

Adult Complaint and Warrant
In the
In and for the
State of Delaware

State of Delaware vs. **GREGORY W. LYNCH Jr**

I, CIV ZIEMBA (00000) of DEPT. OF JUSTICE N/C, do hereby state under oath or affirmation, to the best of my knowledge, information and belief that the above-named accused violated the laws of the State of Delaware by committing criminal acts in **Sussex** county on or about the date, or dates, and at or about the location, or locations, as indicated in Exhibit A hereto attached and made a part hereof.

Wherefore, your affiant prays that the above-named accused may be forthwith approached and held to answer this complaint consisting of 3 charges, and to be further dealt with as the law directs.

X _____
Affiant

Sworn to and subscribed to before me this _____ day of _____ AD, _____.

Judge/Commissioner/Court Official

(To be completed by the Judge/Commissioner/Court Official)

- A. _____ The crime was committed by a child.
B. _____ A misdemeanor was committed against a child.
C. _____ A misdemeanor was committed by one family member against another family member.
D. _____ Other: Explain:

Warrant

To any constable or other authorized person:

Whereas, the foregoing complaint consisting of 3 charges, having been made, as listed in Exhibit A which is attached hereto and incorporated herein, and having determined that said complaint has been properly sworn to and having found that there exists probable cause for the issuance of process, based upon the affidavit of probable cause which is attached hereto and incorporated herein as Exhibit B, you are hereby commanded in the name of the State of Delaware, to take **GREGORY W. LYNCH Jr** accused, and bring same before

, **FORTHWITH**, to answer said charges

GIVEN UNDER MY HAND, this _____ day of _____ AD, _____

Judge/Commissioner/Court Official

Executed on by
Case Number: **19-11-008133** Warrant Number: **17-19-000155**

Exhibit A

Charge Sequence: 1 Police Complaint Number: **17-19-001108** Arrest Number:
Charge: Assault Second Degree Recklessly Intentional Serious Injury In Violation of 11 Del.C. § 0612 00A1 F D
Location: Coastal HWY - Dewey Beach, 19971

TO WIT: GREGORY W LYNCH J, on or about the 10th day of August, 2019, in the County of Sussex, State of Delaware, did intentionally cause serious physical injury to the 26 year old male victim by striking the victim about his face numerous times with his closed fist causing a fractured nose, two black eyes, multiple bruises to his neck and lacerations to his face.

Charge Sequence: 2 Police Complaint Number: **17-19-001108** Arrest Number:
Charge: Perjury Second Degree In Violation of 11 Del.C. § 1222 0000 F F
Location: Coastal HWY - Dewey Beach, 19971

TO WIT: GREGORY W LYNCH J, on or about the 10th day of August, 2019, in the County of Sussex, State of Delaware, did swear falsely and his statement was made in a written instrument for which an oath is required by law and was made with intent to mislead a public servant in the performance of his official functions and material to the action involved, to wit: Gregory Lynch wrote an affidavit of probable cause for an arrest warrant in which he wrote that he was strangled, spit at and assaulted by the victim. Gregory Lynch swore out this warrant in front of a magistrate judge and it was material since it resulted in an arrest. Based on all witness statements, this was false..

Charge Sequence: 3 Police Complaint Number: **17-19-001108** Arrest Number:
Charge: Official Misconduct with Unauthorized Exercise of Official Functions In Violation of 11 Del.C. § 1211 0001 M A
Location: Coastal HWY - Dewey Beach, 19971

TO WIT: GREGORY W LYNCH J, on or about the 10th day of August, 2019, in the County of Sussex, State of Delaware, did commit an act which constituted an unauthorized exercise of his official functions, knowing that the act was unauthorized. to wit; Gregory Lynch intended to harm the 26 year old male victim by assaulting him and making him a felon for not immediately accepting medical treatment while he was injured. Gregory Lynch committed Assault and Perjury, an unauthorized exercise of his official functions and he knew, or should have known, that it was unauthorized.

Exhibit BSBI Number: **T3434258**Date of Birth/Age: **Jul 02, 1980 (39)**Sex: **Male**Race: **White**Eye Color: **Hazel**Height: **5' 7"**Weight: **170lbs**

Driver's License:

Address: **8 Windy DR****Milford DE 19963**Employer: **DEWEY POLICE DEPARTMENT**Date of Times of Offense: **Between 08/10/2019 at 00:11 and 08/10/2019 at 00:11**Location of Offense: **Coastal HWY - Dewey Beach, 19971**

1. Your affiant, John Ziemba, is a Special Investigator with the Delaware Department of Justice and assigned to the Office of Civil Rights and Public Trust. I have been employed by the Delaware Department of Justice for one year. Prior to working with Delaware Department of Justice, I was employed by the New Castle County Police Department as a police officer and criminal investigator for 20 years.
2. During the course of this investigation, your affiant interviewed three Dewey Police Seasonal Officers, one part time Dewey Police Officer, two Rehoboth Beach EMT s and three civilians, all of whom were on scene at the time of the incident.
3. On 8/10/19, at approximately 0011 hours, Officers from the Dewey Police Department responded to assist with an injured subject in the area of Bellevue Street and Coastal Highway, located in Sussex County, State of Delaware.
4. Upon Officers arrival, the 26 year old male victim was located with an injury to the back of his head. Officers were advised that the victim fell and struck the back of his head on a pole at the location.
5. Officers were told on scene that the victim lost consciousness for a short period of time and that his eyes were rolled to the back of his head.
6. While police and Rehoboth EMT s were rendering aid, the victim said that he did not want to go to the hospital. The victim's friends were able to convince him to walk to the stretcher with assistance so that the EMT s could look at his injury.
7. All nine of the witnesses that were interviewed advised that the victim agreed to walk to the stretcher with some assistance (due to his head injury and degree of intoxication) and sat down on the stretcher. The witnesses advised that the victim verbally advised that he did not want to go to the hospital. The witnesses advised that at no time was the victim physically combative.
8. All witnesses advised that the victim sat on the stretcher and one of his feet was still on the ground. The victim was told to put his other leg on the stretcher. The victim again stated that he did not want to go to the hospital and did not move his leg.
9. At this time, Ofc. Gregory Lynch Jr. (DOB: 7/2/80) of the Dewey Police Department walked up to the victim and grabbed the leg that was still on the ground and put the victim's leg on the stretcher. The victim sat up on the stretcher and Ofc. Lynch pushed the victim back on the stretcher and punched him in the face several times with a closed fist.
10. According to multiple witnesses, Ofc. Gregory Lynch Jr. struck the victim with his closed fist approximately five (5) times in the face. Witnesses advised that Ofc. Lynch was up on the stretcher while he was striking the victim causing the stretcher to rise off the ground where the victim s feet were. Officers on scene advised that they had to hold the stretcher down, so it didn t completely flip.
11. Ofc. Gregory Lynch Jr. then handcuffed the victim s hands to the stretcher with the assistance of another Officer. Once the victim was handcuffed, Ofc. Lynch grabbed the victim from the neck and chin area and pulled him into the ambulance.
12. Your affiant learned that Ofc. Gregory Lynch Jr. wrote and swore to an arrest warrant alleging that the victim committed Strangulation and two counts of Offensive Touching of a Law Enforcement Officer. Upon the victim s discharge from the hospital, he was arrested. The victim was given bail and incarcerated at Sussex Correctional Institute.
13. The victim was treated at Beebe Hospital and diagnosed with a concussion, a broken nose, multiple hematomas, and lacerations to his face.

14. Witnesses advised that the victim put his hands up in an attempt to defend himself and protect his face from being struck. The witnesses indicate they did not see the victim's hands around Ofc. Lynch's throat. All witnesses on scene advised that the victim did not grab Ofc. Lynch as he described in his arrest probable cause.
15. The witnesses on scene did advise that the victim did spit blood out of his mouth after he was struck but they do not feel that it was directed at Ofc. Taylor. Two of the civilian witnesses who were interviewed did advise that the victim did spit blood on Ofc. Lynch after he was assaulted.
16. The Officers on scene advised that they did not get involved in the physical assault of the victim, because they did not feel that the assault was justified.
17. Your affiant believes that Ofc. Gregory Lynch Jr. committed the act of Assault 2nd Degree by physically striking the victim numerous times while not being justified to do so. As a result, Ofc. Lynch caused serious physical injury by causing the victim to have a broken nose which will not be properly aligned again, two black eyes, multiple bruises to the neck and lacerations to his face.
18. Your affiant believes that Ofc. Gregory Lynch committed the act of Perjury in the 2nd degree by drafting and swearing to an affidavit of probable cause for an arrest warrant in which he wrote that he was strangled, spit at and assaulted by the victim. Ofc. Gregory Lynch swore out this warrant in front of a magistrate judge and it resulted in an arrest. Based on the statements of every witness present, including other police officers, this was false.
19. Your affiant believes that Ofc. Gregory Lynch committed the act of Official Misconduct which states that A public servant is guilty of official misconduct when, intending to obtain a personal benefit or to cause harm to another person: (1) The public servant commits an act constituting an unauthorized exercise of official functions, knowing that the act is unauthorized. Ofc. Gregory Lynch Jr. intended to harm the victim by assaulting him and making him a felon for not immediately accepting medical treatment while he was injured. By Ofc. Gregory Lynch Jr. committing the acts of assault and perjury, an unauthorized exercise of his official functions and he knew, or should have known, that it was unauthorized.

Affiant: CIV ZIEMBA (00000) of DEPT. OF JUSTICE N/C

Victims:	Date of Birth	Relationship of Victim to Defendant
_____	_____	_____

Affiant

Sworn to and subscribed before me this _____ day of _____ AD, _____.

Judge/Commissioner/Court Official