

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ISRAEL RUIZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
	)	
J.B. PRITZKER, ROB JEFFREYS,	)	
EDITH CRIGLER & KWAME RAOUL	)	
	)	
Defendants.	)	
	)	

PLAINTIFF’S COMPLAINT

Plaintiff Israel Ruiz (“Plaintiff” or “Mr. Ruiz”), by and through his attorneys, ArentFox Schiff LLP, for his Complaint against Defendants J.B. Pritzker, Rob Jeffreys, Edith Crigler and Kwame Raoul, all sued in their official capacities, states as follows:

NATURE OF THE ACTION

1. 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.
2. On the date of April 1, 2019, Defendant Pritzker signed into law Public Act 100-1182 (“the Act”), and on June 1, 2019, the Act went into effect. The Act established a new parole system for youth offenders who were under the age of twenty-one (21) at the time of the commission of the crime, including granting increased parole eligibility opportunities for youth convicted of first degree murder. The Act applies only prospectively, granting these opportunities only to those sentenced after June 1, 2019.
3. Plaintiff Israel Ruiz was 18 years old when he was charged with first degree murder and has served 23 years of a 40-year sentence without being eligible for any parole hearings.

4. Under the Act, an individual convicted and sentenced under identical circumstances today would be granted the possibility of parole.

5. The Act treats individuals like Mr. Ruiz who were convicted and sentenced as youths prior to the Act's passage differently from those sentenced after the Act with no rational justification for the differential treatment.

6. Through enacting, enforcing and implementing the Act prospectively, all Defendants have violated Mr. Ruiz's equal protection rights under the Fourteenth Amendment.

7. Additionally, the passage of the Act with prospective application only presents an ongoing violation of Mr. Ruiz's Eighth Amendment right against cruel and unusual punishment, forcing him to continually undergo punishment the Defendants have deemed unwarranted and unnecessary through the passage and enforcement of the Act.

8. Through these violations, Defendants are knowingly restricting Mr. Ruiz's opportunities to be released and subjecting Mr. Ruiz to a likely longer prison term than a similarly situated person sentenced on or after June 1, 2019.

9. Mr. Ruiz has been and will continue to be irreparably injured by the conduct of the Defendants unless granted the declaratory and injunctive relief he seeks.

JURISDICTION AND VENUE

10. This Court has jurisdiction of the action pursuant to 28 U.S.C. § 1331 and the Eighth and Fourteenth Amendments to the United States Constitution.

11. Venue is proper under 28 U.S.C. § 1391(b).

PARTIES

12. Plaintiff Israel Ruiz is an individual presently incarcerated at Dixon Correctional Center.

13. During all relevant time periods, Defendant J.B. Pritzker is and has been the Governor of the State of Illinois. As such, he was acting under color of law.

14. During all relevant time periods, Defendant Rob Jeffreys is and has been the Director of the Illinois Department of Corrections (“IDOC”). As such, he was acting under color of law. Mr. Jeffreys, in his official capacity, and the IDOC implement and enforce various aspects of the Act.

15. During all relevant time periods, Defendant Edith Crigler is and has been the Chair of the Illinois Parole Review Board (“PRB”). As such, she was acting under color of law. Ms. Crigler, in her official capacity, and the PRB implement and enforce various aspects of the Act.

16. During all relevant time periods, Defendant Kwame Raoul is and has been the Attorney General of the State of Illinois. As such, he was acting under color of law. Mr. Raoul, in his official capacity, is responsible for enforcing the laws of the State of Illinois, including the Act.

FACTUAL BACKGROUND

MR. RUIZ’S SENTENCE

17. Mr. Ruiz was born on May 18, 1980.

18. On June 29, 2000, Mr. Ruiz was sentenced to 40 years in prison without the possibility of parole.

19. The crime for which Mr. Ruiz was convicted occurred on or about November 7, 1998. At that time, Mr. Ruiz was 18 years of age.

20. To date, Mr. Ruiz has served 23 years in prison. For the entire duration of his imprisonment, Mr. Ruiz has been ineligible for any parole hearings.

UNJUSTIFIED TREATMENT UNDER THE ACT

21. On April 1, 2019, Governor J.B. Pritzker signed the Act into law, which then went into effect on June 1, 2019.

22. The Act established a new parole system for youth offenders under the age of 21, in part providing parole eligibility opportunities to virtually all such offenders sentenced on or after June 1, 2019.

23. In particular, Section 5-4.5-110(b) of the Act states that a person convicted of a first degree murder committed when they were under 21 years of age shall be eligible for parole review after serving 20 years or more of his or her sentence(s).

24. When the Act was debated in the Illinois state senate, Defendant Raoul spoke in support of the Act and noted the importance of allowing young offenders to have parole eligibility opportunities.

25. Defendant Raoul stated,

We ought to empower the Prisoner Review Board and ... judges to evaluate, to use their discretion to evaluate individual circumstances. A prisoner review board is not going to open up the gates of the Department of Correction[s] and let every youthful -- every offender that may have committed a crime in their young days out. The sky is not going to fall. But we ought to recognize a message that the Supreme Court of these United States of America sent us to say that we evaluate these offenders who may have committed a crime when they were very young and who have spent a considerable amount of time in the Department of Corrections and make a decision based on each individual case, and not doing so is unjust. It's inconsistent with the principles of -- of criminal justice.

(Illinois Senate Transcript, 100th General Assembly, Regular Session, 57th Legislative Day.)

26. Likewise, Senator Don Harmon commented on the science that supported the legislature's effort to provide parole eligibility opportunities.

27. Senator Harmon stated,

The Supreme Court -- the U.S. Supreme Court's jurisprudence on youthful offenders is moving forward and is relying upon the ... brain science of development. And the science of brain development suggests that young people don't reach the age of fully formed brains at eighteen or at twenty-one. It's not till the mid-twenties, so we're still a few years away from the ... brain science here. But to the point made, there is no judge on the planet who can look at a nineteen-year-old and say, I know for a fact that you're the kind of young person who is going to mature and rehabilitate in prison or you're the kind who is never going to get out of prison. That's why we create this parole process, so that ten years or fifteen years down the road, we can have a second look at the offender and say whether or not it's appropriate for them to be released. The Prisoner Review Board is in favor of this bill.

(*Id.*)

28. And Senator Harmon was correct. The decision to provide parole eligibility opportunities for individuals who committed first degree murder while younger than 21 years of age is supported by science.

29. Experts have found that an individual's brain maturation is not ordinarily complete until one reaches approximately 25 years of age, and that 16-25 year olds are a distinct developmental class compared to individuals 26 and over.

30. Science now understands that the process of maturation involves three components of brain function: "gray matter"- the outer layer of the brain, "white matter connections" - the brain cells serving as the "wiring" between neurons, and activity in the chemicals or "neurotransmitters" that execute messages within the brain.

31. All three components of brain function are compromised in an individual under the age of 25.

32. These findings demonstrate why individuals in a state of emerging adulthood should be treated differently than adults over the age of 26 and should be given the opportunity to show that they have changed, especially after facing trauma as children and young adults.

33. Notably, these findings do not differentiate between individuals sentenced before or after June 1, 2019.

34. However, the Act applies only prospectively. *See* 730 Ill. Comp. Stat. Ann. 5/5-4.5-115(b) (“A person under 21 years of age at the time of the commission of first degree murder who is sentenced on or after June 1, 2019... shall be eligible for parole review”) (emphasis added).

35. None of the aforementioned provisions apply to any individual sentenced on or before May 30, 2019, including Mr. Ruiz.

36. The Act therefore creates two different parole systems for individuals convicted of similar or identical crimes based solely on the date of their sentencing.

COUNT I
(Claim under 42 U.S.C. § 1983 –
Violation of Equal Protection Rights under Fourteenth Amendment)

37. Plaintiff incorporates paragraphs 1 through 36 of his Complaint as though fully set forth herein.

38. At all relevant times, Defendants were acting under the color of law.

39. The Fourteenth Amendment of the United States Constitution prohibits the state from denying any person within its jurisdiction the equal protection of the law.

40. The right to equal protection is based on the principle that under like circumstances and conditions, people must be treated alike, unless there is a rational reason for treating them differently.

41. As an individual sentenced before June 1, 2019, Mr. Ruiz faces a wholly different parole system than that which would be faced by an individual who was convicted of the same crime in the same conditions but was sentenced after that date.

42. Mr. Ruiz has not had and still does not have the opportunity to be considered for parole 23 years into his sentence – an opportunity provided by the Act to someone sentenced for the same crime on or after June 1, 2019.

43. The Act does not put forth a reason for this differential treatment.

44. There is also no evidence that those individuals sentenced before June 1, 2019 are any more dangerous or less capable of reformation than those sentenced on or after that date.

45. Indeed, in a press release released after he signed the bill, Defendant Pritzker quoted Lieutenant Governor Juliana Stratton saying “Young people should have an opportunity to be defined by their growth and maturity as their brains develop, rather than having their lives defined by the worst thing they’ve done.” (See <https://www.illinois.gov/news/press-release.19874.html>.)

46. Defendant Pritzker, in his official capacity as Governor, knowingly violated the Fourteenth Amendment equal protection rights of Mr. Ruiz and those similarly situated when he signed the Act into law with a provision requiring only prospective application.

47. With such a provision attached, the law arbitrarily grants and denies parole opportunities to individuals based on their sentencing date, denying Mr. Ruiz equal protection under the law and resulting in ongoing harm.

48. Defendants Jeffreys, Crigler and Raoul likewise knowingly violated the Fourteenth Amendment equal protection rights of Mr. Ruiz and those similarly situated when they implemented and enforced the Act in a prospective only manner.

49. As a direct and proximate result of Defendants’ actions, Mr. Ruiz is deprived of his rights under the Fourteenth Amendment of the United States Constitution.

COUNT II
(Claim under 42 U.S.C. § 1983 –
Cruel and Unusual Punishment)

50. Plaintiff incorporates paragraphs 1 through 36 of his Complaint as though fully set forth herein.

51. At all relevant times, Defendants were acting under the color of law.

52. The Eighth Amendment of the United States Constitution prohibits the infliction of cruel and unusual punishment.

53. Plaintiff's right under the Eighth Amendment to be free from Cruel and Unusual Punishment by the State of Illinois has been abridged by the State's deliberate refusal to grant him the parole eligibility opportunities provided by the Act through the execution, enforcement and implementation of the same.

54. In signing the Act into law, Defendant Pritzker implicitly recognized that individuals similarly situated to Mr. Ruiz are deserving of consideration for parole opportunities after a set period of incarceration, while failing to grant such consideration to individuals sentenced before an arbitrary cutoff date without any rational justification for the difference in treatment.

55. In barring Mr. Ruiz from receiving consideration for parole opportunities, the Act subjects Mr. Ruiz to a significantly greater punishment – by way of a longer prison term – than that which would be faced by an individual sentenced for an identical crime after June 1, 2019.

56. With no rational justification given to show why Mr. Ruiz should be subject to a harsher sentence based solely to his sentencing date, the greater punishment Mr. Ruiz faces due to the passage of this Act is disproportionate, cruel, and unusual.

57. As a direct and proximate result of Defendants' enactment, enforcement and implementation of the Act with only prospective application, Mr. Ruiz was deprived of his rights under the Eighth Amendment of the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, ISRAEL RUIZ, respectfully requests that this Court enter judgment:

- A. Declaring that applying Public Act 100-1182 only prospectively violates Plaintiff's rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution;
- B. Declaring that applying Public Act 100-1182 only prospectively constitutes cruel and unusual punishment, thereby violating Plaintiff's rights under the Eighth Amendment of the United States Constitution;
- C. Preliminarily and permanently enjoining enforcement and implementation by Defendants, and those working with and under their control, of the prospective only application of Public Act 100-1182 as discussed above;
- D. Requiring Defendants to execute, enforce and implement Public Act 100-1182 for incarcerated individuals otherwise covered under the text of the Act regardless of sentencing date;
- E. Awarding Plaintiff his costs, expenses, and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988(b);
- F. Granting such other relief as the Court deems just and proper;

Respectfully submitted,

Dated: December 20, 2022

s/ Ann H. MacDonald

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