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[Woman Sues City After Mistaken Arrests](#)

BY [Conor Dale](#)

Contribution Writer

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An Oakland woman mistakenly arrested seven times and who served six stints in jail filed a lawsuit against the city of Berkeley last week, claiming an array of civil rights violations over the past three years.

Stancy Nesby, a 28-year-old mother of four, was arrested seven times in the past 15 months. Nesby's legal troubles began when a woman arrested on suspicion of cocaine possession in 2001 allegedly gave Nesby's name to authorities, prompting police to be on the lookout for Nesby instead of the true suspect, said her attorney, Jivaka Candappa.

When Nesby failed to show up for a court appearance for the arrest, a San Francisco judge issued two bench warrants for her arrest.

She has since been arrested seven times-twice in Berkeley-because of the mistaken identity, Candappa said.

The suit, filed last week in Alameda County Superior Court, seeks unspecified damages for unlawful searches and seizures, violation of due process rights and emotional distress.

The woman pictured in the warrants is 5 inches shorter than Nesby, Candappa said.

"If the police had done any kind of checking, these arrests would not have happened," Candappa said.

The Berkeley Police Department and city attorneys declined to comment on the case or arrests because of pending litigation.

Her first arrest, on Sept. 3 of last year, occurred after a Berkeley police officer pulled Nesby over for an unspecified reason. When she showed the officer her driver's license, she was arrested for the outstanding warrant.

Candappa said there was no merit for stopping his client, who is black. He said it was a case of racial profiling.

The suit also claims that the officer disregarded a letter from a San Francisco judge acknowledging that Nesby was the victim of identity theft.

"The officers tore it up and laughed at her," Candappa said.

Two weeks later, Nesby was arrested again on the same warrant after police found her in the parking lot of a grocery store that had recently been robbed.

Candappa also claims that the San Francisco Police Department has not removed Nesby's name from the statewide warrant database, despite efforts by other law enforcement agencies.

A Shasta County official sent a letter Oct. 30 of last year to the San Francisco Police Department, insisting that Nesby's name be removed from the database.

Candappa also filed suit against San Francisco for failing to drop Nesby from its warrant database. The suit seeks \$1 million in damages.

San Francisco officials say Nesby's suit will have little chance of succeeding in court.

"There is no basis for this lawsuit legally or factually," said Matt Dorsey, spokesperson for San Francisco's city attorney. "Our job is to defend the taxpayers' money, and we intend to do that vigorously."

Candappa said he plans to litigate both cases aggressively.

"It's a matter that requires some form of justice. I am going to see this to the bitter end," he said.

Contact Conor Dale at cdale@dailycal.org.