE OF PAYMENT OR DELIVERY, OF NO MORE THAN \$25,000.00.

This certificate may only be used once and is not effective if it does not have an impression seal
of the court clerk. Photocopies of this certificate are not effective. The payor shall retain
possession of this certificate.

DATE: March 19, 2019

TINA E. SINNEN, CLERK

By: 
Deputy Clerk

revised 7/15

