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| JEFFERSON COUNTY DISTRICT COURT 100 Jefferson County Pkwy Golden, CO 80401 (720) 772-2500 | <p style="text-align: center;">▲ Court Use Only ▲</p> |
| WILLIAM MONTGOMERY Plaintiff vs. BEST BUY STORES, L.P. Defendant | |
| Attorney Or Party Without Attorney: William Montgomery 2443 S University Blvd # 129 Denver, CO 80210 (970) 412-5463 zoinbergs@gmail.com | Case Number: 2023CV226 Division: 6 Courtroom: 520 |
| PLAINTIFF'S AFFIDAVIT OF THE EVENT | |

COMES NOW that William Montgomery, proceeding *pro se*, respectfully submits to the Court the following Affidavit:

1. My name is WILLIAM MONTGOMERY. I am a United States citizen, and a permanent resident of Denver, CO. I am over the age of 21 years, and am of sound mind. I am the Plaintiff in this action, and I have personal knowledge of the facts and matters set forth below. If called as a witness, I could and would testify competently to these particular facts and matters. I submit this Affidavit in support of my Response in Opposition to Defendant's Motion for Summary Judgment, in addition to my own Cross-Motion for Summary Judgment.

2. On or about November 25, 2022, at approximately 2:19pm, I was standing outside a Best Buy store located at 9369 Sheridan Blvd, Westminster, CO, 80031, waiting for my brother.

3. I had been standing on the east side of said building for about five minutes before I was approached by several Best Buy employees.

4. I saw that two of the employees, identified by company name tag as "Mahmoud" and "Shane," were later accompanied by a third employee, who didn't have a name tag on him [and who will thus be referred henceforth in this affidavit as "John Doe"].

5. Prior to being approached by Mahmoud, Shane, and John Doe, at no time whatsoever had I ever once met, seen, identify, pass by, or been located anywhere physically near such Best Buy employees on that day of November 25, 2022. Rather, this was the very first time that I had ever become aware as to the very existence of said Best Buy employees, whatsoever, in the first place.

6. Upon approach, Mahmoud told me something to the effect of, "I need my stuff back." I was never asked to "show a receipt" by Mahmoud, Shane, or John Doe.

7. Upon hearing Mahmoud's statement, of which I felt to be an accusation of theft, I discreetly activated my body-worn pen camera, located in my front jacket pocket, by pressing the power button on it. This video recording would later be stopped, saved, and labeled by me as "2022.11.25 @ 2.19pm ~ Detained By Best Buy Employees (Plaintiff's Bodycam)" [Exhibit #1]. Later, a transcript of what I personally heard that day was also prepared by me [Exhibit #2].

8. The three Best Buy employees' choice to interact with me took me by surprise, as I had never had any adverse interactions with Best Buy or its employees in the past. That's why I had activated my body-worn pen camera only upon their initial accusing of me.

9. For the next several seconds into our interaction, Mahmoud repeatedly told me, "I'm gonna need that back," while Shane kept telling me, "The cops are coming."

10. At one point Mahmoud told me, "I want what's in your pocket, too. Let me get that shit, man." John Doe also told me, "Fucking touch me, dude, and I will wreck you, I promise you."

11. At about a minute into our interaction, I tried to walk away from where I had been standing, but was told by Mahmoud that, "You're not going anywhere, dude. You're not going anywhere." About a minute after that, John Doe told me, "And you're not bigger than any of us."

12. For the next several minutes I tried to step around Mahmoud, Shane, and John Doe, in order to leave the area, but whereby all three employees repeatedly physically prevented me from doing so. All three Best Buy employees had physically "corralled" me against the building's wall, leaving me with no place to go [without otherwise having to physically touch the employees in order to move past them, but to which I was unable to do for fear that I would be assaulted in return].

13. At one point, John Doe called me a "dumbfuck," followed shortly thereafter with the statement, "You're fucking a thief." I heard these insults and accusations be made in a loud and brash tone, in front of several people walking by who would have also heard them be said to me.

14. Then, for the next several seconds, all three employees began taunting me, telling me that it will be "fun" for them to watch the cops "jump me," "tase me," and "fuck me up."

15. After that, as I continued to try to step around the Best Buy employees, Mahmoud once again told me, "You're not going anywhere, bro, you can keep trying to take a step to the left, a step to the right, you're not moving. Until I have my product in my hand, you're staying here."

16. About a minute after that, John Doe then asked me, "Who you waiting for?" I responded to him by saying that I was "Trying to fucking leave, man." He then replied back to me with the statement, "you're gonna have to go through me, and I'm not having a good day."

17. Eventually, after several more minutes of taunting, path blocking, and theft accusing, Mahmoud asked me, "What do you even got in there?" This question was followed up with John Doe saying to Mahmoud in front of me, "Oh we'll find out soon enough."

18. About a minute after that, John Doe finally told me that I could leave. But then I heard him say to his fellow employees, in front of me, "Or he can run off camera." He then confirmed what he meant by that by telling me, "Oh yeah. Wait 'til you get off camera. We'll be following you. We're gonna wait until you're not on camera."

19. I then said to the three Best Buy employees, "I don't feel safe leaving now," after which Mahmoud told me, "You shouldn't," followed by some laughter. John Doe then chimed in and said to me, "I wouldn't feel safe if I robbed somebody, either. Okay? When you rob somebody, or steal from somebody, I would feel threatened also."

20. After being told once again by John Doe to "Walk away," I once again responded to the three Best Buy employees by saying, "Yeah I don't feel like getting jumped off camera." Mahmoud replied by saying, "Then give me my stuff, dude." A few second later, after I reaffirmed that "I don't feel safe leaving now," Mahmoud once again followed up by saying, "You'll have zero problems if you hand me what's in your pocket, and what's in your coat."

21. Once again, after being told by Mahmoud of my "chance" to leave, I told him, "Like I'm just gonna trust him that he's not gonna jump me." Mahmoud then responded by saying, "You shouldn't trust him that he's not. You should give me my stuff. That's what you should do."

22. Eventually, after another minute or so, Mahmoud told me to "Have a good one dude. See ya later." All three employees then quickly stepped away from me and proceeded back into the Best Buy building.

23. I then spent the next 14 minutes standing in place, on the side of the Best Buy building, because of how unsafe I felt that I might still get jumped, off camera, by the three employees who said to me they would. [Throughout that 14 minutes, no cops ever came, either].

24. At no point in time, on that day of November 25, 2022, had I ever once "concealed" anything in front of (let alone not in front of) anybody, ever, period.

25. At no point in time, on that day of November 25, 2022, had I ever once placed into, or removed, anything from any pant pocket in front of anybody, ever, period. Whatever was located in my pant pockets remained there before, throughout, and after my interaction with the Best Buy employees.

26. At no point in time, in my entire life, have I ever been made aware of any specific or official [let alone general or unofficial] policy employed [let alone enforced] by Best Buy regarding the act [compulsory or not] of “receipt showing.” Nowhere have I ever seen such a policy posted in any Best Buy store, nor spoken to me by any Best Buy employee, nor available for me [or any others] to review on Best Buy's [or any other's] publicly available website. To this date, I still have literally no earthly idea, whatsoever, what Best Buy's policy actually is regarding “receipt showing” [if such a policy even exists, unofficial or not, in the first place].

27. Overall, this experience triggered numerous manifestations of significant mental anguish and emotional distress in me. During this encounter I felt helpless, angry, and frustrated that I could not leave the side of the building. I also became quite shocked and disappointed that I had become, yet again, subjected to another false imprisonment, this time for reasons completely unbeknownst to me. Honestly, I am getting sick and tired of being illegally detained by random strangers who don't care enough to do their jobs correctly. I also felt very embarrassed and humiliated on this occasion after being so quickly, easily, and publicly accused of being a thief. Even more so, I felt severe indignity, as people were willing to bully and threaten me in front of so many other people. I felt like a second class citizen, a degenerate. Somebody, who perhaps just by the way he looks or acts, deserves to be treated a certain way? Unfortunately, this experience has only fueled my state of perpetual apprehensiveness and anxiety whenever I go out in public. I now have a pervasive mistrust in authority, which only gets worse upon each subsequent adverse encounter. I now walk around with a pen camera almost every where I go, just in case I need to activate it. I feel silly having to do this upon every mundane occasion. But I just can't risk not protecting myself should the need arise. As a result, I now suffer from a marked diminishment in quality of life. This is especially true considering that my estranged parents, family, and the courts continue to believe me less and less that actual crimes keep being committed against me. They don't help me anymore. As a result, I have become quite bitter. My relationship with my brother has become strained. I suffer from insomnia as I lay awake at night thinking about my defenses / obtaining justice for the wrongs committed against me. And when I begin to file my cases in civil court, I get victim-shamed and scapegoated for wrongs that *others* have committed against *me!* Ultimately, while I know I must always “stand my ground” when it comes to exercising my rights, my overall interactions with the various merchants I have met across the front range have left me with overwhelming grief, as I have lost all hope in American culture as a result. I always thought “innocent until proven guilty” actually meant something in this country, but evidently it does not. In the end, after I get my justice, I plan on leaving this area to seek out more wholesome cultures and communities elsewhere in the country (if not world). About the only good thing I can think of regarding this particular experience is that it only serves to reinforce the concerns I have raised in my other adverse experiences. Hopefully once people see that each of my incidents are not isolated in nature, and that a larger problem of discrimination *does in fact* exist in this country, then maybe my other cases, and my caseload as a whole, will get the attention that it deserves.

FURTHER AFFIANT SAYETH NAUGHT.

I, WILLIAM MONTGOMERY, do hereby declare, under penalty of perjury, that the foregoing statements are true and correct.

Executed on this, the 19th day of September, 2024.


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CERTIFICATE OF SERVICE

I hereby certify that on this, the 19th day of September, 2024, the foregoing **PLAINTIFF'S AFFIDAVIT OF THE EVENT** was filed with the Court, and a true and correct copy of it was electronically sent to the following people:

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