

Man sues police for barrage of gunfire that hit him after he delivered cheeseburger

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Philippe Holland, a pizza delivery man who was shot by Philadelphia police last April, has filed a long-expected suit against the city.

Holland, 20, from Upper Darby, was hit in the neck, leg, and head when two officers fired 14 shots at his car after he made a delivery in West Philadelphia.

Police Commissioner Charles H. Ramsey has said the shooting was "unfortunate all around" and "turned out not to be a good result." He could not be reached for comment Thursday.

The lawsuit, filed Monday by attorney Thomas R. Kline in Philadelphia court, names as defendants plainclothes officers Mitchell Farrell and Kevin Hanvey, of the 18th District. It seeks "in excess of \$50,000."

The shooting occurred the night of April 22 after Holland delivered a cheeseburger deluxe in the 5100 block of Willows Avenue.

The suit said Holland saw Farrell and Hanvey "driving in a suspicious manner" in an unmarked vehicle nearby and thought they were robbers.

It said the officers approached his car on foot without identifying themselves. Holland tried to drive away, but Farrell and Hanvey then opened fire on him, it said.

Ramsey has said the two officers told investigators they had identified themselves as police. But he has said Holland may not have heard them.

The lawsuit states that it is against Police Department regulations for police to fire at a moving vehicle unless deadly physical force is being used against the officers or another person.

After Holland was wounded and his car rolled to a stop, police took him to the Hospital of the University of Pennsylvania, where he underwent extensive surgery. He will need additional surgery, the lawsuit says.

Shortly afterward, Ramsey spoke with reporters and made an unusual public apology.

Praising Holland for working two jobs and coming from a good family, Ramsey said he went to the hospital and spoke with the young man's mother.

Holland's Upper Darby pizza shop, Slices & More, and neighbors in

West Philadelphia have been collecting donations for him.

Attorney Kline, who has won some of the largest settlements and jury verdicts in the state, notified the city in December that Holland would be suing. Last month, city lawyers requested in court that the lawsuit be filed.

Philadelphia's police shootings have been under review by the U.S. Justice Department for nearly two years.

Ramsey requested the review after 59 people were shot, 16 of them fatally, in 2012 - the highest one-year total in a decade.

The review is being conducted by a contractor working for the federal government. Federal officials have said a report is expected to be released in March.