

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DISTRICT**

JOHN ADAM JONES,)				
	Plaintiff,)			
)			
	vs.)	17 C		
)			
CITY OF CHICAGO,)				
OFFICER SERGIO HERRERA STAR #11627,)				
OFFICER SERGIO SIMENTAL STAR # 8765,)				
OFFICER JONATHAN KUKIELKA STAR #11024,)				
OFFICER JAMES MCCRILLIS STAR #5759;)				
OFFICER BRIAN LINDSTROM STAR #10592)				
OFFICER ERIC DURON STAR #16829,)				
OFFICER KEVIN BARBEEE STAR #12695,)				
OFFICER ANTHONY HARRIS STAR #2828,)				
SERGEANT MARGARET FLISK STAR #2682,)				
DETECTIVE FRANK SZWEDO STAR #21000,)				
DETECTIVE DAVID ROBERTS #20764 AND)				
AS-YET-UNKNOWN CHICAGO)				
POLICE OFFICERS)				
	Defendant)	JURY TRIAL DEMANDED		

COMPLAINT

NOW COMES Plaintiff, JOHN ADAM JONES, by his attorney Shay T. Allen, complaining of Defendants, CITY OF CHICAGO, OFFICER SERGIO, HERRERA STAR #11627, OFFICER SERGIO, SIMENTAL STAR # 8765, OFFICER, JONATHAN KUKIELKA STAR #11024, OFFICER JAMES MCCRILLIS STAR #5759; OFFICER BRIAN LINDSTROM STAR #10592 OFFICER ERIC DURON STAR #16829, OFFICER KEVIN BARBEEE STAR #12695, OFFICER ANTHONY HARRIS STAR #2828, SERGEANT MARGARET FLISK STAR #2682, DETECTIVE FRANK SZWEDO STAR #21000, DETECTIVE DAVID ROBERTS #20764, AND AS-YET-UNKNOWN CHICAGO POLICE OFFICERS (collectively, the “Defendant Officers”), states as follows:

INTRODUCTION

1. This action is brought to redress the deprivation of Plaintiff’s constitutional rights stemming from an act of clear abuse of the arrest powers of the police.

2. Specifically, Plaintiff, now a 20-year-old but at the time of arrest, an 18-year-old high school student and musician, was falsely arrested and incarcerated for a crime he absolutely did not commit.
3. Plaintiff repeatedly expressed to Defendant Officers his innocence and the evidence provided for his arrest was unlawful.
4. Though his charges were ultimately dismissed, Plaintiff will never regain the time he lost while he was in custody, get to live his final year of high school that he missed, or the large amount of funds that were expended and lost used to regain his liberty. This lawsuit seeks redress for these injuries.

JURISDICTION AND VENUE

5. This action is brought pursuant to 42 U.S.C. Section 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution.
6. This court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1367. Venue is proper under 28 U.S.C. § 1391(b). The parties reside in the judicial district and the events giving rise to the claim asserted herein occurred here as well.

THE PARTIES

7. John Adam Jones is a 20-year-old resident of the City of Chicago. At the time Defendants maliciously prosecuted Plaintiff, he was an 18-year-old high school student on the path to graduation and college. After being arrested, he was expelled and subsequently lost his college scholarship. Since that time, he has struggled to regain the chances that were taken from him.

8. Defendant City of Chicago is a municipal entity, which employs or employed the Defendant Officers.
9. At all times relevant hereto, Defendant, Officer Sergio Herrera #11627, was a Chicago Police Officer who arrested Plaintiff. Furthermore, Officer Herrera testified at the preliminary hearing for this matter.
10. At all times relevant hereto, Defendant, Officer Sergio Simental Star # 8765, was a Chicago Police Officer.
11. At all times relevant hereto, Defendant, Officer Jonathan Kukielka star #11024, was a Chicago Police Officer. Officer Kukielka conducted the warrant search on Plaintiff's residence.
12. At all times relevant hereto, Defendant, Officer James McCrillis star #5759; was a Chicago Police Officer.
13. At all times relevant hereto, Defendant, Officer Brian Lindstrom star #10592, was a Chicago Police Officer. Officer Lindstrom conducted the warrant search on Plaintiff's residence.
14. At all times relevant hereto, Defendant, Officer Eric Duron star #16829, was a Chicago Police Officer.
15. At all times relevant hereto, Defendant, Officer Kevin Barbee star #12695, was a Chicago Police Officer.
16. At all times relevant hereto, Defendant Officer Anthony Harris star# 2828, was a Chicago Police Officer.

17. At all times relevant hereto, Defendant Sergeant Margaret Flisk Star #2682 at all times relevant hereto, Defendant Officer was a Chicago police officer. Sergeant Flisk conducted the warrant search on Plaintiff's residence.
18. At all times relevant hereto, Detective Frank Szwedo star #21000, was a Chicago police officer.
19. At all times relevant hereto, Defendant, Detective David Roberts #20764, was a Chicago Police Officer.
20. All of the foregoing Defendants are sued in their individual capacities, and all acted under color of law and in scope of their employment in engaging in the action alleged in this Complaint.

FACTUAL ALLEGATIONS

21. On May 12, 2015, the Plaintiff, an 18-year-old high school student at The Little Black Pearl High School, in Chicago, Illinois, was arrested for aggravated robbery.
22. Plaintiff Jones was innocent of the allegations of armed robbery. In fact, Plaintiff had no criminal history.
23. On May 12, 2015, around 11:00p.m., near 5425 S. Damen, Chicago, Illinois, two Hispanic males were allegedly robbed of their possessions by 3 men with a gun. The alleged robbers fled when police were approaching the area.
24. The robbery victims gave a vague description of the alleged robbers to Defendant Officer Herrera and Officer Simental, specifically stating there were three Black males with one of the offenders wearing a red sweatshirt and the others wearing black tops.

25. On May 13, 2015, around 1:15a.m., Plaintiff and two acquaintances exited Plaintiff's residence. Defendant Officers Herrera and Simental approached Plaintiff and his acquaintances, exclaiming that they matched the description of alleged robbers.
26. Officers took Plaintiff and acquaintances to 5425 S. Damen, the location of the alleged armed robbery. Victims positively identified Plaintiff and his acquaintance as the armed robbers.
27. However, Plaintiff was wearing a black coat with light colored pants, not a black hoodie as the victims alleged one of the robbers wore.
28. Defendant Officers took Plaintiff and his acquaintances to lockup in the 009 District.
29. During and after the arrest, Plaintiff was subjected to racists taunts by the mostly Caucasian and Latino officers.
30. After Plaintiff's arrest, Defendants Sergeant Flisk, Officer Kukielka, and Officer Lindstrom conducted a search warrant in Plaintiff's residence, where he resided with his parents. Defendant Officers found no evidence of a gun or any of the victims' possessions.
31. In charging Plaintiff with a felony, Defendant Officers had to call Felony Review of the Cook County State's Attorney Office to get approval. To do this, the Defendant Officers withheld the fact that the victims gave a vague description of the alleged robbers, only identified the Plaintiff based on the color of his clothes and not his face or any other identifying feature, and there was no evidence indicating Plaintiff was involved in the robbery.

32. Plaintiff was originally held on an excessive and oppressive bond, which after a bond reduction hearing, he was able to post bond in November 2015, where he was subsequently placed on electronic monitoring.
33. Throughout the duration of the case, Plaintiff maintained his innocence.
34. In July 2016, the other co-defendants charges were dismissed when the judge granted directed verdict on the basis that Defendants did not positively identify the acquaintances as the armed robbers during trial.
35. In August 2016, Plaintiff's charges were dismissed completely.

PLAINTIFF'S DAMAGES

36. At the time he was wrongfully accused of this crime, Plaintiff was an 18- year- old high senior school student, looking forward to his graduation and attending college at University of California- Berkley on a full scholarship.
37. Notwithstanding all charges being dismissed, Defendant Officers' misdeeds have ruined Plaintiff's young life.
38. Defendant Officers caused Plaintiff to be removed from his family, spend time in Cook County Jail with violent and dangerous offenders, pay attorney fees, pay bond, be expelled during his senior year in high school, and miss the opportunity of a lifetime losing his full scholarship to University of California-Berkley.

THE EFFECT ON PLAINTIFF

39. Plaintiff served over 6 months in Cook County Jail with no cause, which resulted in him missing most of his senior year in high school. Thus, his high school was forced

to expel him, which denied him his graduation that he earned and to lose his full scholarship to University of California-Berkley.

40. Plaintiff will spend the rest of his life trying to recover from and live a normal life.
41. Additionally, the emotional pain and suffering caused by being completely wronged by the Defendant Officers from his expulsion to missing graduation to losing his full college scholarship that can never present itself again, has caused unfathomable damages, all proximately caused by Defendant Officers' misconduct.

COUNT I -- MALICIOUS PROSECUTION

42. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.
43. At all times, Defendants maliciously, willfully, and wantonly initiated and/or commenced an original criminal/legal proceeding against Plaintiff and/or caused these legal proceeding to continue against him without probable cause.
44. With malice, willfulness, and/or reckless indifference to Plaintiff's rights, Defendant created false and/or inaccurate police reports and/or made false statements to the police officers and prosecutors.
45. The legal proceedings against Plaintiff were dismissed in his favor.
46. As a direct and proximate result of the malicious prosecution by Defendant Officers, Plaintiff suffered injury, including without limitation, emotional and financial damages which will be proven at trial.

COUNT II -- 42 U.S.C. § 1983
FALSE IMPRISONMENT

47. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

48. As described more fully above, all of the Defendant Officers, while acting individually, jointly, and in conspiracy, as well under of law, and within the scope of their employment, caused Plaintiff to be falsely imprisoned in violation of his constitutional rights.
49. As a result of this violation, Plaintiff suffered injuries, including but not limited to, emotional distress, as is more fully alleged above.
50. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiff's constitutional rights.

COUNT III--42 U.S.C. § 1983
FALSE ARREST

51. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.
52. As described more fully above, all of the Defendant Officers, while acting individually, jointly, and in conspiracy, as well under color of law and within the scope of their employment, caused Plaintiff to be falsely imprisoned in violation of her constitutional rights.
53. As a result of this violation, Plaintiff suffered injuries, including but not limited to, emotional distress, as is more fully alleged above.
54. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiff's constitutional rights.

COUNT IV—42 U.S.C. §1983

55. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

56. As described more fully above, Defendant Officers, all while acting individually, jointly and in conspiracy, as well as under color of law and within the scope of their employment, denied Plaintiff equal protection of the law in violation of his constitutional rights.
57. Specifically, these Defendant Officers actively participated in, or personally caused misconduct in terms of abusing minority criminal suspects in a manner to secure unjust convictions. Said misconduct was motivated by racial animus and constituted purposeful discrimination; it also affected minorities in a grossly disproportionate manner vis-à-vis similarly situated Caucasian individuals.
58. Defendant Officers arrested Plaintiff with absolutely no legal basis.
59. Defendant Officers subjected Plaintiff to racist taunts, during the arrest showing a clear racial bias.
60. As a result of this violation, Plaintiff suffered injuries, including but not limited to, emotional distress, as is more fully alleged above.
61. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiff's constitutional rights.

COUNT V—SECTION 1985(3) CONSPIRACY
CONSPIRACY TO DEPRIVE CONSTITUTIONAL RIGHTS

62. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.
63. As described more fully above, each of the Defendant Officers conspired, directly or indirectly, for the purpose of depriving Plaintiff of Equal Protection of the law.
64. Defendant Officers arrested Plaintiff where he was committing no crime.

65. Defendant Officers still arrested Plaintiff after searching his residence and finding no evidence to prove that Plaintiff committed a crime or was involved at all in the alleged robbery.
66. Defendant Officers arrested Plaintiff having knowledge he committed no crime, let alone a felony, then called for felony approval to the Cook County State's Attorney Office.
67. Defendant Officers created false police reports, made false statements to the Cook County State's Attorney Office and lied under oath at a Preliminary Hearing.
68. In doing so, Defendant Officers took actions in furtherance of this conspiracy, causing injury to Plaintiff.
69. The misconduct as described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

COUNT VI—42 U.S.C. § 1983
FAILURE TO INTERVENE

70. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.
71. In the manner described above, during the constitutional violations described above, one or more of the Defendant Officers (and as-yet-known Chicago Police Officers) stood by without intervening to prevent the misconduct.
72. As a result of the Defendant Officers' failure to intervene to prevent the violation of Plaintiff's constitutional rights, Plaintiff suffered pain and injury, as well as emotional distress. These Defendant Officers had a reasonable opportunity to prevent this harm, but failed to do so.

73. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiff's constitutional rights.

COUNT VII—
RESPONDEAT SUPERIOR
AGAINST CITY OF CHICAGO

74. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.
75. In committing the acts alleged in the preceding paragraphs, Defendant Officers were agents of the City of Chicago and were acting at all relevant times within the scope of their employment and under color of law.
76. Defendant, City of Chicago, is liable as principal for all torts committed by its agents.
77. Should Defendant Officer be found liable on any of the claims set forth herein, Plaintiff demands that, pursuant to *respondeat superior*, Defendant Officers be found liable for any compensatory and punitive judgment Plaintiff obtains against said Defendants, as well as, costs awarded.

COUNT VIII— INDEMNIFICATION

78. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.
79. Illinois empowers and directs public entities to pay any tort judgment for compensatory damages, for which employees are liable within the scope of their employment activities.

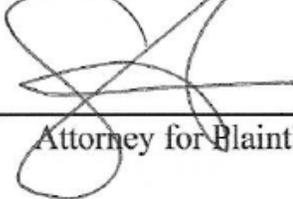
80. Each of the Defendant Officers were employees, servants, and/or agents of the Defendant City of Chicago actin within the scope of their employment, when committing all wrongful acts and misconduct described in this complaint.
81. Defendant City of Chicago is consequently liable under the theory of indemnification,
82. Defendant City of Chicago is obligated by statute to pay any judgment entered against Defendant Officers.

WHEREFORE, Plaintiff, JOHN ADAM JONES, respectfully requests that his Court enter judgment in this favor and against Defendants, CITY OF CHICAGO, OFFICER SERGIO, HERRERA STAR #11627, OFFICER SERGIO, SIMENTAL STAR # 8765, OFFICER, JONATHAN KUKIELKA STAR #11024, OFFICER JAMES MCCRILLIS STAR #5759; OFFICER BRIAN LINDSTROM STAR #10592 OFFICER ERIC DURON STAR #16829, OFFICER KEVIN BARBEEE STAR #12695, OFFICER ANTHONY HARRRIS STAR# 2828, SERGEANT MARGARET FLISK STAR #2682, DETECTIVE FRANK SZWEDO STAR #21000, DETECTIVE DAVID ROBERTS #20764 AND AS-YET-UNKNOWN CHICAGO POLICE OFFICERS, awarding compensatory damages, costs, and attorneys' fees, along with punitive damages against each of the individual Defendant Officers in their individual capacities, as well as any other relief this Court deems appropriate.

JURY DEMAND

Plaintiff, JOHN ADAM JONES, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,



Attorney for Plaintiff

The Law Office of Shay T Allen
Shay T. Allen
Attorney for Plaintiff
19150 S. Kedzie, Suite 201
Flossmoor, IL 60422
|P| 708-960-0013
|F| 708-575-1778
Attorney Code 6285625