

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

GARRETT ROLFE,)	
)	
Petitioner,)	CIVIL ACTION NO.
)	
v.)	<u>2020CV338972</u>
)	
)	
RODNEY BRYANT,)	
In his capacity as Interim Chief)	
of the City of Atlanta Police Department,)	
)	
KEISHA LANCE BOTTOMS,)	
In her capacity as Mayor of the City)	
Of Atlanta.)	
)	
Respondents.)	

PETITION FOR WRIT OF MANDAMUS

COMES NOW Petitioner, Garrett Rolfe (“Petitioner”), and files this Petition for Writ of Mandamus pursuant to O.C.G.A. § 9-6-20 showing that “a defect of legal justice would ensue from a failure to perform or from improper performance” of “official duties.” In support of the instant writ, Petitioner shows this Court the following:

1.

Respondent Rodney Bryant is the Interim Chief of the Atlanta Police Department, a department of the City of Atlanta, a municipal corporation, with its principal address at 226 Peachtree St. SW, Atlanta, Fulton County, Georgia,

30303. Respondent may be served with Summons and a copy of this Petition at that address or wherever he may be found within the State of Georgia.

2.

Respondent Rodney Bryant is subject to the jurisdiction and venue of this Court in his capacity as the Interim Chief of the Atlanta Police Department.

3.

Respondent Keisha Lance Bottoms is the duly elected Mayor of the City of Atlanta, a municipal corporation, with its principal address at 55 Trinity Avenue SW, Suite 2500, Atlanta, Fulton County, Georgia, 30303. Respondent may be served with Summons and a copy of this Petition at that address or wherever she may be found within the State of Georgia.

4.

Respondent Keisha Lance Bottoms is subject to the jurisdiction and venue of this Court in her capacity as the Mayor of the City of Atlanta.

5.

At all times material, Petitioner Garrett Rolfe was employed by the City of Atlanta Police Department, in the position of Police Officer. Such position is sworn and below the rank of Lieutenant.

6.

Petitioner Garrett Rolfe has been so employed since September 4th, 2014. As such, Officer Rolfe was a regular, non-probationary employee of the City of

Atlanta. A non-probationary employee is one who has worked for the City of Atlanta for more than six months.¹ See also City of Atlanta Code Ordinances, Part II, Chapter 114, Article IV, Division 9, § 114-331, “Dismissal during probationary period,” and § 114-332, “Probationary Period Reports.”

7.

On June 12, 2020, Petitioner responded to the Wendy’s restaurant located at 125 University Avenue, Atlanta, to assist Officer Devin Brosnan with a DUI suspect identified as Rayshard Brooks (Brooks). Officer Devin Brosnan was also employed by the City of Atlanta Police Department as a Police Officer on this date.

8.

During the course of the incident, the Petitioner, along with Devin Brosnan, lawfully attempted to place Brooks under arrest. Brooks violently resisted arrest, escalating the incident to a violent, physical confrontation. In response to Brooks’ violent, unlawful, aggressive resistance to a lawful arrest, and within the scope and course of his duties, Petitioner utilized force, including deadly force, against Brooks. The incident was captured on video through various sources. Respondents allege that Petitioner’s use of force was improper.

1. The longest “probationary period” contained in the City of Atlanta ordinances is twelve months. See City of Atlanta, Part II, Chapter 98, Article II., Division 2 “Promotion Policy,” §98-85(a), “Probationary period” which Petitioner exceeds.

9.

The Petitioner denies the Respondents' allegations and contend that his use of force was proper and in compliance with Georgia law, the policies of the Atlanta Police Department, prevailing standards of law enforcement, United States Supreme Court precedent, and the training provided to him through the City of Atlanta Police Department and the State of Georgia.

10.

On June 13, 2020, the Petitioner was summarily dismissed from his employment, on information and belief, by Respondent Bottoms and the former Chief of the Atlanta Police Department, Erika Shields, who was succeeded by Respondent Bryant², without an investigation, without proper notice, without a pre-disciplinary hearing, and in direct violation of the municipal code of the City of Atlanta. Contrary to city policy as well as the policies, procedures, customs, and practices of the City of Atlanta Police Department, Petitioner was never interviewed by the Office of Professional Standards or any individual regarding this incident to provide his statement.

2. Atlanta Police Chief Rodney Bryant is named as a Respondent in his official capacity as the successor to Atlanta Police Chief Erika Shields (*See* O.C.G.A. 9-11-25(d)).

