

DISTRICT COURT, BOULDER COUNTY, STATE OF COLORADO 1777 6th Street, Boulder, CO 80302 (303) 441-3750	DATE FILED July 22, 2026 9:47 AM FILING ID: 7D70746A9E63F CASE NUMBER: 2026CV30645
Plaintiff: GALILEO LUA WISE, an individual, v. Defendants: BOULDER POLICE OFFICER AUSTIN MYERS and BOULDER POLICE SERGEANT STEVEN FABER.	▲ COURT USE ONLY ▲
<i>Attorneys for Plaintiff:</i> Daniel D. Williams, No. 38445 Clarice S. Tenorio, No. 60922 GRATA LAW AND POLICY LLC 4845 Pearl East Cir., Ste 101, PMB #18 Boulder, CO 80301 Phone: (303) 535-3533 Email: dan@gratalegal.com; clarice@gratalegal.com	Case No.: Courtroom:
COMPLAINT AND JURY DEMAND	

Plaintiff Galileo Lua Wise, by and through counsel, Grata Law and Policy LLC, respectfully submits this Complaint and Jury Demand and alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff, Galileo Lua Wise (“Plaintiff” or “Mr. Wise”) is an 18-year-old resident of Lafayette, Colorado.
2. Defendant Officer Austin Myers is a sworn Boulder Police Department (“BPD”) officer who acted under color of law and within the course and scope of his employment with the City of Boulder. He is a “peace officer” as described in C.R.S. § 24-31-901(3), employed by a local government.
3. Defendant Sergeant Steven Faber is a sworn BPD officer who acted under color of law and within the course and scope of his employment with the City of Boulder. He is a “peace officer” as described in C.R.S. § 24-31-901(3), employed by a local government.

GENERAL ALLEGATIONS

4. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

5. Mr. Wise was born and raised in Lafayette, Colorado and at all relevant times was a minor. At the time of the incident described below he was a student at New Vista High School in the University Hill neighborhood of Boulder (the “Hill”).

6. On June 5, 2025, Mr. Wise was riding his bicycle to a scheduled haircut appointment at The Barber Joint on the Hill just across Broadway from the University of Colorado Boulder (“CU Boulder”) campus.

7. Mr. Wise was biking on the Broadway Bike Path on the side of Broadway bordering the CU Boulder campus, heading north towards the Hill.

8. He was wearing a tan sweatshirt, teal pants, and a black bicycle helmet that covered his face.

9. When confronted by Defendants, this was his appearance:



10. When Mr. Wise approached his destination on the Hill on the west side of Broadway, he realized that there was only one bike rack near the entrance of the building where The Barber Joint was located, and it was occupied.

11. Mr. Wise immediately did a U-turn on his bicycle to head back to the side of Broadway bordering the CU Boulder campus via the pedestrian tunnel below Broadway Street, where there are more bike racks, so that he could lock up his bike before his hair appointment.

12. Throughout the entire time that Mr. Wise approached College Ave. on the Broadway Bike Path, went to his destination on the Hill, and then made a U-turn to return to the east side of Broadway, he was in motion and was not stationary.

13. At the same time, BPD officers were responding to a robbery that had occurred at approximately 2:33 p.m. that day at the U.S. Bank branch located at 1650 28th Street, Boulder, Colorado in the 29th Street Mall.

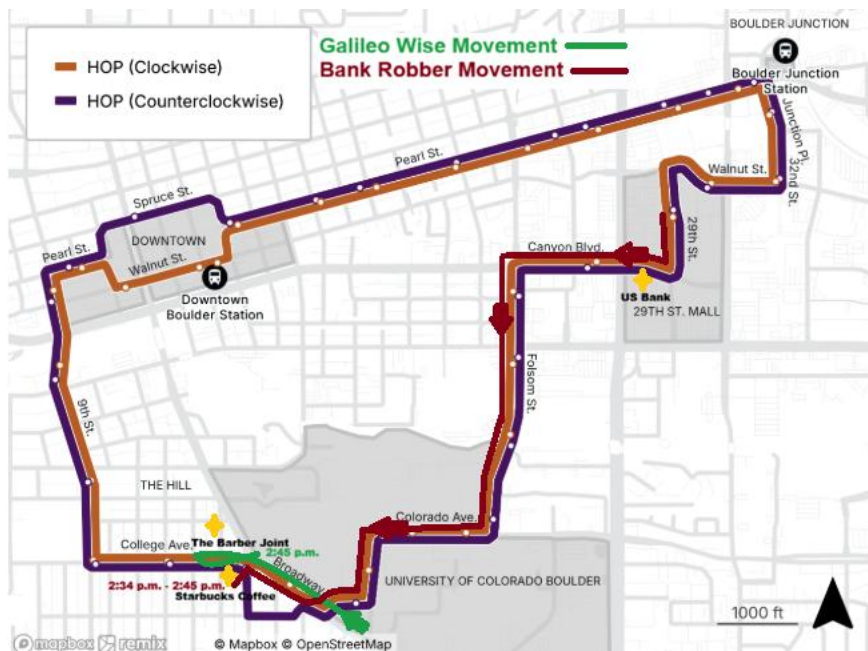
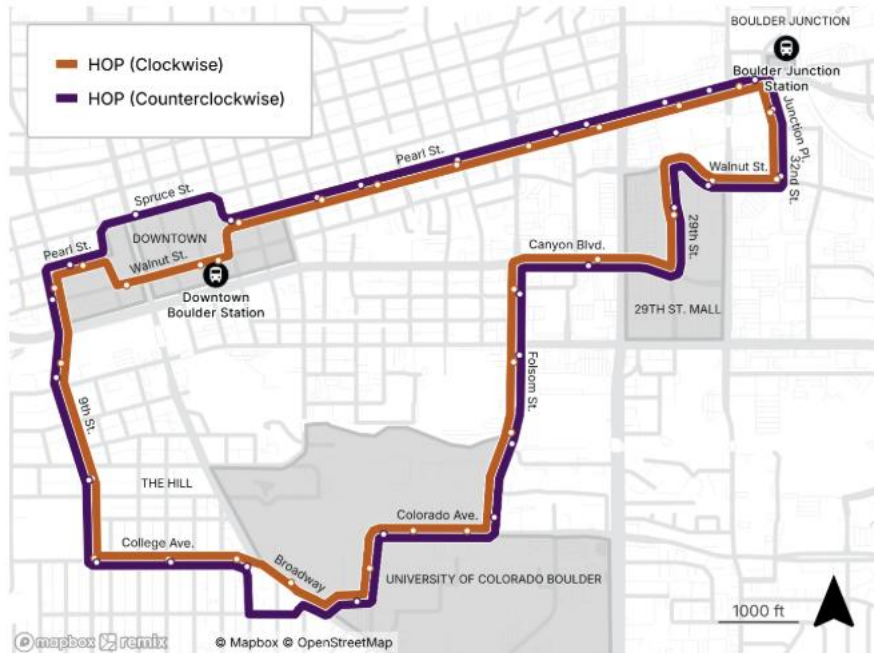
14. Based on court records, the amount stolen from the bank was approximately \$2,200.00 and there was no allegation that the bank robber had a weapon.

15. Numerous BPD officers, including Defendants, in various police vehicles were searching for the suspect based on radio updates that provided the description of the robber and the location of a tracking device that was hidden within the stolen money.

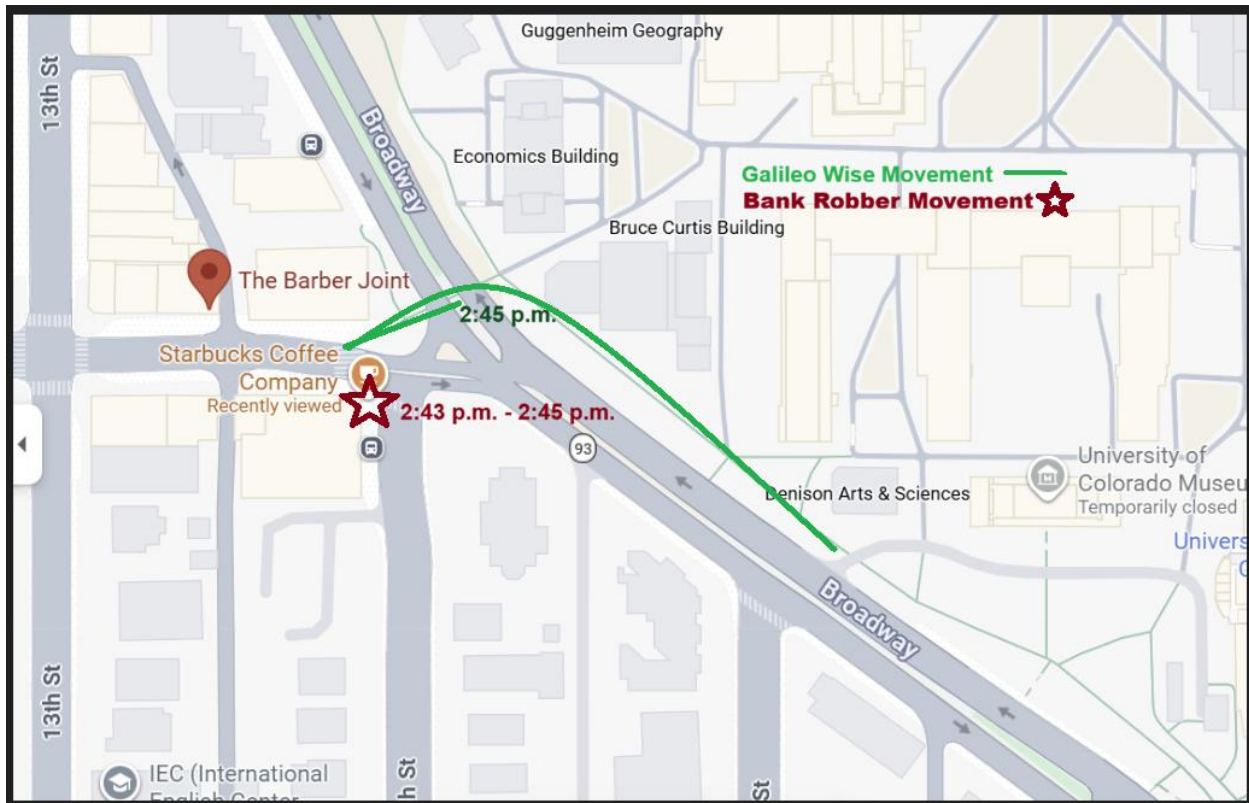
16. Body-worn camera (“BWC”) footage showed officers discussing the location of the tracker and guessing as to whether the suspect was on foot, on a bicycle, or in a motor vehicle. Based on the time it took him to travel across central Boulder, it appears he was traveling in a motor vehicle.

17. As for his route, the officers’ radio traffic explains that the bank robber left the U.S. Bank at the 29th Street Mall and then appeared on the tracker at 26th and Canyon. The police radio traffic documents that, from there, he rapidly proceeded west on Canyon and then south on Folsom to Colorado. He then took Colorado west into the CU campus. Specifically, he proceeded on Colorado to 18th where he turned south, and then south on 18th Street to Broadway. On Broadway, the bank robber proceeded northwest to a business on College Avenue just west of Broadway between 13th and 14th street. There is a Starbucks at that location. The bank robber was essentially stationary at the location of the Starbucks for approximately two minutes, strongly suggesting that he was no longer moving, but instead was inside the coffee shop.

18. The bank robber’s route from the bank at the 29th Street Mall to College Ave. matches that of the HOP bus line. The HOP bus line, the robber’s route, and Mr. Wise’s route, are depicted below:



19. At the time the tracker was stationary on College Avenue between 13th and 14th Street (likely at Starbucks), Mr. Wise was riding his bicycle through a tunnel under Broadway toward the bicycle racks on campus. He had not been stationary at any time in this area during his ride.



20. The suspect was described on the police radio as having “tan skin” and wearing a “green” shirt, with glasses on his face.

21. While speeding northwest on Broadway in the hopes of encountering the bank robber, a police vehicle approached College Avenue. One of the officers pointed out that he saw “a bike with someone greenish.”

22. Approximately 30 seconds later, another officer said he saw a “greenish” bicyclist.

23. In their squad car, Officer Myers and his partner had discussed the suspect wearing a “lime green shirt and clear glasses” before pointing out “this kid,” referring to Mr. Wise and indicating that he was likely their suspect. Of course, Mr. Wise was neither wearing a lime green shirt nor wearing clear glasses.

24. Despite the fact that Mr. Wise did not match the suspect’s description—tan skin and wearing a green shirt and glasses—and that unlike the bank robber, Mr. Wise was not stationary at the location of the Starbucks on the Hill, Defendant Myers decided that Mr. Wise was the suspect because he was riding a bicycle and appeared greenish, even though he was wearing teal pants, a tan sweatshirt, and a black helmet covering his face.

25. Simply put, without any report that the bank robber was traveling by bike, although any diligent officer would have realized the robber traveled by HOP bus or other motor vehicle, and although Mr. Wise had on neither a green shirt nor glasses, Defendant Myers decided to apprehend Mr. Wise because something he was wearing was greenish and he was in motion.

26. Officer Myers rapidly exited his vehicle to intercept Mr. Wise at the tunnel entrance, at the same time as three other officers ran from the opposite side of the tunnel to apprehend Mr. Wise.

27. As he was biking through the tunnel, Mr. Wise was surprised when he heard the officers behind him yelling “Stop.” He turned around and was further shocked to see three officers charging him with great agitation and haste.

28. When he realized that the officers were directing this order to him, Mr. Wise complied immediately, slowing his bicycle, raising his hands, and then coming to a complete stop with his hands in full view on his bicycle’s brake levers.

29. As he was slowing down his bicycle, raising his hands, and coming to a stop, Officer Myers rounded the corner on the opposite end of the tunnel, directly in front of Mr. Wise, as he parroted the other officers’ orders to “Stop.”

30. Without any explanation, investigative questioning, or further instruction, Officer Myers pulled Mr. Wise from his bicycle, forcefully pushed him to the ground, and tackled him to restrain him.

31. As the officers approached Mr. Wise and tackled him to the ground, Mr. Wise repeatedly asked, “What happened?” and “What did I do?” in a confused and upset voice. Mr. Wise was breathing heavily from the stress and discomfort of the situation.

32. During the takedown, Mr. Wise’s head struck the pavement, leaving a visible scratch on his helmet.

33. Officer Myers ordered Mr. Wise to put his hands behind his head, to which Mr. Wise, in grave fear, fully complied while he continued to ask, “What did I do?”

34. Simultaneously, three additional officers joined Officer Myers in handcuffing Mr. Wise while cutting his backpack straps to remove his backpack from his body during the process.

35. At no point prior to this seizure did officers, including Defendants, have reasonable suspicion or probable cause to detain Mr. Wise – he did not match any of the suspect descriptions that BPD officers were given and had been in motion at the time the tracker had been stationary by or in a nearby Starbucks for over two minutes.

36. Officers, including Defendants, detained Mr. Wise on the ground inside the tunnel for approximately eight minutes.

37. During the detention, the crowd of officers multiplied as approximately 10 additional officers filed into the tunnel, prompting a senior officer to instruct the group of officers to clear the area unless they were the original responding officers.

38. Audio from the BWC footage shows the officers joking amongst themselves and treating the scene casually despite Mr. Wise's visible distress. One officer who was retreating towards her vehicle indicated to several others that they needed to clear out, chuckling and stating "there's a lot of people there." When asked if they had enough coverage, the questioning officer laughed and responded "Hey, it's summer in Boulder. We're all looking for something to do[.]"

39. While sitting against the tunnel wall, Mr. Wise fully complied with BPD's search and investigation, answering the officers' questions, telling them where to find his student ID and giving them permission to take it, noting that Mr. Wise's father had his Colorado state ID.

40. On information and belief, Sergeant Faber immediately understood that the officers had not detained the correct suspect. Shortly after arriving to the scene, Sergeant Faber suggested they "get the tracker going again," and stated, "That's not him." Even though he did not reasonably suspect that Mr. Wise was the bank robber, on information and belief, Sergeant Faber made the decision for the officers to continue to detain Mr. Wise. Approximately five minutes later, Sergeant Faber again confirmed that Mr. Wise was not the suspect, stating "This doesn't match our guy."

41. Rather than immediately release him, the officers then told Mr. Wise that there had been a bank robbery and that he looked a great deal like the description provided, which was not true. Mr. Wise, who is pale white and was wearing teal pants, a tan sweatshirt, and a black helmet that covered his face, did not fit the descriptions that BPD officers were provided with (i.e., "tan skin[ned] man" in a "green shirt" with glasses or a "lime green shirt and clear glasses").

42. At this point, Mr. Wise attempted to explain to the officers that he was going to be late for his haircut appointment before pivoting in a confused manner to tell the officers that he had hit his head, did not know what was going on, and was experiencing pain.

43. Officers nevertheless continued to detain Mr. Wise without medical evaluation.

44. When he requested that he be allowed to call his father, the officers told Mr. Wise that he would be allowed to do so "in a minute" and then read Mr. Wise his Miranda rights, despite lacking probable cause that he had committed any crime and even though Sergeant Faber, who was present, knew that Mr. Wise was not the suspect.

45. While Mr. Wise remained handcuffed, officers gathered at the far end of the tunnel to view a photo of the actual robbery suspect on one of the officers' phones.

46. One by one, the officers verbally acknowledged among themselves that Mr. Wise did not resemble the suspect, stating: "No that doesn't look like him [...] That's not him. It's a green hoody", "no way [...] that's not him," "I don't think this is our guy," and "this doesn't match our guy."

47. When asked if he needed medical assistance, Mr. Wise repeated: "I did hit my head...it hurts pretty bad" and requested medical assistance.

48. Mr. Wise was, of course, rattled after this forceful takedown and unnecessarily lengthy detention, and in a shaky voice began to request information about the robbery.

49. Instead of apologizing or admitting to their mistakes, Officer Myers provided Mr. Wise with a false explanation that he matched the suspect's description and location to justify the stop.

50. Concerningly, Officer Myers told Mr. Wise that he looked a lot like the suspect and offered a fabricated description of the suspect as "wearing green and tan clothing and riding a bike."

51. BPD officers including Officer Myers had been told that the suspect had on a "green shirt" or "lime green shirt" and clear glasses and there was no information or basis shared from which to conclude that the bank robber was traveling via bicycle as opposed to by bus or car.

52. Officer Myers also told Mr. Wise that they had tracked the suspect to "pretty much the exact location" he was in, thus giving them "reasonable suspicion" to stop him.

53. However, the tracker had shown that the bank robber was stationary for at least two minutes prior to the stop, in or around Starbucks on College Avenue between 13th and 14th Street. Mr. Wise responded by noting that he had been fully compliant when the officers instructed him to stop and expressed confusion as to their aggression in apprehending him.

54. Mr. Wise was then finally able to turn his attention to his phone and attempt to contact his family members.

55. When medical arrived, Mr. Wise confirmed he was wearing his helmet but continued to voice his concerns about his head injury, mentioning past concussions and the compounding effects of head trauma. He described the pain as "kind of pounding," indicating where the left side of his head was hit on the ground when he was tackled, which corresponded with the scratch on his helmet.

56. When he spoke to his mother on the phone, Mr. Wise explained the situation, expressing that the police had misidentified him and reiterating that his head was hit on the ground.

57. Officer Myers spoke with Mr. Wise's mother and continued to mischaracterize the events leading to Mr. Wise's arrest, falsely stating that they were tracking the suspect at a rate consistent with the speed of a bicycle and that his clothes matched the perpetrator's before stating that they "ended up having to take him to the ground."

58. As the officers continued to mull around the area, two witnesses standing on the opposing sides of the tunnel discussed the police encounter. One person described the event in detail, explaining that "upon noticing the officers Mr. Wise said 'What? What's going on...' and then 'Pow.' That's what happened."

59. BWC footage shows that, upon realizing the reality of his actions, Officer Myers spoke to Sergeant Faber, stating that he was “worried about the kid” (i.e., Mr. Wise) and that he felt bad.

60. In response, Sergeant Faber urged Officer Myers not to admit fault, telling him he did nothing wrong and justifying Officer Myers’ behavior by saying “Hey, we just had a bank robbery” and that Officer Myers should “keep up the good work” and that he “wouldn’t change it for anything.”

61. In reality, the BPD officers’ actions were unreasonable, unnecessary, and in reckless disregard of Mr. Wise’s constitutional and statutory rights.

62. Both Boulder’s Professional Standards Unit and Boulder’s Police Oversight Panel reviewed Mr. Wise’s arrest. That review did not consider the lack of probable cause to stop Mr. Wise or whether his arrest and detention were illegal.

63. The Professional Standards Unit did find by a preponderance of the evidence that Sergeant Faber wrongfully extended the detention of Mr. Wise after any “reasonable suspicion dissipated.”

64. Approximately two hours later, BPD located and arrested the suspect for the robbery, a 46-year-old, tan-skinned man who was wearing blue jeans and a grey shirt. When BPD discovered him, he was sitting patiently at a bus stop on the west side of Broadway about three blocks north of College Ave.

65. This is the appearance of the actual bank robber, who does not look like Plaintiff:



66. For one officer, the arrest of the actual robber evoked contrition for the previous arrest of Mr. Wise—he is heard on BWC footage saying, “poor guy on an e-bike.”

67. Since the incident, Mr. Wise has experienced ongoing physical injury, emotional distress, anxiety, and trauma.

68. The aggressive manner in which BPD officers tackled and restrained Mr. Wise caused him to suffer a concussion. As a result, Mr. Wise is more susceptible to future concussions, and the negative effects of any future concussions will likely be more severe in both the short- and long-term.

69. A psychological evaluation determined that, because of the arrest, i.e., the “traumatic event,” Mr. Wise suffered from acute stress disorder, meeting the standards set forth in the DSM-5-TR.

70. Because of BPD’s conduct, Mr. Wise experiences symptoms including:

- a. Recurrent, involuntary, and intrusive distressing memories of the traumatic event;
- b. Recurring distress dreams in which the content and/or emotion of the dreams were related to the traumatic event; and
- c. Dissociative reactions such as flashbacks.

71. When evaluated in the wake of this incident, Mr. Wise had trouble remembering important aspects of BPD’s encounter with him and he had intense and prolonged physiological reactions in response to internal and external cues that symbolized or resembled an aspect of the traumatic even (e.g., he would panic when he was on his bicycle and saw a police officer).

72. The psychological evaluation also noted that Mr. Wise also suffered from sleep disturbances, had hypervigilance, concentration problems, and other acute symptoms lasting for weeks.

73. Currently, Mr. Wise continues to meet the DSM-5-TR criteria for adjustment disorder with mixed anxiety and depressed mood, acute. His symptoms include repeated, disturbing, and unwanted memories of the trauma; difficulty sleeping and/or disturbing dreams related to the trauma; strong physical reactions when he is reminded of the trauma; and attempts to avoid memories, thoughts, and feelings related to the trauma.

74. As a result of BPD’s conduct and the traumatic event, Mr. Wise has difficulty enjoying activities he found pleasurable and sometimes feels distance and cut off from others.

75. Further, Mr. Wise was unable to complete his senior year of high school at the school he was previously attending, due to the physical and psychological complications he suffered because of BPD’s conduct and the traumatic event.

76. The Defendants’ conduct directly and proximately caused Mr. Wise physical injury, emotional distress and suffering, ongoing fear of police encounters, and loss of enjoyment of life, and other damages.

FIRST CLAIM FOR RELIEF
C.R.S. § 13-21-131 - Wrongful Arrest
(Against both Defendants)

77. Plaintiff incorporates the above paragraphs as if fully set forth herein.

78. At all relevant times, Officer Myers and Sergeant Faber were acting under the color of state law, and each was a peace officer as defined by Colo. Rev. Stat. § 24-31-901(3).

79. Officer Myers' and Sergeant Faber's acts described above constitute violations of Mr. Wise's rights under Article II, Section 7 of the Colorado Constitution, which provides in relevant part that "The people shall be secure in their persons...from unreasonable searches and seizures..."

80. By stopping Mr. Wise, pushing him to the ground to restrain him, handcuffing him, and detaining him, Defendants seized Mr. Wise without reasonable suspicion or probable cause.

81. Defendants' conduct, as described here in, was objectively unreasonable under the circumstances and was undertaken recklessly, intentionally, willfully, with malice, and with deliberate indifference to Mr. Wise's rights.

82. Mr. Wise's injuries, the violation of his Colorado Constitutional rights, and other damages were directly and proximately caused by Defendants' actions, policies, and practices.

83. As a direct result of Defendants' conduct, Mr. Wise has suffered actual physical and emotional injuries.

SECOND CLAIM FOR RELIEF
C.R.S. § 13-21-131 - Excessive Force
Against Defendant Officer Myers

84. Plaintiff incorporates the above paragraphs as if fully set forth herein.

85. At all relevant times, Officer Myers was acting under the color of state law, and each was a peace officer as defined by Colo. Rev. Stat. § 24-31-901(3).

86. Defendant Myers' acts described above constitute violations of Mr. Wise's rights under Article II, Section 7 of the Colorado Constitution, which provides in relevant part that "The people shall be secure in their persons...from unreasonable searches and seizures..."

87. Mr. Wise did not pose an immediate threat to the safety of Defendant Myers or others.

88. Mr. Wise was not actively resisting Defendant Myers' orders or detainment nor was he attempting to evade by flight.

89. Based on the totality of the circumstances, the degree of force used by the Defendant Myers was excessive and objectively unreasonable.

90. Mr. Wise's injuries, the violation of his Colorado Constitutional rights, and other damages were directly and proximately caused by Defendant Myers' actions, policies, and practices.

91. As a direct result of Defendant Myers' conduct, Mr. Wise has suffered actual physical and emotional injuries.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Wise respectfully requests that the Court grant the following relief:

- A. Compensatory damages for past, present, and future medical care and mental health treatment;
- B. Compensatory damages for past, present, and future pain and suffering, mental anguish, humiliation, loss of enjoyment of life, and emotional distress;
- C. Injunctive relief including retraining of all involved officers regarding honesty in dealing with the public and safe methods to detain someone on a bicycle;
- D. Punitive damages;
- E. Pre- and post-judgment interest;
- F. Attorneys' fees and costs as authorized by C.R.S. § 13-21-131; and
- G. Such other relief as the Court determines is proper.

JURY DEMAND

Plaintiff demands that this matter be tried by jury.

Respectfully submitted this 22nd day of July 2026.

GRATA LAW AND POLICY LLC

s/ Daniel D. Williams

Daniel D. Williams, No. 38445

Clarice S. Tenorio, No. 60922

Attorneys for Plaintiff Galileo Lua Wise