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Friday, April 08, 2016 Last Update: 7:28 PM PT

Family Blames Police for Mother's Death

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BALTIMORE (CN) - A Baltimore police officer shot his estranged girlfriend to death after she tried to kick him out of their home, the woman's children claim in court.

Officer James Smith Sr., a 20-year police veteran, killed Kendra Diggs with his service weapon after his fellow officers responded to a domestic violence call, Diggs' family claims in City Court.

Diggs, 37, was a mother of two. Smith was the father of 4-year-old plaintiff J.S. Jr., according to his brother Brandon Jennings, who sued for the estate, and for J.S. Jr.

Jennings claims in the lawsuit that police, including defendant police Lt. Milton Corbett, had been to Diggs' home more than once on May 7, 2013 after Smith had made homicidal threats to Diggs for asking him to leave their home.

Two Doe officers arrived and one led Diggs out of the home while the other remained in the doorway and shouted to Diggs, asking if Smith was armed, according to the complaint. She said yes, and that officer told Smith, "Sir, come out. Sir, come out now," the complaint states.

It continues: "(M)oments later a shot was fired from the home, striking Kendra Diggs."

Neither officer tried to shield or rescue Diggs as she leaned, wounded, against a fence. Smith then shot her again, in the head, the complaint states.

was ushered out to the sidewalk in plain view and exposed while Smith remained in the home. As officers attempted to coax Smith from the building he fired and struck Diggs once wounding her and then struck her in the head with a second shot.

The Baltimore Sun reported that Smith died of an apparent suicide on Aug. 4, 2013, awaiting trial in protective custody at the Maryland Reception, Diagnostic, and Classification Center. Smith had been housed by himself because he was a police officer.

Defendants include Lt. Corbett, Det. Michael Moran, former City Police Commissioner Anthony Batts, Doe officers, and the police administrative bureau chain of command.

The family seeks punitive damages for battery, reckless endangerment, intentional torts, false imprisonment, and intentional infliction of emotional distress.

The Baltimore Police Department did not respond to a request for comment.

The family is represented by William Teets Jr., of Towson, who did not immediately respond to an email seeking comment.

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