

## **ALLEGED BLACKJACK CHEATER FILES SUIT CHARGE DROPPED; WOMAN ALLEGES WRONGFUL ARREST**

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A Raleigh County woman accused of cheating at blackjack with the help of a dealer at Tri-State Racetrack & Gaming Center has filed a lawsuit against the West Virginia Lottery Commission and the State Police.

In a lawsuit filed Tuesday, Thuhuong Nguyen alleges that she was wrongfully arrested and detained on Aug. 22 while she was lawfully gambling at a table where Derek Maple was the dealer.

Nguyen, 41, of Mount Hope, and Maple, 26, of Poca, both were charged with a racetrack game violation, which is a felony.

Court records indicate Kanawha County prosecutors dropped the charges against Nguyen on Aug. 29. After a hearing on Sept. 1, Kanawha County Magistrate Julie Yeager found probable cause in the case against Maple, and his case was bound over to the grand jury. As of Tuesday, he had not been indicted.

"Based upon information and belief, the criminal charges against [Nguyen] were dismissed because a review of video recordings of the events of Aug. 22, 2009, clearly demonstrated that [she] committed no criminal violation," states the lawsuit, filed by Charleston lawyer **Mike Callaghan**.

The suit also names Lottery Commission Director John C. Musgrave, State Police Superintendent T.S. Pack and Timothy Humphrey, a Lottery employee assigned to Tri-State, as defendants.

State Police Trooper R.L. Walton Jr., who is not named in the suit, went to the Nitro casino, where Humphrey told him that a dealer was cheating, Walton wrote in a complaint filed in Kanawha Magistrate Court in August.

They looked at videotape and determined that the cheating dealer was Maple and that one of the people he was showing cards to was Nguyen, according to the complaint.

The casino banned Nguyen from entering its premises on Sept. 2, the lawsuit maintains.

Nguyen, who contends that she had played legally at several tables with several different dealers on the night she was arrested, alleges her arrest violated her First, Fourth and 14th Amendment rights.

The lawsuit seeks unspecified compensatory and punitive damages.

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