

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

ANTHONY ROBINSON, )  
)  
) Case No. )  
*Plaintiff,* )  
)  
v. )  
)  
The CITY OF CHICAGO, Chicago Police )  
Officers ROGER E. MURPHY (#20681), )  
THOMAS D. CARR (#21612), DAVID M. )  
MINELLI (#21515), BRIAN H. LUTZOW )  
(#21328), BRIAN DALY (#20640), DANIEL ) **JURY TRIAL DEMANDED**  
MCNALLY (#21135), ANTHONY )  
PADILLA (#20071), EDWARD A. )  
RICHARDS (#240), JANET C. KEMPER )  
(#1302), PETER DEVINE (#1264), JOHN )  
("JT") ANDERSON (#572), and OTHER AS- )  
YET UNKNOWN CHICAGO POLICE )  
OFFICERS. )

*Defendants.*

**COMPLAINT**

NOW COMES Plaintiff, ANTHONY ROBINSON, by his attorneys LOEVY & LOEVY, for his complaint against Defendants, the CITY OF CHICAGO, Chicago Police Officers ROGER MURPHY, THOMAS CARR, DAVID MINELLI, BRIAN LUTZOW, BRIAN DALY, DANIEL MCNALLY, ANTHONY PADILLA, EDWARD RICHARDS, JANET KEMPER, PETER DEVINE, JOHN ("JT") ANDERSON, and OTHER AS-YET UNKNOWN CHICAGO POLICE OFFICERS (collectively, "Defendant Officers") alleges as follows:

**INTRODUCTION**

1. Plaintiff Anthony Robinson is an innocent man who spent 11 years in prison for a crime he did not commit.

2. Plaintiff was wrongfully convicted of the 2013 murder of Kelvin Jemison. Not only did Plaintiff not kill Jemison, he could not have physically carried out this murder.

3. A surveillance video caught the true killer chasing Jemison down, shooting him multiple times, and fleeing on foot. At that time, Plaintiff could not run. In fact, Plaintiff relied on crutches just to stand up straight.

4. Defendant Officers knew Plaintiff had recently been shot in the leg and could not run at the time Jemison was killed.

5. Rather than conduct a legitimate investigation into who could have committed this murder, and despite knowing Plaintiff was handicapped and had a credible, verifiable alibi, Defendants created their own version of events to wrongfully detain and convict him.

6. To accomplish their scheme, Defendants engaged in misconduct that included improperly inducing an eyewitness to falsely “identify” Plaintiff as the shooter.

7. Defendant Officers hid evidence of their misconduct and of Plaintiff’s innocence.

8. Defendants’ misconduct resulted in Plaintiff’s wrongful conviction, ripping him from the free world for over a decade.

9. After nearly 11 years of fighting to prove his innocence, Plaintiff was finally exonerated. Anthony’s conviction was vacated, charges against him were dropped, and he is free.

10. Now, Plaintiff seeks justice for the harm that the Defendants have caused and redress for the loss of liberty and hardships he continues to endure as a result of Defendants’ misconduct.

## **JURISDICTION AND VENUE**

11. This action is brought pursuant to 42 U.S.C. § 1983 and Illinois law to redress the Defendants' tortious conduct and their deprivation of Plaintiff's rights secured by the U.S. Constitution.

12. This Court has jurisdiction of Plaintiff's federal claims pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction of his state-law claims pursuant to 28 U.S.C. § 1367.

13. Venue is proper under 28 U.S.C. § 1391(b). Plaintiff resides in this judicial district. The events and omissions giving rise to Plaintiff's claims occurred within this judicial district, including the investigation, prosecution, and trial resulting in Plaintiff's conviction.

## **PARTIES**

14. Plaintiff Anthony Robinson is a resident of Cook County, Illinois, who spent 11 years wrongfully incarcerated for a murder he did not commit.

15. Defendant City of Chicago is an Illinois municipal corporation that is or was the employer of the above-named Defendant Officers. Each individual Defendant Officer named in this Complaint, and other as-yet unknown law enforcement officers, acted during their investigation of the Jemison murder as an agents or employee of the City of Chicago. The City of Chicago is liable for all torts committed by the Officer Defendants pursuant to the doctrine of *respondeat superior*. Additionally, the City of Chicago is responsible for the policies and practices of the Chicago Police Department.

16. At all times relevant to the events described in this Complaint, Defendants Roger Murphy, Thomas Carr, David Minelli, Brian Lutzow, Brian Daly, Daniel McNally, Anthony Padilla, and other as-yet unknown law enforcement officers, were Chicago Police officers acting under color of law and within the scope of their employment for Defendant City of Chicago.

17. At all times relevant to the events described in this Complaint, Defendants Edward Richards, Janet Kemper, Peter Devine, John (“JT”) Anderson, and other as-yet unknown law enforcement officers were police officers in the Chicago Police Department and supervised other Defendant Officers. These supervisory Defendants participated in the misconduct alleged in this Complaint by facilitating, condoning, approving, and turning a blind eye to the misconduct of the Defendants whom they supervised.

18. Defendant Richards approved final charges, Defendant Kemper was an approving supervisor, Defendant Devine was an approving supervisor who signed numerous fabricated reports, and Defendant Anderson was a supervisor who approved probable cause.

19. Each and every individual Defendant, known and unknown, acted under color of law and within the scope of his or her employment at all times relevant to this lawsuit. Each of the individual Defendants is sued in his or her individual capacity unless otherwise noted.

## **FACTS**

### **Jemison’s Murder**

20. On New Year’s Day, 2013, in the middle of the afternoon, Kelvin Jemison and Dwayne Rolle were walking near Chicago Housing Authority’s Washington Park Homes when a car drove past them multiple times.

21. A passenger got out and started shooting while sprinting toward Jemison and Rolle, chasing them down the sidewalk.

22. Rolle ran for his life and was able to escape unharmed, hearing gunshots behind him. Because Rolle was running away with his back to the shooter, he never saw who it was.

23. Surveillance footage from nearby cameras shows the killer chasing the men down the sidewalk while shooting, continuing to shoot Jemison after he had fallen, then turning to flee in the opposite direction.

24. The surveillance video revealed two facts about the shooter's physical appearance: he had short hair – it was not long enough to reach his neck – and he was able to sprint without any limp or other limitations.

25. The following stills from surveillance footage on Jan. 1, 2013 accurately depict the actual shooter as he was chasing Jemison and Rolle (left) and then fleeing in the opposite direction after killing Jemison (right).



26. About three months before this New Year's Day murder, in September 2012, Plaintiff had been shot in his left leg and right foot, causing his bones to shatter and requiring multiple surgeries in late 2012, which he underwent in September, October, and December.

27. The day Jemison was killed, Plaintiff was still recovering from these multi-phase leg reconstruction surgeries, unable to stand up without crutches, let alone run.

28. The following accurately reflects Plaintiff's evaluative x-rays on Jan. 15, 2013, two weeks *after* the Jemison murder, showing the graft filling and pins at the early stages of healing in Plaintiff's left leg.



*Figure 1 - X-Ray of Broken Leg on 1/15/2013*



*Figure 2 - X-Ray of Broken Leg on 1/15/2013*

29. Plaintiff also consistently had shoulder-length dreadlocks, accurately depicted in the following booking photo, taken the day he was arrested.



30. While the shooter was chasing down Jemison and Rolle, a recovering Plaintiff was at his aunt's apartment, playing video games with his cousins. This was less than a month after his third leg reconstruction procedure.

31. Approximately six weeks after the Jemison murder, Plaintiff was arrested and charged with a crime he did not commit.

### **The Police Investigation**

32. The day of the shooting, the police arrived on the scene, including the lead detectives, Defendants Murphy and Carr, along with other Defendant Officers.

33. Defendants Murphy and Carr and other Defendant Officers spoke to at least five eyewitnesses, several of whom saw the murder and did not identify Plaintiff as the shooter.

34. Eyewitnesses described seeing the shooter chasing the victim down.

35. At some point early in their investigation, Defendant Officers, including Defendants Murphy and Carr, decided to create a version of events implicating Plaintiff as the shooter and two other individuals as lookouts: Clyde Jackson and Antwoine Hill.

36. Defendant Officers, led by Defendant Murphy, obtained and reviewed the surveillance footage of the crime, which plainly showed the killer with short hair, running with ease, and shooting Jemison.

37. Based on this footage, it was clear that Plaintiff could not have been the person who killed Jemison.

38. The video footage turned over to the defense was – and still is – missing portions of the crime, including the beginning of the chase.

39. Upon information and belief, the footage Defendant Officers turned over was either doctored to suppress portions of the complete video or Defendant Officers destroyed portions of the video.

40. Defendants' fabricated version of events and false investigation included Defendants Murphy, Carr, Minelli, Lutzow, Daly, McNally, and Padilla, under the supervision and/or sign-off of Defendants Richards, Kemper, Anderson, and Devine.

41. Defendants, including Murphy, Carr, Minelli, Lutzow, Daly, McNally, and Padilla created and signed documentation of fabricated evidence and suppressed exculpatory evidence.

42. Supervisors Richards, Kemper, Anderson, and Devine condoned this misconduct by approving and/or signing off on those fabricated reports in order to support Defendants' false version of events.



### **Defendants' Pursuit of an "Identification"**

43. Fabricating an "identification" of Plaintiff as the shooter was critical to Defendants' effort to frame Plaintiff for this murder.

44. Defendants Murphy, Carr, and other Defendant Officers sought their "identification" from Dwayne Rolle, the 17-year-old boy with an active juvenile warrant against him and the only surviving victim who had escaped.

45. Rolle only knew of Plaintiff, Jackson, and Hill from around the neighborhood.

46. Defendant Officers, including Defendants Murphy, Carr, Minelli, Lutzow, Daly, McNally, Padilla, and Devine spoke to Rolle on multiple occasions, showed him suggestive photo arrays and lineups, and/or ignored Rolle when he said he did not know the identity of the shooter.

47. Defendant Officers, including Defendants Murphy, Carr, Minelli, Lutzow, Daly, and Padilla, under the supervision of other Defendants, wrote fabricated reports falsely claiming that Rolle had identified Plaintiff as the person who shot at him and killed Jemison, with Jackson and Hill acting as lookouts.

48. Defendants succeeded in their conspiracy when a nervous and scared Rolle finally agreed to change his story and falsely claim that he had seen the shooter and two lookouts.

49. To this day, Defendant Officers have not disclosed all the circumstances of their coercive pursuit of Rolle, the falsified facts contained in their reports, or other exculpatory information.

### **Plaintiff's Arrest**

50. The same day Rolle was coerced into falsely identifying Plaintiff in a video statement, Defendant Officers arrested Plaintiff and placed him in physical lineups.

51. No other witness could identify Plaintiff from the physical lineup.

52. Defendant Officers never showed physical lineups to any exculpatory eyewitnesses, or if they did, they suppressed such information.

53. None of the three suspects who were eventually charged, including Plaintiff, made inculpatory statements.

54. No physical or forensic evidence tied any identified individual, including Plaintiff, to the crime.

### **Plaintiff's Handicap, Alibi, and Murder Charge**

55. When he was arrested, Plaintiff was visibly still limping after his surgeries. He told Defendants he had been on crutches when the murder occurred, confirming that Plaintiff could not have been the shooter who Defendants had seen sprinting on the video footage obtained by Defendant Murphy.

56. Defendants McNally and Padilla, and other unknown Defendants, were aware that Plaintiff had indeed been shot the previous year.

57. Plaintiff also told Defendants about his credible alibi – that on New Year's Day, Plaintiff had been with his cousins at his aunt's apartment and had nothing to do with the murder.

58. None of the Defendant Officers investigated whether Plaintiff had been physically capable of committing this crime, or if they did, they suppressed such information.

59. On February 15, 2013, Assistant State's Attorney George Canellis from Felony Review charged Plaintiff with First-Degree Murder.

60. Defendant Supervising Officers Anderson, Richards, and Kemper either approved or signed off on probable cause for the charges.

61. The two other individuals who Rolle had recognized from the neighborhood, Antwoine Hill and Clyde Jackson, were wrongfully charged along with Plaintiff.

### **Joint Bench Trial and Rolle's Recantation**

62. In 2014, as a result of Defendants' misconduct, Plaintiff and his co-defendants proceeded to a joint bench trial in the Circuit Court of Cook County.

63. Without any physical or forensic evidence, the prosecution relied on Rolle's "identification" in arguing that Plaintiff was the shooter and his co-defendants were lookouts.

64. On the stand, Rolle disavowed his purported identification of the three men as perpetrators of this crime.

65. After the close of the prosecution's case, all three defendants—Jackson, Hill, and Plaintiff—moved for dismissal. The court granted Jackson's and Hill's motions for a directed verdict but denied Plaintiff's.

66. Plaintiff proceeded with his defense.

### **Plaintiff's Wrongful Conviction, Sentence, and Incarceration**

67. Due to Defendants' misconduct, including the cumulative nature of their fabricated, manipulated, coerced, suppressed, and/or destroyed evidence, the court lacked critical evidence supporting Plaintiff's alibi, physical handicap, and Defendant Officers' extensive misconduct.

68. As a result, the court credited Rolle's prior false identification over his in-court testimony that he did not, in fact, know who the shooter was.

69. After dismissing the case against his co-defendants, the court convicted Plaintiff of First-Degree Murder.

70. The court sentenced Plaintiff to 55 years in prison for a crime he did not commit.

71. Plaintiff was just 20 years-old at the time, still recovering from multiple reconstruction surgeries.

72. Because of Defendants' misconduct, Plaintiff spent the next 11 years fighting to be free of this false conviction.

73. Given the extensive exculpatory evidence that Defendants possessed and ignored in order to fabricate a case against Plaintiff, he languished for over 11 years wondering if the truth would ever be revealed and whether he would ever be exonerated.

#### **Plaintiff's Innocence and Exoneration**

74. In 2023, Plaintiff submitted new evidence to the court that further established his longstanding claim of innocence.

75. Plaintiff submitted detailed evidence of his debilitating leg injuries, including the opinion of expert Dr. Paul Goodman that it "could not be Plaintiff in this video" and "it would be impossible" for him to have committed this crime given the extensive surgery recently performed on his shattered leg.

76. Plaintiff submitted evidence from several witnesses to whom the real killer had confessed.

77. After reviewing the additional evidence supplementing Plaintiff's Post-Conviction Petition, the court vacated Plaintiff's conviction and ordered a new trial.

78. On April 8, 2024, the State dismissed the charges and immediately communicated it would not intervene in future hearings on a Certificate of Innocence.

79. At the time of his exoneration, Plaintiff had been fighting the false case against him for a third of his life.

80. On September 3, 2024, the Honorable James M. Obbish granted Plaintiff's Petition for a Certificate of Innocence, and as a result, the State of Illinois officially recognizes Plaintiff Robinson as an innocent man.

81. Plaintiff is finally exonerated.

### **Chicago's Policy and Practice of Wrongly Convicting Innocent Persons**

82. The City of Chicago and the Chicago Police Department are responsible, by virtue of their official policies, for inflicting miscarriages of justice in scores of criminal cases like the one endured by Plaintiff.

83. Since 1986, no fewer than 100 cases have come to light in which Chicago police officers have fabricated false evidence or suppressed exculpatory evidence in order to cause the convictions of innocent persons for serious crimes they did not commit.

84. These cases include many in which Chicago police officers used the same tactics that Defendants employed against Plaintiff in this case, including: (1) fabricating eyewitness identifications; (2) fabricating witness statements; (3) concealing exculpatory evidence; (4) manipulating witnesses in order to induce identifications and influence their testimony; and (5) using other tactics to secure the arrest, prosecution, and conviction of a person without probable cause and without regard to the person's actual guilt or innocence.

85. At all relevant times, members of the Chicago Police Department, including the Defendants in this action, routinely fabricated and manipulated identification procedures to procure suspect identifications that they knew to be inaccurate.

86. The municipal policy and practice described in the paragraphs above was well-established and evidenced by the alarmingly high rates at which eyewitnesses produced positive identifications in Chicago as opposed to jurisdictions nationwide.

87. At all relevant times, members of the Chicago Police Department, including the Defendants in this action, routinely manufactured evidence against innocent persons by coercing, manipulating, threatening, pressuring, and offering inducements to suspects and witnesses to obtain false statements implicating innocent persons, knowing full well that those statements were false. As a matter of widespread practice, members of the Chicago Police Department, including the Defendants in this action, contrived false witness narratives that were fed to vulnerable witnesses, who then adopted those narratives as their own for the purpose of wrongly convicting an innocent person. In addition, Chicago Police Department Offices routinely fabricated and manipulated identification procedures to procure identifications of individuals that they knew to be inaccurate. Furthermore, Chicago Police Department officers systematically suppressed exculpatory and/or impeaching material by concealing evidence that a witness was coerced, manipulated, threatened, pressured, or offered inducements to make false statements.

88. The municipal policy and practice described in the paragraphs above was described in a Federal Bureau of Investigation FD-302 Report of an interview with Assistant State's Attorney Terence Johnson. The Report documents, *inter alia*, that Chicago police detectives would feed information to witnesses and coach them through court-reported and handwritten statements, coerce witnesses into sticking to a detective's theory of the case, physically abuse witnesses, and work together to develop and rehearse false narratives so there were no inconsistencies in the witnesses' stories.

89. At all relevant times, members of the Chicago Police Department, including the Defendants in this action, systematically suppressed exculpatory and/or impeaching material by intentionally secreting discoverable reports, memos, and other information. This concealed material was kept in files that were maintained only at the Chicago Police Department and never disclosed to the participants of the criminal justice system.

90. The existence of this policy and practice of suppressing exculpatory and/or impeaching material evidence was established and corroborated in the cases of, *inter alia*, *Fields v. City of Chicago*, No. 10 C 1168 (N.D. Ill.) and *Jones v. City of Chicago*, Nos. 87 C 2536, 88 C 1127 (N.D. Ill.).

91. Consistent with the municipal policy and practice described in the preceding paragraph, employees of the City of Chicago, including the named Defendants, concealed exculpatory evidence from Plaintiff.

92. The policy and practice of suppressing exculpatory and/or impeaching material evidence was alive and well at all relevant times.

93. The City of Chicago and the Chicago Police Department routinely failed to investigate cases in which Chicago police detectives recommended charging an innocent person with a serious crime, and no Chicago police officer has ever been disciplined as a result of his misconduct in any of those cases.

94. Prior to and during the period in which Plaintiff was falsely charged with and convicted of the Jemison murder, the City of Chicago also operated a dysfunctional disciplinary system for Chicago police officers accused of serious misconduct. The City almost never imposed significant discipline against police officers accused of violating the civil and constitutional rights of members of the public. Further, the disciplinary apparatus had no

mechanism for identifying police officers who were repeatedly accused of engaging in misconduct.

95. As a matter of both policy and practice, municipal policymakers and department supervisors condoned and facilitated a code of silence with the Chicago Police Department. In accordance with this code, officers refused to report and otherwise lied about misconduct committed by their colleagues, including the misconduct at issue in this case.

96. As a result of the City of Chicago's established practices of not tracking and identifying police officers who are repeatedly accused of the same kinds of serious misconduct, failing to investigate cases in which the police are implicated in a wrongful charge or conviction, failing to discipline officers accused of serious misconduct and facilitating a code of silence within the Chicago Police Department, officers (including the Defendants here) have come to believe that they may violate the civil rights of members of the public and cause innocent persons to be charged with serious crimes without fear of adverse circumstances. As a result of these policies and practices of the City of Chicago, members of the Chicago Police Department act with impunity when they violate the constitutional and civil rights of citizens.

97. This belief extends to the Defendants in this case. Defendant Murphy has been accused of misconduct 28 times, making him an outlier compared to other Chicago Police officers. In at least two instances, those allegations were sustained, but he suffered no meaningful discipline.

98. Defendant Murphy has a history of engaging in the kind of investigative misconduct that occurred in this case, including manipulating witnesses, fabricating evidence, and concealing evidence in the course of maliciously prosecuting innocent persons. He acted



consistently with the pattern of misconduct discussed above, which occurred persistently within the Chicago Police Department generally.

99. By way of example, Defendant Murphy has been accused of manipulating witnesses and fabricating evidence to falsely implicate innocent people. Illustrative examples include:

- a. Nelson Moody, who was framed by Defendant Murphy and other Chicago police officers for a 2008 shooting near a laundromat in Chicago by convincing an eyewitness to falsely implicate Mr. Moody in the shooting.
- b. Mario Resendiz, who was framed by Defendant Murphy for the 2012 murder of Yousef Allan, by coercing and deceiving eyewitnesses to falsely implicate Mr. Resendiz in the murder.

100. Defendant Murphy engaged in the misconduct described above against Mario Resendiz along with Defendants in this case – Carr, Minelli, and Lutzow. They engaged in such misconduct because they had no reason to fear that the City of Chicago and its Police Department would ever discipline them for doing so.

101. The City of Chicago and its Police Department also failed in the years prior to the Plaintiff's wrongful charging and conviction to provide adequate training to Chicago police detectives and other officers in many areas, including the following:

- a. The conduct of live lineup, photographic, and other identification procedures.
- b. The constitutional requirement to disclose exculpatory evidence, including how to identify such evidence and what steps to take when exculpatory evidence has been identified in order to ensure that the evidence is made part of the criminal proceeding.

- c. The need to refrain from manipulative and coercive conduct, in relation to suspects and witnesses.
- d. The risks of wrongful conviction and the steps police officers should take to minimize risks.
- e. The risks of engaging in tunnel vision during investigation.
- f. The need for full disclosure, candor, and openness on the part of all officers who participate in the police disciplinary process, both as witnesses and as accused officers, and the need to report misconduct committed by fellow officers.

102. The need for police officers to be trained in these areas was and remains obvious. The City's failure to train Chicago police officers as alleged in the preceding paragraph caused Plaintiff's wrongful conviction and his injuries.

103. The city's failure to train, supervise, and discipline its officers, including Defendant Officers, condones, ratifies, and sanctions the kind of misconduct that the Defendants committed against Plaintiff in this case. Constitutional violations such as those that occurred in this case are encouraged and facilitated as a result of the City's practices and *de facto* policies, as alleged above.

104. The City of Chicago and final policymaking officials within the Chicago Police Department failed to act to remedy the patterns of abuse described in the preceding paragraphs, despite actual knowledge of the pattern of misconduct. They thereby perpetuated the unlawful practices and ensured that no action would be taken (independent of the judicial process) to remedy Plaintiff's ongoing injuries.

105. The policies and practices described in the foregoing paragraphs were also approved by the City of Chicago policymakers, who were deliberately indifferent to the violations of constitutional rights described herein.

106. Given the history of misconduct by Defendant Officers, including Defendants Murphy, Carr, Minelli, and Lutzow and the City of Chicago's failure to meaningfully supervise or discipline those officers, it is apparent that Defendant Officers engaged in such misconduct because they had every reason to believe that the City of Chicago and its Police Department condoned their behavior.

107. No Defendant has received discipline from the City of Chicago or the Chicago Police Department for any of the conduct set out above.

108. In fact, the City of Chicago failed to supervise or discipline its police officers, including Defendants Murphy and the other Defendants. Defendants engaged in the misconduct set forth in this Complaint because they knew that the City of Chicago and its Police Department tolerated and condoned such conduct, just like in the past.

#### **Plaintiff's Damages**

109. At the time he was wrongfully accused of being involved in the Jemison murder, Plaintiff was just 20 years old, with his whole life ahead of him. His opportunity to experience early adulthood, to know his family and make a life with them, was taken away.

110. While in prison, Plaintiff faced a host of medical issues from which he had to recover behind bars.

111. Plaintiff was forced to spend the rest of his grueling leg reconstruction recovery inside prison. For example, his leg would become extremely swollen and painful as it healed, but it would be difficult to receive timely or quality medical attention.

112. While in prison, Plaintiff also underwent surgery to have a mass removed in his midsection, which demanded constant dressing changes and caused him incredible physical pain.

113. In addition to the severe trauma of wrongful imprisonment and Plaintiff's loss of liberty, the Defendants' misconduct continues to cause Plaintiff extreme physical and psychological pain and suffering, humiliation, constant fear, anxiety, deep depression, despair, rage, and other physical and psychological effects.

114. In serving over a decade behind bars, Plaintiff was unjustly deprived of much of his adult life to date. He was stripped of the various pleasures of basic human experience, which all free people enjoy as a matter of right. He missed out on the ability to share holidays, births, funerals, and other life events with loved ones, and the fundamental freedom to live one's life as an autonomous human being.

115. Plaintiff was stripped of opportunities to gain an education, to engage in meaningful labor, to develop skills and a career, and to pursue his interests and passions.

116. As a result of his wrongful conviction and incarceration, Plaintiff must now attempt to rebuild his life outside of prison, all without the benefit of the life experiences that ordinarily equip adults for that task.

**COUNT I**  
**42 U.S.C. § 1983 – Due Process**

117. Plaintiff incorporates each paragraph of this Complaint as if fully restated here.

118. As described in detail above, the Defendant Officers, while acting individually, jointly, and in conspiracy with one another, as well as under color of law and within the scope of their employment, deprived Plaintiff of his constitutional right to a fair trial and his right not to be wrongfully convicted and imprisoned.

119. As described more fully above, Defendant Officers withheld and/or destroyed exculpatory and impeaching evidence from Plaintiff, knowingly fabricated false evidence, and conducted unduly suggestive identification procedures, thereby misleading and misdirecting the criminal prosecution of Plaintiff.

120. Defendants who were supervisors charged with overseeing both the investigation in the case at hand and the other Defendants knew of the Defendants' misconduct, the suppression of exculpatory evidence, the fabrication of a manufactured case against Plaintiff, and the unduly suggestive identification procedures used. These supervisors, nonetheless, intentionally ignored Defendants' misconduct and held Plaintiff responsible for crimes he did not commit.

121. Defendants' misconduct directly resulted in the unjust criminal conviction of Plaintiff, thereby denying his constitutional right to a fair trial guaranteed by the Fifth and Fourteenth Amendments. Absent this misconduct, the prosecution of Plaintiff could not have and would not have been pursued.

122. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice, with reckless indifference to the rights of others, and in total disregard of the truth and Plaintiff's innocence.

123. As a result of the misconduct described in this Count, Plaintiff suffered injuries, including but not limited to personal physical injury and emotional distress, as more fully alleged above.

## **COUNT II**

### **42 U.S.C. § 1983 – Conspiracy to Deprive Constitutional Rights**

124. Plaintiff incorporates each paragraph of this Complaint as if fully restated here.

125. In the manner described more fully above, Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to fabricate evidence and to detain, prosecute, and convict Plaintiff for the shooting, regardless of his guilt or innocence, and thereby to deprive him of his constitutional rights.

126. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of these rights.

127. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

128. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice, with reckless indifference to the rights of others, and in total disregard of the truth and Plaintiff's innocence.

129. As a result of the misconduct described in this Count, Plaintiff suffered injuries, including but not limited to personal physical injury and emotional distress, as more fully alleged above.

**COUNT III**  
**42 U.S.C. § 1983 – Failure to Intervene**

130. Plaintiff incorporates each paragraph of this Complaint as if fully restated here.

131. In the manner described more fully above, during the constitutional violations described herein, one or more of the Defendant Officers stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the duty and opportunity to do so.

132. These Defendants had ample, reasonable opportunities to prevent this harm but failed to do so.

133. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice, with reckless indifference to the rights of others, and in total disregard of the truth and Plaintiff's innocence.

134. As a result of the misconduct described in this Count, Plaintiff suffered injuries, including but not limited to personal physical injury and emotional distress, as more fully alleged above.

#### **COUNT IV**

##### **42 U.S.C. § 1983 – Federal Malicious Prosecution and Unlawful Detention**

135. Plaintiff incorporates each paragraph of this Complaint as if fully restated here.

136. In the manner described more fully above, the Defendants, jointly, and in conspiracy with one another, as well as under color of law and within the scope of their employment, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and despite the fact that they knew Plaintiff was innocent, in violation of his rights secured by the Fourth and Fourteenth Amendments.

137. In so doing, these Defendants caused Plaintiff to be subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

138. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice, with reckless indifference to the rights of others, and in total disregard of the truth and Plaintiff's innocence.

139. As a result of the misconduct described in this Count, Plaintiff suffered injuries, including but not limited to personal physical injury and emotional distress, as more fully alleged above.

#### **COUNT V**

#### **42 U.S.C. § 1983 – Policy and Practice Claim against the City of Chicago**

140. Plaintiff incorporates each paragraph of this Complaint as if fully restated here.

141. As described in detail above, the City of Chicago is liable for the violation of Plaintiff's constitutional rights because Plaintiff's injuries were caused by the policies, practices, and customs of the City of Chicago, as well as by the actions of policy-making officials for the City of Chicago.

142. At all times relevant to the events described in this complaint and for a period of time prior and subsequent thereto, the City of Chicago failed to promulgate proper or adequate rules, regulations, policies, and procedures for: conducting photographic and live lineup procedures by officers and agents of the Chicago Police Department and City of Chicago; the conduct of interrogations and questioning of criminal suspects; the collection, documentation, preservation, testing, and disclosure of evidence; the writing of police reports and taking of investigative notes; obtaining statements and testimony from witnesses; and maintenance of investigative files and disclosure of those files in criminal proceedings. In addition or alternatively, the City of Chicago failed to promulgate proper and adequate rules, regulations, policies, and procedures for the training and supervision of officers and agents of the Chicago Police Department and the City of Chicago, with respect to these subjects.



143. These failures to promulgate proper or adequate rules, regulations, policies, and procedures were committed by officers and agents of the Chicago Police Department and the City of Chicago, including the Defendants.

144. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, the City of Chicago had notice of a widespread practice and custom by officers and agents of the Chicago Police Department and the City of Chicago under which individuals suspected of criminal activity, such as Plaintiff, were routinely deprived of their right to due process. For instance, it was common that suspects were prosecuted based on fabricated evidence, including fabricated eyewitness identifications and eyewitness identifications obtained using manipulated photographic or live lineup procedures.

145. Specifically, at all relevant times and for a period of time prior thereto, there existed a widespread practice and custom among officers, employees, and agents of the City of Chicago, under which criminal suspects were denied due process, including but not limited to one or more of the following: (1) suspects were selected during identification procedures by eyewitnesses who had been told by police what suspect to identify; (2) eyewitnesses were shown suggestive photo arrays; (3) eyewitnesses were showed suggestive live lineups; (4) identification procedures were not accurately documented; and (5) supervisors with knowledge of permissible and impermissible identification techniques did not properly supervise or discipline police officers and employees such that the fabricated and improper identifications continued unchecked.

146. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, the City of Chicago had notice of widespread practices by officers and agents of the Chicago Police Department and the City of Chicago, which included one or

more of the following: (1) officers did not record investigative information in police reports, did not maintain proper investigative files, or did not disclose investigative materials to prosecutors and criminal defendants; (2) officers falsified statements and testimony of witnesses; (3) officers fabricated false evidence implicating criminal defendants in criminal conduct; (4) officers failed to maintain or preserve evidence or destroyed evidence; and (5) officers pursued wrongful convictions through profoundly flawed investigations.

147. These widespread practices, individually and together, were allowed to flourish because the leaders, supervisors, and policymakers of the City of Chicago directly encouraged and were thereby the moving force behind the very type of misconduct at issue by failing to adequately train, supervise, and control their officers, agents, and employees on proper interrogation techniques and by failing to adequately punish and discipline prior instances of similar misconduct, thus directly encouraging future abuses such as those affecting Plaintiff.

148. The above widespread practices and customs, so well settled as to constitute *de facto* policies of the City of Chicago, were able to exist and thrive, individually and together, because policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it.

149. As a result of the policies and practices of the City of Chicago, numerous individuals have been wrongly convicted of crimes that they did not commit, including Plaintiff.

150. In addition, the misconduct described in this Count was undertaken pursuant to the policies and practices of the City of Chicago in that the constitutional violations committed against Plaintiff were committed with the knowledge or approval of persons with final policymaking authority for the City of Chicago or were actually committed by persons with such final policymaking authority.

151. Plaintiff's injuries were directly and proximately caused by officers, agents, and employees of the City of Chicago, including but not limited to the individually named Defendants, who acted pursuant to one or more of the policies, practices, and customs set forth above in engaging in the misconduct described in this Count and Counts I-IV above.

**COUNT VI**  
**State Law Claim – Malicious Prosecution**

152. Plaintiff incorporates each paragraph of this Complaint as if fully restated here.

153. In the manner described above, Defendant Officers, individually, jointly, and in conspiracy with one another, as well as within the scope of their employment, accused Plaintiff of criminal activity and exerted influence to initiate and to continue and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so.

154. In so doing, the Defendants caused Plaintiff to be subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

155. The judicial proceedings were terminated in Plaintiff's favor and in a manner indicative of his innocence when his conviction was vacated and charges against him were dropped in April 2024.

156. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice, and in total disregard of the truth and Plaintiff's clear innocence.

157. As a result of the misconduct described in this Count, Plaintiff suffered injuries, including but not limited to personal physical injury and emotional distress, as more fully alleged above.

**COUNT VII**

**State Law Claim – Intentional Infliction of Emotional Distress**

158. Plaintiff incorporates each paragraph of this Complaint as if fully restated here.

159. The actions, omissions, and conduct of the Defendant Officers as set forth above were extreme and outrageous. These actions were rooted in an abuse of power and authority and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

160. As a result of the misconduct described in this Count, Plaintiff suffered injuries, including but not limited to personal physical injury and emotional distress, as more fully alleged above.

**COUNT VIII**

**State Law Claim – Willful and Wanton Conduct**

161. Plaintiff incorporates each paragraph of this Complaint as if fully restated here.

162. At all times relevant to this Complaint Defendant Officers had a duty to refrain from willful and wanton conduct in connection with the Jemison murder investigation.

163. Notwithstanding that duty, the Defendants acted willfully and wantonly through a course of conduct that showed an utter indifference to, or conscious disregard of, Plaintiff's rights.

164. As a result of the misconduct described in this Count, Plaintiff suffered injuries, including but not limited to personal physical injury and emotional distress, as more fully alleged above.

**COUNT IX**

**State Law Claim – Civil Conspiracy**

165. Plaintiff incorporates each paragraph of this Complaint as if fully restated here.

166. As described more fully in the preceding paragraphs, the Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and conspired by concerted action to accomplish an unlawful purpose and/or to achieve a lawful purpose by unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of these rights.

167. In furtherance of their conspiracy, one or more parties to the agreement committed tortious conduct that resulted in Plaintiff's wrongful conviction.

168. The violations of Illinois law described in this Complaint, including Defendants' malicious prosecution of Plaintiff, their willful and wanton conduct, and their intentional infliction of emotional distress, were accomplished by Defendants' conspiracy.

169. The misconduct described in this Count was objectively unreasonable, was undertaken intentionally, and in total disregard of the truth and Plaintiff's clear innocence.

170. As a result of the misconduct described in this Count, Plaintiff suffered injuries, including but not limited to personal physical injury and emotional distress, as more fully alleged above.

**COUNT X**  
**State Law Claim – *Respondeat Superior***

171. Plaintiff incorporates each paragraph of this Complaint as if fully restated here.

172. While committing the misconduct alleged in the preceding paragraphs, the Defendants were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment.

173. Defendant City of Chicago is liable as principal for all torts committed by its agents.

**COUNT XI**  
**State Law Claim – Indemnification**

174. Plaintiff incorporates each paragraph of this Complaint as if fully restated here.

175. Illinois law (745 ILCS 10/9-102) provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

176. Defendant Officers were employees, members, and agents of Defendant City of Chicago, acting at all relevant times within the scope of their employment in committing the misconduct described herein.

177. Defendant City of Chicago is responsible to pay any judgment entered against Defendant Officers.

WHEREFORE, Plaintiff ANTHONY ROBINSON, respectfully requests that this Court enter a judgment in his favor and against Defendants the CITY OF CHICAGO, ROGER MURPHY, THOMAS CARR, DAVID MINELLI, BRIAN LUTZOW, BRIAN DALY, DANIEL MCNALLY, ANTHONY PADILLA, EDWARD RICHARDS, JANET KEMPER, PETER DEVINE, JOHN (“JT”) ANDERSON, and OTHER AS-YET UNKNOWN CHICAGO POLICE OFFICERS, awarding compensatory damages, attorneys’ fees, and costs against each Defendant, punitive damages against each of the Individual Defendants, and any other relief that this Court deems just and appropriate.

**JURY DEMAND**

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

Respectfully submitted,

**ANTHONY ROBINSON**

BY: /s/ Kathryn Montenegro  
*One of Plaintiff's Attorneys*

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