

The Great Easter Bunny Capper of Catt County

When you travel through Cattaraugus County New York, bring a video camera with you, because you could easily sell it to Hollywood for the next twilight zone movie, and most importantly do not try to make a child laugh, or happy, you might get an APB (all points bulletin) issued against you for trying to being nice...

This 1983 ([1983 meaning, title 42 USC section 1983](#)) lawsuit concerns two men who were passing through Cattaraugus County around Easter time to, they had an Easter bunny costume and one of them decided to wear it make a child laugh. Next thing you know they are being accused of robbing a bank and an APB is being issued against them. What happened next, well we will let the courts own words describe it. See the story below...

I will let the federal court's wording in settlement of the matter explain how truly bazaar this one turned out. The quotes below are taken directly from the lawsuit.

[WAGNER v. COUNTY OF CATTARAUGUS 866 F.Supp. 709 \(1994\)](#)

"There is a familiar adage that the truth is often stranger than fiction. This case illustrates the accuracy of that maxim."

"From one viewpoint, there is some humor in what occurred here, and the ultimate damage to plaintiffs may prove to be rather slight. However, from another perspective, what happened should not be a matter of amusement."

"...constitutional violations under the Fourth and Fourteenth Amendments as well as pendent state law claims for false arrest and false imprisonment against the County of Cattaraugus and several officers in the Cattaraugus County Sheriff's Department."

"It appears that Wagner, a grade-school vice-principal in Rochester, New York, and his friend, Payment, were travelling on holiday throughout Western New York during the Easter school recess."

"During their trip, as plaintiffs passed into each county, they would stop the van, put on the rabbit's mask and take a picture next to the road sign which indicated entry into that particular county. They also had a seven foot stuffed dog in the van which apparently also posed for some of these road-side pictures."

Then they go and eat at a cafe in Randolph, NY

"The police investigation was woefully inadequate. There is no evidence that the police attempted to interview any of the patrons at the Gates Cafe or to interview the bank customer and little girl who first reported seeing the "Easter Bunny.""

"I find as a matter of law that the seizure of plaintiffs constituted a warrantless arrest which was not based on probable cause. I find that no reasonable juror could conclude otherwise. Plaintiffs are entitled to summary judgment on this issue."

"Admittedly, the activity was bizarre enough that, if the plaintiffs had been in Randolph, it may have been permissible for an officer to briefly stop the men and inquire about their conduct. At the

time they were arrested, however, plaintiffs were out of town many miles from the bank, and obviously neither man posed a danger to the bank at that time. There was simply no justification at that time to arrest plaintiffs at gunpoint and transport them back to Cattaraugus County in handcuffs."

"From an objective standpoint, it is impossible to view the actions of the officers here as reasonable in light of clearly established law that citizens may not be arrested without probable cause."

Read the whole case here: [WAGNER v. COUNTY OF CATTARAUGUS 866 F.Supp. 709 \(1994\)](#)