

## Altoona soldier, acquitted in Annamarie Rittman murder, sues city over his arrest

A U.S. Army reservist twice charged and eventually acquitted of a 2005 murder has filed a federal lawsuit accusing the city of Altoona, two police officials and a video expert of the “willful, wanton and reckless” violation of his civil rights.

Justin Pollard, 28, contends in court papers that Altoona police were “without probable cause to reasonably believe that plaintiff had committed the crime” when they arrested him for the death of Annamarie Rittman, 46.

Rittman, an employee at the Altoona Lowe’s, was struck down by a pickup that swerved into her she walked through the store’s parking lot at roughly 5:30 a.m. on Dec. 27, 2005.

Pollard was arrested after police searched for a truck that matched store surveillance tapes. But the charges were dropped in 2007 after a judge ruled the video inadmissible because it played faster than real time.

Charges were refiled in 2009 after experts found a way to slow the video. Pollard, part of a military police unit deployed to Iraq, was arrested in New Jersey on his way back into the country.



Justin Pollard listens with defense attorney Alfredo Parrish as the jury is polled after returning a not guilty verdict in the first-degree murder trial for the death of

Polk County jurors found Pollard not guilty following a trial last September.

Evidence at trial showed his truck had a dented bumper and stickers on the back window similar to those seen on the truck in the videotape. But no fibers, human tissue or DNA linking Pollard to Rittman were found in the vehicle during the original investigation.

The 14-page lawsuit, filed by attorney Ted Sporer, accuses the city of Altoona, police offi-

Annamarie Rittman Oct. 1, 2010, at the Polk County Courthouse. (Rodey White/Register file photo)

cer Jason Ferguson and police chief John Gray of negligence, malicious prosecution and violating Pollard's rights under the Fourth, Fifth and Fourteenth Amendments to the U.S. Constitution.

Gray declined to comment this morning, saying he hadn't yet seen the lawsuit. "If it's going to court, we'll let our attorneys deal with it," the chief said.

Court papers say "Ferguson unilaterally excluded hundreds of other vehicles that more nearly matched the description of the vehicle that purportedly struck decedent... in order to focus the investigation" on Pollard.

Documents also accuse the city and Ferguson of false imprisonment and allege that Joe Brother, an employee at Associated Producers Inc., was negligent in compiling video from multiple store video cameras and "included irrelevant footage designed to implicate the plaintiff."

According to the lawsuit, Altoona "has developed a practice, policy or habit of recklessly instigating or procuring criminal prosecutions that are based on insufficient investigation, disregard of obvious exculpatory facts, and the knowing presentation of misleading or arguably false information" to prosecutors.

Court papers also accuse the city of conversion for what Pollard contends was the improper seizure of his truck. Court documents say Altoona maintained possession of the pickup "for quite literally years after any good faith reason for such retention had evaporated and long after they had a full and fair opportunity to examine the vehicle."

Altoona had Pollard's truck from Jan. 2006 through Oct. 2010, according to the lawsuit, and Pollard continued to make loan payments of \$359 per month during this time.

Court papers argue that Pollard deserves an unspecified amount of money as compensation for a long list of damages that include his humiliation, anxiety, loss of sleep, severe mental and emotional distress, legal bills and "exposure to public hatred, contempt and ridicule."

The lawsuit seeks damages from all defendants but and additional judgment against

Ferguson and Gray “in an amount sufficient to punish them for their outrageous misconduct and to deter them and others similarly situated from such abuses of authority in the future.”

**Tags:** [annamarie rittman](#), [justin pollard](#)