

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

IN RE APPOINTMENT OF A SPECIAL PROSECUTOR)	
)	No.
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)	Hon. Judge Erica L. Reddick
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**PETITION TO APPOINT A SPECIAL PROSECUTOR TO INVESTIGATE AND
PROSECUTE FEDERAL AGENT WRONGDOING
DURING OPERATION MIDWAY BLITZ**

Petitioners for an Independent Prosecutor,¹ by their undersigned counsel, respectfully petition this Court for entry of an order pursuant to 55 ILCS 5/3-9008 appointing a special prosecutor to represent the People in connection with the investigation and prosecution of alleged crimes perpetrated by federal agents within Cook County during Operation Midway Blitz. In support, Petitioners state as follows:

I. Introduction

Last fall the Trump Administration dispatched federal agents to Chicago city streets as part of Operation Midway Blitz, a months-long campaign of violence and brutality against the people of Cook County. On October 4, 2025, in the Brighton Park neighborhood, U.S. Customs and Border Protection (“CBP”) Agent Charles Exum repeatedly and maliciously shot Marimar Martinez, a Montessori grade school teacher. She nearly died. The shooting is captured on video. Exum and his partners aim their assault rifles at Ms. Martinez and threaten, “Do something, bitch,” and “Alright, it’s time to get aggressive,” before swerving their SUV into the car she was

¹ Petitioners are listed by name in the attached addendum.

driving. Exum exited his car and opened fire at Ms. Martinez. Five shots in less than two seconds. He bragged and lied about it. Months have passed. The Cook County State's Attorney has not initiated any investigation, convened a grand jury, or brought any charges.

Shortly before that shooting, in Franklin Park, an agent of U.S. Immigration and Customs Enforcement ("ICE"), whose name still has not been disclosed, shot and killed Silverio Villegas González, who had just dropped off his son at grade school. The federal agent shot Mr. Villegas González in his neck at close range. Like Exum, the unnamed agent lied about the incident. Video footage confirms his lies. As with the shooting of Ms. Martinez, the Cook County State's Attorney has done nothing to investigate the incident.

These federal agents' attacks on Ms. Martinez and Mr. Villegas González are emblematic of, and represent only a fraction of, the crimes perpetrated against residents of Cook County during Operation Midway Blitz by then Commander-At-Large Gregory Bovino and federal agents under his command. Federal agents killed and maimed people, terrorized communities, and unleashed extreme force and chemical weapons indiscriminately against law-abiding residents who posed no threat to their safety. Bovino himself lobbed tear gas canisters into groups of innocent people in the Little Village neighborhood, coordinated the illegal activities of his federal agents, conspired with them, and covered up their crimes, obstructing justice and lying under oath. Ample evidence of this criminal conduct has been recorded, documented, submitted in federal court proceedings, and outlined in judicial opinions, including U.S. District Judge Sara Ellis's 233-opinion in *Chicago Headline Club v. Noem*, No. 25-cv-12173, 2025 WL 3240782 (N.D. Ill. Nov. 20, 2025), which found that federal agents' conduct "shocks the conscience." Exhibit 1.

Residents and elected officials, including Governor Pritzker, U.S. Senators Durbin and Duckworth, Cook County Board President Preckwinkle, and most of the Cook County Board have called on the Cook County State's Attorney to pursue criminal charges. Yet, as with Exum and the unnamed agent who murdered Mr. Villegas González, months have passed and the Cook County State's Attorney has done nothing to investigate these crimes. The Cook County State's Attorney has never stated publicly that she has any intention to investigate these crimes. On the contrary, in response to the community's calls for justice, the State's Attorney has issued protocols and statements confirming a reluctance to investigate or prosecute federal agents for crimes committed against the people of Cook County.

This Court has the discretion to appoint a special prosecutor where the elected State's Attorney has an actual conflict of interest. Despite strong and unrebutted evidence of widespread criminal conduct by federal agents, and although no barriers exist to stop state prosecutors from investigating and charging federal agents, the State's Attorney has taken no action to investigate or prosecute the crimes committed during Operation Midway Blitz. The State's Attorney's inaction in the face of clear, premeditated crimes abandons her duties to the People of Cook County, which creates an actual conflict of interest under law.

In addition, by virtue of her Office's relationships with other law enforcement agencies, the State's Attorney faces political obstacles to effectively investigating and prosecuting the crimes of Operation Midway Blitz, which independently represent a conflict of interest. For instance, the State's Attorney's Office collaborates with federal agencies and officials regarding ongoing investigations and prosecutions, which are of great import to Cook County and its residents. Those collaborations are with federal agents who are, or who are adjacent to, the very federal agents alleged to have committed crimes during Operation Midway Blitz. The State's

Attorney also faces unprecedented external political pressure from high-level federal officials who have and continue to retaliate against local prosecutorial authorities who attempt to hold federal officials accountable. These additional conflicts represent insurmountable obstacles to effective investigation and prosecution, and they prevent the State's Attorney from shifting from the current policy of inaction to an effective and objective investigation and prosecution of federal agents.

Petitioners, who are the victims of the agents' crimes, elected officials, religious leaders, community-based organizations, scholars and teachers, members of the press, bar associations and legal organizations, and concerned residents of Cook County, respectfully submit that these conflicts counsel in favor of this Court exercising its discretion in favor of appointing of an independent special prosecutor to investigate and prosecute the crimes in Cook County committed by federal agents as a part of Operation Midway Blitz. There is recent precedent for the appointment of an independent prosecutor in similar circumstances, an independent prosecutor will be free of the political constraints just discussed, and an independent prosecutor will be able to devote the necessary resources to fairly and objectively investigate the serious misconduct discussed in this petition. Absent such appointment, the message to federal agents operating in Cook County would remain clear: you may shoot unarmed civilians, assault journalists and clergy, brutalize protesters, and lie under oath with impunity.

II. Background

A. Operation Midway Blitz

Beginning in September 2025, the federal government deployed federal agents to Chicago and its suburbs in an operation called "Operation Midway Blitz." Ex. 1. Federal agents targeted peaceful civilians, observers, religious practitioners, demonstrators, and members of the

media with deadly and extreme force, including discharging firearms, firing rubber bullets and pepper balls, launching flashbang grenades, and indiscriminately using tear gas without legal justification or warning. This petition portrays a sliver of the violence inflicted during Operation Midway Blitz.

1. Homicide, Attempted Murder, Aggravated Battery, Battery, Assault, and Kidnapping

Federal agents engaged in Operation Midway Blitz are alleged to have committed numerous violent crimes against residents of Cook County, including homicide, attempted murder, aggravated battery, battery, and assault. The verifiable conduct ranges from shooting unarmed victims to deploying chemical weapons and using excessive force against peaceful civilians.

i. Shootings Committed by Federal Agents

On October 4, 2025, U.S. Border Patrol agent Charles Exum shot Montessori schoolteacher Marimar Martinez five times in Brighton Park, nearly killing her.² While federal prosecutors charged Ms. Martinez with assault and claimed that she was responsible for the shooting because she had boxed in Exum's vehicle before he shot her, those charges were later dismissed with prejudice.³ The claims against Martinez unraveled because documents revealed that federal agents had lied about the incident. Texts from Exum showed that he bragged about the shooting to others immediately after it occurred, saying in one message, "I have a MOF amendment to add to my story. I fired 5 rounds and she had 7 holes. Put that in your book

² Maggie Dougherty, *Marimar Martinez, Chicago woman shot and briefly charged by Border Patrol, moves to sue*, CAPITAL NEWS ILLINOIS (Feb.11, 2026), <https://capitolnewsillinois.com/news/marimar-martinez-chicago-woman-shot-and-briefly-charged-by-border-patrol-moves-to-sue/>.

³ *Id.*

boys.”⁴ Video evidence shows that Ms. Martinez did not box Exum in at all.⁵ Instead, federal agents in a car driven by Exum can be heard saying, “Do something, bitch,” and “Alright, it’s time to get aggressive and get the fuck out, ‘cuz they’re trying to box us in.”⁶ Less than a minute later, Exum turned his steering wheel into Martinez’s car, stepped out, and fired at Martinez five times in two seconds.⁷ While Exum and agents in the vehicle told the Federal Bureau of Investigation (“FBI”) that Martinez drove directly at agents, causing Exum to shoot her, the ballistics evidence revealed that Martinez had been driving away from federal agents, not towards them, when they shot her.⁸ Less than four hours after Martinez’s shooting, then-Commander Gregory Bovino praised Exum on his “excellent service in Chicago” and offered to extend his retirement age.⁹ Martinez had no criminal history and is a US citizen.¹⁰

Similarly, on September 12, 2025, an ICE agent shot and killed Silverio Villegas González in Franklin Park.¹¹ Mr. Villegas González was shot at “close range” in the neck, according to his autopsy report, and the bullet traveled through his body before lodging itself in his chest.¹² The autopsy report also documented graze wounds on Mr. Villegas González’s

⁴ Megan Crepeau, *Chicago Woman to File Suit After Border Patrol Shooting*, BLOOMBERG NEWS (Feb. 13, 2026), <https://www.bloomberglaw.com/product/blaw/bloomberglawnews/bloomberg-law-news/BNA%200000019c-497e-dab4-af9e-7dfeebb40001>.

⁵ *Id.*

⁶ *Id.*; Andy Rose et al., *Border Patrol Official Praised Agent’s ‘Excellent Service’ Hours After He Shot Chicago Woman, New Evidence Shows*, CNN (Feb. 11, 2026), <https://www.cnn.com/2026/02/11/us/chicago-border-patrol-shooting-video-evidence>.

⁷ Jon Seidel, *Border Patrol agents say ‘time to get aggressive’ in footage that contradicts claims against Marimar Martinez*, CHICAGO SUN-TIMES (Feb. 10, 2026), <https://chicago.suntimes.com/immigration/2026/02/10/marimar-martinez-the-chicago-woman-shot-by-border-patrol-agent-expected-to-file-lawsuit-release-evidence>; Melody Mercado, *Evidence Shows Feds Lied To Justify Shooting Marimar Martinez, Lawyer Says*, BLOCK CLUB CHICAGO (Feb. 11, 2026), <https://blockclubchicago.org/2026/02/11/evidence-shows-feds-lied-to-justify-shooting-marimar-martinez-lawyer-says/>.

⁸ Dougherty, *Marimar Martinez*.

⁹ Mercado, *Evidence Shows*.

¹⁰ *Id.*

¹¹ Sara Tenenbaum & Suzanne Le Mignot, *ICE Agent Shoots, Kills Man in Franklin Park, Illinois, After Suspect Tries to Drive into Agents, DHS Says*, CBS NEWS (Sept. 12, 2025), <https://www.cbsnews.com/chicago/news/ice-shooting-franklin-park-illinois/#>.

¹² Tom Schuba & Sophie Sherry, *Silverio Villegas González, Killed by ICE Agent in Suburban Chicago, Had Cocaine in System, Autopsy Shows*, CHICAGO SUN TIMES (Nov. 17, 2025), <https://chicago.suntimes.com/the->

fingers.¹³ The Cook County Medical Examiner’s office ruled his death “a homicide from multiple gunshot wounds.”¹⁴

Shortly after Villegas González’s killing, the Department of Homeland Security said the agent who shot Villegas González was “dragged” by Villegas González’s car and “seriously injured.”¹⁵ But body-worn camera (“BWC”) footage refutes that justification: the agent described being “dragged a little bit” and characterized his own injuries as “nothing major.”¹⁶ Moreover, one witness denied that Villegas González had dragged an agent at all.¹⁷ Another witness said Mr. Villegas González’s car reversed when agents cut him off to detain him and that Mr. Villegas González was shot before the collision.¹⁸ Mr. Villegas González had no criminal history beyond minor traffic citations.¹⁹

ii. *Violence Perpetrated by Federal Agents at the Broadview ICE Facility*

One of the primary locations of the federal agents’ violence against residents was an ICE facility in Broadview, Illinois. In September and October 2025, ICE agents and CBP agents lobbed flashbang grenades, tear gas, and pepper balls at nonviolent protesters without warning at the Broadview facility. Ex. 1 at 7-8 (“Almost immediately and without warning, agents lob

[watchdogs/2025/11/17/silverio-villegas-gonzalez-ice-dhs-trump-midway-blitz-shooting-homicide-franklin-park-chicago](https://www.watchedogs.com/2025/11/17/silverio-villegas-gonzalez-ice-dhs-trump-midway-blitz-shooting-homicide-franklin-park-chicago); CBS Chicago Team, *Man Shot, Killed by ICE Agent in Franklin Park was Hit in Neck, Autopsy Says*, CBS NEWS (Nov. 18, 2025), <https://www.cbsnews.com/chicago/news/autopsy-details-released-deadly-ice-shooting-franklin-park/>.

¹³ *Id.*

¹⁴ Aydali Campa, *This Could Have Been Anyone’: How a Fatal ICE Shooting Impacted Franklin Park Residents*, BORDERLESS (Oct. 21, 2025), <https://borderlessmag.org/2025/10/21/immigration-agents-trump-ice-fatal-shooting-silverio-villegas-gonzalez-franklin-park-chicago/>.

¹⁵ Dept. of Homeland Sec., *DHS Sets the Record Straight on Gross Smears Against ICE Officer Who Was Seriously Injured in Line of Duty and Shooting in Chicago During Traffic Stop* (Sept. 19, 2025), <https://www.dhs.gov/news/2025/09/19/dhs-sets-record-straight-gross-smears-against-ice-officer-who-was-seriously-injured>.

¹⁶ Scuba & Sherry, *Silverio Villegas González*.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Marissa Sulek, *Undocumented Father Killed by ICE Agent in Franklin Park Shooting Had No Criminal Background, Lawyer Says*, CBS NEWS (Sept. 13, 2025), <https://www.cbsnews.com/chicago/news/undocumented-father-killed-ice-agent-franklin-park-shooting/>.

flashbang grenades, tear gas, and pepper balls at the protesters. . . disprov[ing] Defendants’ contentions that protesters were . . . acting violently so as to justify the agents’ use of force.”); *id.* at 8 (“[V]ideo from an agent’s [BWC camera] shows a line of agents. . . shoot[ing] pepper balls and tear gas at them without any apparent justification.”). They hit peaceful protesters in the face, preventing one from “open[ing] her eyes, find[ing] her cane, or get[ting] to her feet.” *Id.* at 49. They shot pepper balls at people in driveways “without any dispersal order or warning,” including a woman “who could only crawl as agents shot at her.” *Id.*

On September 12 and 13, 2025, twenty ICE Special Response Team (“SRT”) agents pushed, pulled, and shoved peaceful protesters. *Id.* at 48. On September 19, 2025, masked agents on the roof of the facility, in military fatigues with guns, “shot pepper balls or rubber bullets toward protesters” without a dispersal order and hit protesters with tear gas canisters, which immobilized a protester and caused him to need an inhaler to breathe. *Id.* at 55-56, 59. Federal agents also shot pepper balls at people as cars entered and exited the facility. *Id.* at 51.

ICE agents pulled Kat Abughazaleh – a candidate for the U.S. House of Representatives, who was sitting in front of the facility’s driveway with a sign – away from the facility and threw her to the ground. *Ex. 1* at 51. Even when protesters retreated, BWC footage showed “an agent throw another canister of tear gas towards protesters.” *Id.* at 54; *see also id.* at 58. Further, seconds after opening the gate, “agents threw or shot tear gas canisters, explosive devices, and pepper balls at [nonviolent protesters], all while shouting ‘hell yeah, woohoo!’ and ‘fuck yeah, woo!’” *Id.* at 63.

Federal agents also targeted religious figures. For instance:

In a scene captured on video, Rev[erend] Black extended his arms toward the officers with palms outstretched “in a traditional Christian posture of prayer and blessing.” Rev. Black “urged the ICE officers to repent. . . .” Without warning or any orders or requests to disperse, agents fired on Rev. Black,

hitting him with exploding pellets of pepper spray on his arms, face, and torso. The pellets hit Rev. Black twice on the head, causing him to collapse to his knees.

Id. at 59-60 (internal citations omitted); *see also id.* at 60. Reverend Black calmly spoke into a megaphone when an agent “aim[ed] pepper spray directly at [his] head,” shoved him, and pepper sprayed him until all layers of clothing and his body were soaked in spray, making it difficult for him to breathe and causing a burning sensation throughout his body. *Id.* at 60-61. An agent shot projectiles without warning at two other reverends who were singing and praying, causing one “to leave to rinse out her eyes and move away from the building considering her severe asthma.” *Id.* at 60.

Federal agents continued their assaults throughout September. On September 22, agents used paintball guns to shoot peaceful protesters and shot pepper balls at others without warning, including a 16-year-old boy who came to the facility to drop off his father’s possessions. Ex. 1 at 67; *see also id.* at 81 (After a person spoke on a megaphone about ICE violence, “with no warning, ICE agents deployed five to ten rounds of pepper balls.”). On September 24, a pickup truck containing three agents pulled up next to a protester walking to a gas station, and an agent exited the vehicle and shoved the protester. After the agent returned to the truck and the protester began walking away, the truck accelerated and hit him—causing him to be hospitalized, be placed in a neck brace, and suffer cuts and bruises. *Id.* at 67. Then, on September 26, 2025, federal agents, including an ICE officer standing on the roof, deployed tear gas and fired pepper balls without warning on the peaceful and unarmed crowd. *Id.* at 68. A pepper ball fragment hit one person in the eye. *Id.* at 69. An agent shot a pepper ball at another person’s face from twenty feet away when she was ducking behind a van to avoid harm. *Id.* at 70. More religious figures were attacked when agents used “tear gas, pepper balls, and rubber bullets against the group without any warning or apparent provocation,” striking individuals in the leg and head. *Id.* at 71.

One man was diagnosed with a concussion after being struck in the head by a projectile without warning, and another suffered hearing loss from a flashbang grenade thrown by agents without warning or provocation. *Id.* at 71-73. Still another was shot with pepper balls “at least thirty times on the back of his body.” *Id.* at 77.

The violence perpetrated by federal agents extended to journalists. An ICE agent shot a journalist “with a pepper ball in the groin from close range while another ICE agent pulled his sweatshirt hood.” Ex. 1 at 60-61. Federal agents hit a photographer in the leg with a pepper ball, threw a full tear gas canister at a photographer with camera lenses and press identification from 15 feet away, hit one journalist in the hand with a pepper ball, and repeatedly shot and hit another journalist in the face with pepper balls, despite her visible press pass and gear. *Id.* at 74-76, 78. Agents also shot Shawn Mulcahy, the Chicago Reader’s news editor, with a rubber bullet or foam ball while he filmed an arrest. *Id.* at 78. A Chicago Sun-Times journalist was hit with “five rubber pellets and one pepper ball, and exposed . . . to tear gas, flashbang grenades, stinger grenades, and baton rounds, which agents shot above his head.” *Id.* at 101.

On September 27, 2025, federal agents used extreme force against innocent civilians without justification. They pushed nonviolent “people to the ground and then laugh[ed] about it, even as blood oozed from the ears of someone they pushed.” Ex. 1 at 81-82. An agent shot a pepper bullet at a photographer documenting the incident. *Id.* at 82. A different journalist was tackled by a CBP agent who then took the journalist inside the Broadview facility and mocked him by saying, “No one can hear you. I’m not gonna help you.” *Id.* at 87. Federal agents also knelt on a protester’s head and smashed another protester’s head into the ground. *Id.* at 84, 89. Agents shot pepper balls at protesters, one of whom was shot in the legs at close range, deployed multiple tear gas canisters, and set off flashbang grenades, though the crowd had complied with

agents' orders to move away. Ex. 1 at 86, 91. After clearing the intersection, federal agents continued to shoot pepper balls at peaceful protesters. *Id.* at 92.

Federal agents continued to use extreme force the following week. On October 3, 2025, then-Commander Bovino pushed and pulled protesters to the ground, telling one, "Move down the block or I'll move you down, right now." Ex. 1 at 95-98. An agent "twist[ed] the nipples of and grab[bed] the neck of Michael Woolf, a clergy member visibly dressed in clerical garb[.]" *Id.* at 95. Federal agents also forced a journalist out of his marked car, causing him to breathe in tear gas, and fired multiple pepper balls into the chest of another journalist. *Id.* at 100-01.

Bovino also pushed Oak Park Township Trustee Juan Muñoz, when Muñoz was filming agents from behind a guardrail for the "peaceful protest zone" behind which federal agents told him to stand. Ex. 1 at 96-99; *see also* Exhibit 2, Declaration of Juan Muñoz, ECF No. 73-9 ¶¶14-15, *Chicago Headline Club v. Noem*, No. 25-cv-12173 (N.D. Ill. Oct. 21, 2025). Bovino smacked Muñoz's phone out of his hand, told him he was under arrest, and placed plastic zip ties on his wrists as Muñoz repeated that he was an elected official. Ex. 2 ¶ 16. Along with other detainees, Muñoz was arrested, handcuffed, searched, moved to the middle of a parking lot, placed on a guard rail, searched again, and moved to a detention cell with six other detainees. *Id.* ¶ 17-26. He remained detained for eight hours before being loaded into a van and dropped off 1.5 miles away from the detention center. *Id.* ¶¶ 36-37. Muñoz was unable to call his wife—who did not know where or why he was taken—for multiple hours. *Id.* ¶¶ 30. He was never told whether he was charged with any offense. *Id.* ¶ 47. Muñoz has numbness in his thumb where handcuffs were too tight and left unaddressed. *Id.* ¶ 24. The risk of another aggressive response, and other retaliation including false messaging on official sites or in official statements, has made him stop attending

protests since he was detained, and begin carrying his passport with him due to his fear of being targeted despite being a U.S. Citizen. *Id.* ¶¶ 38-45.

The Chicago Headline Club reported that as of October 3, 2025, there had been “six incidents where federal agents targeted journalists” and “another four reported incidents of assaults on journalists.” Ex. 1 at 102. Confirmed incidents include federal agents shooting pepper balls into the open window of a “clearly marked press van on a public street” and spraying a journalist with pepper spray. *Id.* Andrew Grimm, President of the Chicago News Guild, noted that journalists from the Sun Times and Tribune “experienced the effects of tear gas and pepper spray while covering protests on September 12, 19, 21, 22, 26, 27, and 28” at the Broadview facility. *Id.*

iii. Violence Perpetrated by Federal Agents Elsewhere in Chicago

Federal agents inflicted more violence against community members across the Chicagoland region in October and November 2025.

On October 1, 2025, in Cicero, as resident Leslie Cortez stood outside her parked car recording an arrest, a CBP agent exited his vehicle and aimed a gun at Cortez so that she “could see inside the barrel.” Ex. 1 at 160. After Cortez responded that she had the right to protest and observe, the agent left. The incident “traumatiz[ed]” Cortez because she “never had a weapon dr[awn] at [her], especially for documenting and for witnessing,” making her “reconsider if [it] is something that’s safe to do, even though [she] wasn’t doing anything to obstruct.” *Id.*

Two days later, in Humboldt Park, a federal agent shot four to six pepper ball projectiles at a bicyclist from twenty feet away, though the bicyclist was “barely in the crosswalk.” Ex. 1 at 106. Federal agents also shoved, grabbed, and handcuffed Alderperson Jessie Fuentes, who represents the 26th Ward, in a hospital after she asked them if they had a warrant. *Id.* at 107. That same day, CBP agents conducted “a controlled takedown and arrest . . . for assault on a

federal officer” of a son in front of his father near West 25th Street and South Drake Avenue, despite BWC footage showing that “the *agent*[] pulled the son off his father, causing the son to stumble into the other agent with his hand in front of him as if trying to brace himself against a fall,” and leading Judge Ellis to conclude that “the agent’s use of force against the son is unnecessary, as is the subsequent takedown of the father standing calmly as agents arrest his son.” *Id.* at 160-161.

On October 4, 2025, in Brighton Park, agents shoved a protester to the ground. *Id.* at 113. When the protester stood up, agents “immediately and violently tackled him to the ground again” and then “pushed and knelt on the protester’s head and neck as they handcuffed him[.]” *Id.* at 113-14. Agents also shot pepper balls at protesters and deployed tear gas without warning. *Id.* at 109-10. A witness testified that agents drove “what looked like a tank” and one agent, standing in the hatch, aimed a pepper ball gun at the crowd. *Id.* at 108-09. Further, agents threw flashbang grenades out of moving cars, with one landing inches from a photographer’s leg. *Id.* at 113.

On October 12, 2025, CBP agents dressed in plainclothes and “rough duty” uniforms attempted to apprehend two people in Albany Park, arresting one. Ex. 1 at 116. The arrest attracted neighborhood residents to observe and protest, though agents falsely described some of the residents as “professional agitators”—a misportrayal that Judge Ellis found to “undermine the agents’ credibility.” *Id.* Agents drove their SUV into protesters standing in front of the vehicle in the street and ran over someone’s foot. *Id.* at 117. Protesters stated, and video footage supports, that the agents did not adequately warn protesters or give them an opportunity to comply before they deployed tear gas against them. *Id.* at 119.

Two days later, federal agents chased a vehicle and caused a crash in East Chicago when attempting to “conduct a consensual encounter.” Ex. 1 at 120. Following the crash, at least two dozen CBP agents, as well as Chicago Police Department (“CPD”) officers, responded to the scene, and protesters and journalists gathered. *Id.* at 120-121. Though federal agents described the crowd as “pretty chill” and “all neighborhood people . . . pretty easy[,]” *id.* at 121, BWC footage confirms that federal agents planned to deploy tear gas against community members no matter what. *See id.* at 122 (“Yeah, I’ll drop ‘em everywhere. . . I’m going to gas this street. . . “We’re definitely gassing them when we leave. Just start throwing shit.”). Agents “recognized that they could deploy tear gas only if the crowds got violent,” causing some of the agents to “actively attempt[] to taunt or rile up the protesters.” *Id.* at 123. As they prepared to leave the scene, the federal agents lobbed tear gas canisters into the street without warning or provocation. *Id.* at 126. They did so over the express objections of a CPD officer, who, along with other CPD officers, formed a line between the federal agents and protesters. *Id.* at 124 (“My guys are walking up so I’m going to ask for no tear gas.”). The CPD officers caught in the gassing were not wearing protective equipment. *Id.* at 128. Families, including babies, were caught in the gas. *Id.* at 125. Federal agents continued to deploy tear gas after crowds had moved away, “and some agents threw canisters directly at peaceful observers who were simply standing on the sidewalk.” *Id.* at 124. One agent pointed his gun at an older man holding a phone. Ex. 1 at 128. Agents also fired rubber bullets or sponge cartridges directly at peaceful protesters and journalists. *Id.* at 125-127.

In Little Village, on October 22, 2025, then-Commander Bovino instructed federal agents to take a woman’s phone after he claimed she threatened him (though “no threat can be heard on video”), and those agents grabbed her and pulled her to the ground, placing a knee on her back.

Ex. 1 at 129. Another agent fired pepper spray at three to four individuals close to his vehicle, without warning. *Id.* at 131-132. The next day, Bovino and CBP agents deployed tear gas with no warning or justification. *Id.* at 139. As people retreated from the gassing, “Bovino rolled a second canister of tear gas at those fleeing, at least one agent fired his PLS [compressed air launcher with pepper balls], and at least one agent threw a flashbang grenade.” *Id.* at 140. Further, even after being told by an agent that no gas was needed, Bovino gave a direction to gas. *Id.* at 141. As agents left the scene and CPD began to clear the area, a federal agent pointed a PLS through an open window of a car door at the face of Chris Gentry, a military veteran, who stood along the east side of a crowd. An agent later rolled down his window, pointed a handgun out of it, and said “bang bang” followed by something like “you’re dead, liberal,” at Gentry—although Gentry was unarmed and posed no threat. *Id.* at 143-144.

On October 24, 2025, in Lakeview, Supervisory Border Patrol agent Kristopher Hewson and other officers with him in an SUV threw at least three tear gas canisters towards sidewalks where people stood in protest, although the tear gas was deployed in the opposite direction from which the officers were driving, nothing blocked egress for the officers, and there was no evidence that the protesters initiated any violence. Ex. 1 at 145-147. The agent driving the SUV said to another agent, “Hey, throw [the tear gas] for fun,” and another agent commented to the protesters, “have fun” as the agents deployed the tear gas. *Id.* at 145.

On October 25, 2025, in Old Irving Park, federal agents gave no warning before they tackled George Witcheck, a man dressed in a duck costume (for a Halloween parade set to take place soon) and flip flops who was standing behind a federal vehicle that began backing up. They left him with a traumatic brain injury. Ex. 1 at 148. Other agents accelerated their vehicle to hit a woman standing in front of it, causing her to fall to the ground, and rolled a tear gas

canister toward people behind the agents' vehicle, which lit on fire. *Id.* at 149-150. On the same day in Cicero, federal agents pushed a woman standing in front of her van, causing her to fall in the street, and then threw a gas canister toward those standing on the street and drove away. *Id.* at 163-164.

On Halloween in Evanston, federal agents shoved a man on the side of the street twice without warning. Ex. 1 at 153. The agents also tackled Jennifer Moriarty, an Evanston resident, to the ground. *Id.* at 154-155. Agents violently "twist[ed] [a] young man's wrist and arm, bashing the man's head on the street at least two times, and striking his head at least two times. . . . The man said several times that he could not breathe, and he appeared dazed as agents stood him up and put him in their SUV." *Id.* at 154-155. Additionally, an Evanston resident, David Brooks:

[O]bserved an unmasked CBP agent wearing sunglasses violently shove a woman into the federal vehicle, prompting him to start recording and yelling at the CBP agents. . . . the agent then turned and looked at Brooks, saying, "step back or I'm going to shoot you," which prompted Brooks to take a step back and say "you're gonna what?" The CBP agent pulled his gun and pointed it directly at Brooks, Brooks stepped back, and the agent holstered his gun.

Ex. 1 at 155.

Federal agents also harmed children who posed no threat. On November 8, 2025, in Cicero, U.S. citizen Rafael Veraza and his family, including his one-year-old daughter, were leaving a Sam's Club parking lot after shopping when a masked federal agent pointed a pepper-spray gun through their vehicle's open window and fired.²⁰ The substance hit Veraza in the face and caused his one-year-old daughter to cry, to struggle to open her eyes, and to breathe. Veraza and his family, all citizens, were not protesting or trying to interfere with any federal agent

²⁰ The Associated Press, *Dad says he and his toddler were pepper sprayed by federal immigration agents*, NBC NEWS (Nov. 10, 2025), <https://www.nbcnews.com/news/us-news/chicago-family-pepper-spray-allegations-ice-immigration-cicero-rcna242536>.

activity.²¹ The U.S. Department of Homeland Security rejected the family’s account, despite video footage depicting the aftermath of the violence, including footage of Mr. Veraza’s daughter “in distress in her mother’s arms with her eyes streaming.”²²

This behavior was consistent with the federal agents’ conduct to harm other children and vulnerable community members. Federal agents also “tear gass[ed] expectant mothers, children, and babies” in East Chicago, Old Irving Park, and Brighton Park. Ex. 1 at 217. In East Chicago, they “tackled and arrested a fifteen-year- old boy on suspicion of throwing an egg,” and detained and choked his nineteen-year-old cousin “for trying to push past the agents to help his family member.” *Id.* at 123-124. These individuals were released by the FBI and are not facing charges. *Id.* at 124. Federal agents also pointed a firearm at and tackled elderly residents who posed no threat. *Id.* at 128, 150. In each instance, the vulnerable community member—like the other individuals who suffered assaults, batteries, and extreme force at the hands of federal agents—posed no threat.

2. Conspiracy

Evidence also indicates that federal agents entered agreements to take violent, illegal actions against nonviolent civilians, many of whom were engaged in protected activities, without warning or provocation. In the shooting of Ms. Martinez, federal agents discussed “get[ting] aggressive” before they swerved their vehicle into hers and then shot her repeatedly.²³ Those agents later falsely stated that Ms. Martinez drove directly at them, which was contradicted by ballistics evidence.

²¹ *Id.*

²² Richard Luscombe, *ICE agents accused of pepper-spraying Illinois parents and their one-year-old*, THE GUARDIAN (Nov. 11, 2025), <https://www.theguardian.com/us-news/2025/nov/11/ice-agents-pepper-spray-man-baby-daughter>.

²³ Hickman, *‘It’s time to get aggressive.’*

Further, while waiting at the Broadview facility, “agents laughed and made jokes about tear gassing protesters[. . . [and] [s]hortly before going out to confront the protesters, Bovino instructed the agents: ‘This might be a good one guys, so stay alert.’” Ex. 1 at 85. Agents encouraged repeated acts of violence against nonviolent protesters. *See, e.g., id.* at 86 (agent in gas mask who looks like Commander Bovino based on physique and tear gas canister clipped to his gear pointed at people standing on the side of the road and shouted “light him up, light him up,” after which a different agent fired numerous rounds at people’s legs and feet). At least some agents involved in pushing the protesters back and maintaining the perimeter found the experience to be “fun.” Ex. 1 at 92 (BWC audio including, from Agent 1: “This is fucking fun. This is fun.” Agent 2: “Dude, these are some fucking great experiences for you guys, eh?”). And the agents had explicit direction to arrest even without any reason to suspect that a person was engaged in criminal activity. *Id.* at 88 (“Somebody even steps across [the new perimeter], they get it. It’s all about arresting people. *I think if we push this whole fucking block back, that ought to teach them a lesson. And if it doesn’t, we arrest.*”) (emphasis added). Further, most of the actions took place with multiple officers present and actively participating.

Part of the federal agents’ strategy was to use violence to agitate protesters, so that the federal agents could use unlawful force against them in response to the provoked disturbances. One witness testified in federal court that, in Brighton Park on October 4, 2025, “about every ten minutes [the federal immigration agents] were sending another group of agents in a car sort of zooming through, riling up people, shooting them with PepperBalls. . . “[I]t felt like a very organized forum to sort of like work up the people that were in protest [. . . for] near an hour.” Ex. 1 at 109; *id.* at 109-10 (another witness stating agents were “trying to rile up the crowd and the crowd was also angry,” as agents shot at least three rounds of pepper balls at the crowd

without warning). In addition, agents “prolonged” encounters with protesters in order to continue deploying tear gas against them. *Id.* at 150 (On October 25, 2025, “[w]hile agents claimed that the crowd prevented them from leaving and that they needed to use tear gas to allow them to leave, their [BWC] footage instead suggests that they prolonged the encounter”) (internal citations omitted).

Further, even when one agent expressed hesitation at another agent’s desire to throw tear gas in front of his vehicle at Logan Square, due to the presence of peaceful pedestrians, other agents encouraged the agent to throw the gas, and stated, “if they throw it back, shoot ‘em.” Ex. 1 at 103. With that agreement, the agent in the passenger seat of the vehicle then threw a tear gas canister out the window. *Id.* at 103-04.

These examples demonstrate that federal agents not only committed individual criminal acts but also undertook coordinated efforts over the course of hours, days, and months to commit serious crimes against the citizens and residents of Cook County.

3. Perjury and Obstruction

The evidence also illustrates that federal agents repeatedly committed perjury and obstruction throughout Operation Midway Blitz. Judge Ellis held in her order granting injunctive relief against federal agents that “after reviewing all the evidence, the Court finds that Defendants’ widespread misrepresentations call into question everything that Defendants say they are doing in their characterization of what is happening at the Broadview facility or out in the streets of the Chicagoland area during law enforcement activities.” Ex. 1 at 14. In other words, DHS officials lied about their wrongdoing, “misrepresenting the evidence to justify their actions.” *Id.* at 13. On a number of occasions, federal agents did so under oath.

For example, then-Commander Bovino lied throughout his testimony in civil proceedings. Bovino tackled a man, but then denied using force against him and instead stated that the man had used force *against him*, despite a video showing the attack. Ex. 1 at 11. He also grabbed Oak Park Township Trustee Juan Munoz by the shoulder, “pulled him to the ground, smacked his phone out of his hand, and placed him under arrest, using plastic zip ties around his wrists,” but then lied in his deposition and stated “‘no reportable uses of force’ occurred and that instead, ‘the use of force was against’ him.” *Id.* at 97-98. He denied seeing that a projectile had hit Reverend Black, despite being shown a video of agents hitting Reverend Black in the head with pepper balls. *Id.* at 11.

Bovino also maintained for *two days* of deposition testimony that, on October 23, he only threw tear gas into a crowd in Little Village after being hit by a rock, despite being presented with video evidence showing that no rock had been thrown at him before he launched the first tear gas canister, *id.* at 11-13. Only in the final day of his deposition did he admit that “no rock was thrown at him before he deployed the first tear gas canister.” *Id.* at 13.

Other federal agents also lied under oath and in official reports. For instance, Supervisory Border Patrol Agent Hewson “testified that people held shields with nails in them,” but Judge Ellis confirmed that “video demonstrates that at least some of these shields were merely pieces of cardboard, *none of the shields had nails in them*, and *nothing warranted the aggression* that the agents showed toward the protesters holding these shields.” Ex. 1 at 10 (emphasis added). Further, “[i]n Albany Park, agents wrote in their reports and DHS publicized that a bicyclist threw a bike at agents, but video from that event makes clear that agents actually took a protester’s bike and threw it to the side after they had deployed tear gas.” *Id.* (internal citations omitted). And while “Defendants’ E-STAR use of force reports tell a more violent tale” of

protests, “agents’ [body worn camera] video shows protesters gathered peacefully and standing on the opposite side of the street.” *Id.* at 62-63.

Many of the federal agents’ official reports contain lies calling protesters physically violent rioters. But there was no witness testimony or video footage to support their assertion. Rather, the BWC “footage shows the crowds generally acting peacefully.” Ex. 1 at 115; *see also id.* at 13 (“Defendants, however, cannot simply create their own narrative of what happened, misrepresenting the evidence to justify their actions.”); *id.* at 116 (“[The federal agents’] description of rapid response network members, neighborhood moms and dads, Chicago Bears fans, people dressed in Halloween costumes, and the lawyer who lives on the block as professional agitators undermines the agents’ credibility.”); *id.* at 119-20 (CBP agent claiming in a use of force report that he waited “a considerable amount of time” to give protesters an opportunity to comply, but instead “had rolled a tear gas canister toward the protesters”); *id.* at 124 (CBP incident report claiming that agents deployed tear gas because the protesters were ‘enraged towards CPD,’ and ‘began pushing and shoving CPD officers,’ when “the footage does not show protesters pushing or shoving any of the CPD officers.”).

Federal agents also engaged in activity to “misrepresent[] the evidence to justify their actions” or outright conceal their actions. Ex. 1 at 13. They concealed their identities, wearing masks, driving in unmarked vehicles, hiding their badges, and refusing to provide identification numbers. *Id.* at 56 n.26 (“[N]one of the agents wore badges, badge numbers, or names on their uniforms”), 155 (“Brooks continued asking for the agents’ names and badge numbers, but they refused to provide this information to him.”), 163 (“[Agents] refused to provide any identification number, which Goodarzi told them violated this Court’s TRO order.”). Agents

refused to record some of their actions on their body-worn cameras and destroyed other video evidence, even though this violated a federal court order. Ex. 1 at 4.

Federal agents also fabricated false narratives to justify misconduct. For instance, after agents took an eighteen-year-old U.S. citizen into custody, pulling her out of a car, throwing her to the ground, and arresting her, and refusing to give her medical attention, DHS Assistant Secretary Tricia McLaughlin falsely claimed that the video of the young woman’s arrest did not involve DHS agents and instead was “from a burglary arrest Chicago police made over a year ago.” Ex. 1 at 161. And on October 23, 2025, then-Commander Bovino repeatedly stated that his agents had to use force against “rioters” that were “aggressive[,],” “attacked” federal agents, were “hostile and violent,” and “thr[ew] rocks and other objects at agents[.]” *Id.* at 132-133. Judge Ellis found that the “evidence presented to the Court . . . undercuts Defendants’ version of events,” stating that, despite agents’ report of being blocked in, “aerial footage, BWC, and other testimony indicate that agents had plenty of time and space to leave the area,” *id.* at 134, and “if anything, the aerial footage suggests that agents caused gridlock,” *id.* at 135; “what agents called a ‘large crowd of rioters’ began as only several individuals, none of whom posed any apparent threat to agents, nor does the crowd appear to reach 100, as Defendants claimed,” *id.* at 135. In fact, Judge Ellis found that BWC footage “disprove[d]” the agents’ representations of crowd violence. Ex.1 at 8 (“The BWC footage disproves the representation that the crowd threw objects “without provocation”), 11 (“Given the inconsistencies between the BWC footage and the use of force reports, with the BWC footage undermining what agents put in their reports, the Court cannot rely on Parra’s broad generalizations of protesters’ actions or Defendants’ responses to those actions.”), 13 (“DHS tried to claim protesters threw fireworks at agents [but] aerial footage from CBP’s helicopter shows an agent throwing some type of smoke or gas device . .

.suggest[ing] that CBP, and not protesters, were the ones throwing things that CBP and DHS then used as justification to claim that protesters posed a danger to them”). *Id.* at 13.

Further, federal agents took action to intimidate or silence witnesses of violence or misconduct. When a woman, Tara Goodarzi, followed federal agents’ cars after hearing of their activity nearby, agents boxed in her car on the street, and three agents approached her car, with one holding a semiautomatic weapon. They “warned Goodarzi that if she continued following them, they would detain her because she was impeding their operations. Another woman approached filming, telling the agents they were a disgrace, and the agent told her to be careful on the street because that was how people got run over.” Ex. 1 at 163. Further, Jo-Elle Munchak, an attorney, filmed federal agents handcuffing a landscaper and putting him into one of their unmarked SUVs and then left to go home. When she did so, a federal vehicle

[S]topped in the middle of the block, and the other one pulled behind her, blocking her in. Agents surrounded her car, banging on her windows, trying to open her car doors, and demanding that she get out. One agent stood in front of her front bumper and aimed a long gun at Munchak’s head. Munchak tried to explain to the agents that she lived on that street, even showing them her driver’s license with her address. An agent told her “We’ll let you go this time, but next time you’ll be detained.” They then got back in their cars and left.

Id. at 162-162.

These examples, while not exhaustive, illustrate the various means by which federal agents obscured their misconduct by outright lies and misrepresentations, as well as through the destruction, concealment, and fabrication of evidence.

B. Cook County State’s Attorney’s Inaction in the Face of State Crimes

There has been tremendous public support for the investigation and prosecution of federal agents who committed state crimes during Operation Midway Blitz, stretching from individual citizens to elected officials in the city of Chicago, Cook County, state of Illinois, and nation. Despite the large-scale documentation of the violence and public interest in the investigation,

Cook County State’s Attorney Burke has made her contrary position clear. She will not investigate this criminal conduct, and she will not prosecute these state crimes. Her refusal to do so stands in relief to the approach taken by prosecutors in different jurisdictions whose constituents are faced with similar abuse by federal agents, and who have chosen to act in the interest of those constituents.

1. Public Outrage & Calls for Investigation of the Federal Agents’ Crimes

Since the start of Operation Midway Blitz, individual citizens and federal, state, and local elected officials have publicly demanded that federal agents be held accountable for criminal conduct. Petitioners are a broad coalition of more than 200 elected officials, community organizations, legal organizations, journalists, attorneys, academics, religious leaders, individuals, and other stakeholders in Cook County and Illinois who are horrified by the harms that federal agents inflicted on their community members. Some of the petitioners are those who were directly harmed by the crimes committed by federal agents in Cook County. Collectively, they represent a cross-section of the many citizens and residents of Cook County calling for accountability, investigation, and criminal liability for the federal agents responsible.

Beyond the petitioners, the outrage across Cook County at the crimes committed by federal agents is palpable across the jurisdiction. In October 2025, Governor JB Pritzker established the Illinois Accountability Commission to document federal agents’ misconduct.²⁴ The Commission has already called for referrals for the prosecution of federal agents who have committed misconduct.²⁵ The Chicago City Council passed a resolution around the same time, calling for investigation into federal agent misconduct in Chicago. See *Chicago City Council*

²⁴ Maggie Dougherty, *Pritzker forms independent commission to document misconduct of federal agents*, CAPITOL NEWS ILLINOIS (Oct. 23, 2025), <https://capitolnewsillinois.com/news/pritzker-forms-independent-commission-to-document-misconduct-of-federal-agents/>

²⁵ Illinois Accountability Commission, *Initial Report*, ILLINOIS DEPARTMENT OF HUMAN RIGHTS (January 2026), <https://ilac.illinois.gov/content/dam/soi/en/web/ilac/documents/IAC-Initial-Report-January-2026.pdf>.

Res. No. SR2025-0019952 (Chi., Ill. 2025). And on February 12, 2026, Toni Preckwinkle, President of the Cook County Board of Commissioners, and most of the Board Commissioners called for State’s Attorney Burke to “pursue all available charges” against federal agents involved in the killing of Villegas-González and the shooting of Martinez.²⁶

Federal officials have also recorded and condemned the actions of federal agents in Cook County. In November 2025, U.S. District Court Judge Sara Ellis issued a 233-page opinion documenting federal agent misconduct that “shocks the conscience,” outlining hundreds of instances of extreme force used against nonviolent Chicago residents and multiple apparent violations of state criminal laws. See *Chicago Headline Club v. Noem*, No. 25 C 12173, 2025 WL 3240782 at *1-233 (N.D. Ill. Nov. 20, 2025). The order reflects the testimony and documentation of misconduct by Chicago community organizations, religious leaders, journalists, elected officials, and community members. See *id.* at *1, 106, 115, 195. Additional federal court proceedings have generated further public documentation of rampant abuses. See Minute Entry at 1, *United States of America v. Martinez, et al.*, 1:25-cr-00636 (N.D. Ill., Feb. 6, 2026) (ordering release of body worn camera footage showing Border Patrol agents shooting a Chicago woman); Notice of Additional Violations of Consent Decree, 1-11, *Castañon Nava v. Department of Homeland Security*, No. 1:18-CV-03757 (N.D. Ill.) (alleging that federal agents unlawfully arrested 27 people during Operation Midway Blitz); Complaint at 22-73, *State of Illinois v. Department of Homeland Security*, No. 1:26-cv-00321 (N.D. Ill., Jan. 12, 2026) (alleging federal agents used unlawful and retaliatory immigration tactics).

²⁶ A.D. Quig, *Toni Preckwinkle calls for charges against federal immigration agents in local shootings*, CHICAGO TRIBUNE (Feb. 12, 2026), <https://archive.ph/2026.02.13-032756/https://www.chicagotribune.com/2026/02/12/toni-preckwinkle-charges-federal-immigration-agents-local-shootings/#selection-2263.0-2271.1>.

Elected officials representing the State of Illinois have also called for criminal prosecution of federal agents involved in Operation Midway Blitz. In December 2025, U.S. Senators Dick Durbin and Tammy Duckworth submitted a criminal referral to the U.S. Department of Justice over alleged constitutional violations by federal agents during Operation Midway Blitz.²⁷ Senator Durbin assured in a speech on the Senate floor, “There will come a time when the people responsible for the assaults, tear gassing, and unjust detention during these lawless immigration enforcement actions will face real accountability.” 171 Cong. Rec. S8881 (2025).

The public has spoken clearly, repeatedly, and through public fora about federal agents’ rampant misconduct in connection with Operation Midway Blitz. The record is clear that these federal agents committed actions that must be investigated and prosecuted if the facts warrant prosecution. The people of Cook County are profoundly concerned with the violent crimes that federal agents committed against their neighbors, their elected officials, their clergy, and their journalists.

2. The State’s Attorney Has Failed to Investigate or Prosecute Federal Agents

Illinois law imposes on a State’s Attorney a duty to investigate and prosecute criminal misconduct committed in their jurisdiction. *See* 55 Ill. Comp. Stat. Ann. 5/3-9005(a)(1). Despite this obligation imposed by Illinois law, to date the Cook County State’s Attorney’s Office has not investigated or prosecuted the illegal actions of federal agents during Operation Midway Blitz. In stark contrast, the State’s Attorney was willing to prosecute more than a dozen

²⁷ Tina Sfondeles, *Durbin, Duckworth seek criminal probe of Chicago’s immigration blitz — even after Trump leaves office*, CHICAGO SUN TIMES (Dec. 18, 2025), <https://chicago.suntimes.com/immigration/2025/12/18/durbin-duckworth-criminal-investigation-operation-midway-blitz-ice-tactics>.

protesters arrested during some of the very same incidents during which federal agents violated state law.²⁸

Notably, the State’s Attorney has only filed charges against a single ICE agent—Adam Saracco—for off-duty conduct. Saracco was charged with misdemeanor battery for allegedly assaulting an attorney who was filming Saracco at a gas station.²⁹ The State’s Attorney declined to proceed with felony charges against Saracco, ultimately deciding on misdemeanor charges. Although this encounter involved a lawyer who had participated in the Broadview protests, the State’s Attorney determined that Saracco was off-duty at the time of incident, and that he did not identify himself as a federal agent when local police responded to the scene. This prosecution represents a single instance of prosecuting federal officers, but it is a misdemeanor charge premised on off-duty conduct only tenuously related to Operation Midway Blitz.

In contrast, other state prosecutors in Illinois and around the country have initiated investigations into similar criminal conduct by federal agents within their jurisdiction, or announced their intention to investigate such conduct. On March 2, Mary Moriarty, District Attorney of Hennepin County, Minnesota, announced her investigation of seventeen instances of “potential unlawful behavior” by federal immigration agents in Minnesota, including the actions of Greg Bovino.³⁰ She also created a pathway for citizens to submit to her office any evidence of potentially unlawful behavior by federal agents.³¹ On March 6, 2026, New York State Attorney General Letitia James opened an investigation into the death of Nurual Amin Shah Alam, who

²⁸ Sophie Sherry, *Cook County prosecutors drop charges against 19 arrested during clergy-led protest at Broadview ICE facility*, CHICAGO SUN TIMES (Feb. 9, 2026), <https://chicago.suntimes.com/immigration/2026/02/09/cook-county-prosecutors-drop-charges-against-19-arrested-during-clergy-led-protest-broadview-ice-facility>.

²⁹ Danny Hakim, *Police Report Backs Activist’s Account in Clash With ICE Agent Near Chicago*, N.Y. TIMES (Jan. 30, 2026), <https://www.nytimes.com/2026/01/30/us/ice-agent-assault-charge.html>

³⁰ Jeff Day, *Greg Bovino, other federal agents investigated for Operation Metro Surge actions*, THE MINNESOTA STAR TRIBUNE (Mar. 2, 2026), <https://archive.ph/E0HPJ#selection-241.0-241.80>.

³¹ *Id.*

was last in the custody of U.S. Border Patrol before being found dead.³² And in late January 2026, a coalition of nine state prosecutors from around the country pledged to investigate and bring charges against federal agents accused of violating state law.³³ State’s Attorneys just outside of Chicago have also adopted this pledge. For example, Lake County State’s Attorney Eric Rinehart has committed that federal agents who violate Illinois law “will be investigated through the same procedures [] traditionally used, prosecuted with due process and held accountable in [the] local court system.”³⁴

The Cook County State’s Attorney therefore stands alone among local officials in the decision not to investigate and prosecute federal agents who commit state crimes. The State’s Attorney’s approach departs from the approach taken by prosecutors whose constituents are faced with similar abuse by federal agents.

3. State’s Attorney’s Resistance to Investigating State Crimes Committed by On-Duty Federal Agents

Recent events demonstrate that the State’s Attorney is unlikely to investigate or prosecute federal agents for their on-duty conduct during Operation Midway Blitz.

On January 31, 2026, Mayor Brandon Johnson signed the “ICE on Notice” Executive Order.³⁵ The Executive Order directs CPD officers to investigate and document alleged unlawful activity by federal immigration agents, to preserve evidence, to attempt to identify federal supervisory officers on scene, and to ensure that cases are referred to the State’s Attorney for

³² J. Dale Shoemaker, *New York AG investigating Shah Alam’s death*, INVESTIGATIVE POST (Mar. 6, 2026), <https://www.investigativepost.org/2026/03/06/new-york-ag-investigating-shah-alams-death/>.

³³ Press Announcement, *National Group of District Attorneys, Prosecutors Come Together to Push Back Against Federal Overreach*, THE PROJECT FOR THE FIGHT AGAINST FEDERAL OVERREACH (Jan. 28, 2026), <https://federaloverreach.org/announcement>

³⁴ Eric Rinehart, *State prosecutors must hold federal agents accountable when they break the law*, CHICAGO TRIBUNE (Jan. 29, 2026), <https://www.chicagotribune.com/2026/01/29/opinion-federal-immigration-agents-accountable-renee-good-alex-pretti/>

³⁵ Off. of the Mayor, City of Chicago, Exec. Order No. 2026-1, *Defining CPD Action During Civil Immigration Enforcement to Further Federal Accountability* (Feb. 2, 2026), https://chicityclerk.s3.us-west-2.amazonaws.com/s3fs-public/1/reports/0703_001.pdf?VersionId=DB_yGmR8V5v17_Vm4370dLmUJJZlZRH

prosecution.³⁶ The Executive Order reflects the role of the CPD in gathering evidence and ensuring that cases are referred to the State’s Attorney’s Office prosecution. It does not direct the State’s Attorney to take any action.

The following week, the State’s Attorney issued a memorandum regarding the executive order.³⁷ The memo made no commitment to prosecute crimes committed by on-duty federal agents. Rather, it conceded that there might be “narrow circumstances” in which the CCSAO could prosecute those crimes, but did not express willingness to investigate or to prosecute if those circumstances were met. Nor did the State’s Attorney explain whether those circumstances had already been met. Finally, the memo declared that “the CCSAO will not conduct felony review” of cases referred to the Office by the Mayor, regardless of the credibility of the evidence presented and likelihood that a federal agent committed a crime in the jurisdiction.³⁸

Then, on February 19, 2026, the State’s Attorney published a “Federal Immigration Enforcement Action Response Protocol.” Ex. 4. The protocol admits that her Office has the duty to investigate criminal conduct, and when the evidence supports it, her Office can prosecute state crimes committed by federal agents. It admits that federal agents who took unreasonable actions while on duty, particularly if they did so with “malice or criminal intent,” are *not* immune and may be held criminally liable for these crimes. Ex. 4 (quoting *Baucom v. Martin*, 677 F.2d 1346, 1350 (11th Cir. 1982)).

What the protocol does *not* state is more telling. It omits any commitment to investigating and prosecuting state crimes that have already occurred in her jurisdiction. Further, it is limited

³⁶ *Id.*

³⁷ See Exhibit 3 (Memorandum to Internal CCSAO Employees from Yvette Loizon, Chief ASA for Policy and External Affairs, “CCSAO EO Analysis,” COOK COUNTY STATE’S ATTORNEY’S OFFICE (Feb. 6, 2026)); see also Sun-Times Wire, *County’s top prosecutor calls Mayor Brandon Johnson’s ICE executive order ‘wholly inappropriate,’* CHICAGO SUN-TIMES (Feb. 6, 2026), <https://chicago.suntimes.com/immigration/2026/02/06/eileen-oneill-burke-brandon-johnson-immigration-ice-law>.

³⁸ Ex. 3.

to uses of force and does not encompass crimes detailed in this Petition such as perjury, obstruction of justice, kidnapping, and conspiracy. The Protocol also avoids using mandatory language for enforcement—making its guidance discretionary and permissive in instances where directives could be binding. Most importantly, any force of the Protocol is belied by the State’s Attorney’s actions. No investigation or prosecution of on-duty federal agents’ crimes has occurred. Under this Protocol, the crimes listed at length in this Petition will go uninvestigated.

III. Legal Standard

Illinois law provides for the appointment of a special prosecutor in cases where the elected State’s Attorney has an “actual conflict of interest in the cause, proceeding, or other matter.” 55 ILCS 5/3-9008 (a-10). The decision to appoint a special prosecutor can be considered at any stage in the case, even before formal charges are filed. *Baxter v. Peterlin*, 156 Ill. App. 3d 564, 566 (1987). Thus, special prosecutors have frequently been appointed to investigate allegations of criminal wrongdoing. *See, e.g., People v. Pawlaczyk*, 189 Ill. 2d 177 (2000); *Matter of Special Prosecutor*, 164 Ill. App. 3d 183 (5th Dist. 1987) (judgment later vacated on unrelated grounds); *People v. Sears*, 49 Ill. 2d 14 (1971).

The Court’s jurisdiction under the special prosecutor statute may be invoked by the Court, by the State’s Attorney’s Office, or, as here, by a private individual or group. *See In re Appointment of Special State’s Attorney*, 305 Ill. App. 3d 749, 758 (2d Dist. 1999). The petitioners bear the burden of presenting sufficient facts and evidence to establish the conflict. *Id.*; *People v. Muhammad*, 2025 IL 130470, ¶ 51. Though the Court maintains discretion in determining whether the appointment of a special prosecutor is appropriate, it is the duty of the Court to ensure that such judicial discretion is “exercised to promote the underlying policy of a

just, fair, and impartial hearing.” *People v. Lanigan*, 353 Ill. App. 3d 422, 430 (1st Dist. 2004) (citation omitted).

The statute does not define “actual conflict of interest,” but courts have made clear that this language encompasses a range of issues. *See, e.g., Muhammad*, 2025 IL 130470 ¶ 52 (a state’s attorney may have an interest in either a private individual or a party to the action); *see also In re Appointment of Special Prosecutor (Haney)*, 2020 IL App (2d) 190845, ¶ 22 (an actual conflict may be shown by demonstrating that a state’s attorney is obligated to represent both sides of a conflict); *Heidelberg v. People*, 2017 IL App (3d) 160561-U (appointment of special prosecutor is appropriate where the State’s Attorney could not conduct an unbiased investigation due to a personal relationship); *Baxter v. Peterlin*, 156 Ill. App. 3d 564, 566 (1987) (noting that “a political alliance may create sufficient conflict of interest to require appointment of a special prosecutor”). Importantly, “[a] petitioner can demonstrate that a State’s Attorney has abandoned his duties to the People of the State of Illinois by alleging an impropriety or insufficiency in the State’s Attorney’s investigation.” *Heidelberg*, 2017 IL App (3d) 160561-U, at ¶ 26 (citing *McCall v. Devine*, 334 Ill. App. 3d 192, 204 (2002)); *see also People v. Bickerstaff*, 403 Ill. App. 3d 347, 352 (2010).

IV. Conflicts of Interest Within the State’s Attorney’s Office Necessitate the Appointment of a Special Prosecutor to Investigate Possible Criminal Wrongdoing of Federal Agents Involved in Operation Midway Blitz

Federal agents committed a wide range of state criminal offenses against peaceful individuals during Operation Midway Blitz. There is overwhelming evidence of criminal conduct, much of it recorded. Despite that evidence, and even though there is no barrier to a state prosecutor investigating and filing criminal charges against federal agents who commit state crimes, the State’s Attorney has taken no action to investigate or prosecute these incidents in the six months since they have occurred. This inaction illustrates an abandonment of the State’s

Attorney's duties, and an actual conflict of interest. It is also a substantial departure from the action taken by similarly situated state prosecutors in other jurisdictions. The State's Attorney cannot represent the people of Cook County while turning a blind eye to egregious acts of violence that federal agents have inflicted on them in her jurisdiction.

Moreover, the State's Attorney's Office continuously collaborates with federal agencies and officials, including the U.S. Department of Homeland Security and its personnel, on investigations and prosecutions, which are of great import to Cook County and its residents. The State's Attorney has a conflict as well because investigations and prosecutions of federal agents who participated in Operation Midway Blitz necessarily will concern federal personnel with whom the State's Attorney's Office collaborates.

In addition, the State's Attorney faces unprecedented external pressures from high-level federal officials, which will make a shift in her position from inaction to investigation of federal officials extremely challenging. Federal officials in the past twelve months have arrested, investigated, and levied charges against numerous local officials in retaliation for their defiance of the federal government's agenda, including the federal government's unlawful immigration enforcement tactics. Accordingly, if the State's Attorney were to depart her current posture of inaction, she puts herself at risk. Put another way, the State's Attorney faces intractable incentives to keep doing what she has been doing: nothing.

These conflicts counsel in favor of this Court exercising its discretion in favor of appointing a special prosecutor to investigate and prosecute the crimes in Cook County committed by federal agents as a part of Operation Midway Blitz. In comparable, recent situations that did not concern federal agents, Cook County judges have appointed special prosecutors to investigate and prosecute alleged misconduct by law enforcement and government

officials, many times with the State’s Attorney acknowledging an inability to discharge the duties of the office, principally because of the relationship between the accused and the State’s Attorney’s Office and structural limitations on the State’s Attorneys will or ability to rigorously investigate the alleged misconduct. *See, e.g.,* Exhibit 5, Order, *In re Appointment of Special Prosecutor*, No. 11 Misc. 46 (Ill. Cir. Ct. Cook Cnty. Crim. Div. April 6, 2012) (Toomin, J.) (appointing special prosecutor where no meaningful investigation or prosecution had occurred due to status of the accused and relationship to government officials); Exhibit 6, *People v. Plummer*, No. 90-CR-12036 et al. (Ill. Cir. Ct. Cook Cnty. Crim. Div. Apr. 11, 2013) (Biebel, J.) (appointing special prosecutor because of continued relationship between members of the State’s Attorneys’ office and law enforcement officers accused); Exhibit 7, Order, *In Re: Appointment of Special Prosecutor*, No. 16-MR-0000501 (Ill. Cir. Ct. Cook Cnty. Crim. Div. July 31, 2016) (Gaughan, J.) (appointing special prosecutor after State’s Attorney’s recusal because of long delay investigating and bringing charges, and relationship between State’s Attorney’s Office and law enforcement).

As in these cases, if an independent prosecutor is appointed here, that prosecutor will avoid political constraints and interference with ongoing collaborations between the State’s Attorney and federal officials, and the appointee will be able to devote the necessary resources to fairly and objectively investigate the serious crimes discussed in this petition.

A. Federal Agents’ Actions During Midway Blitz Constitute Prosecutable Offenses Under State Law

1. The actions of federal agents during Operation Midway Blitz constitute state crimes.

Under Illinois law, the elements of the offenses of murder, attempted murder, aggravated battery, battery, assault, kidnapping, conspiracy, obstruction of justice, and perjury are the following:

1. “A person who kills an individual without lawful justification commits **first degree murder** if, in performing the acts which cause the death:
 - a. (1) he . . . either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or
 - b. (2) he . . . knows that such acts create a strong probability of death or great bodily harm to that individual or another; or
 - c. (3) he . . . commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.” 720 ILCS 5/9-1.
2. “A person commits the offense of **second degree murder** when he or she commits the offense of first degree murder as defined in paragraph (1) or (2) of subsection (a) of Section 9-1 of this Code and either of the following mitigating factors are present:
 - a. (1) at the time of the killing he or she is acting under a sudden and intense passion resulting from serious provocation by the individual killed or another whom the offender endeavors to kill, but he or she negligently or accidentally causes the death of the individual killed; or
 - b. (2) at the time of the killing he or she believes the circumstances to be such that, if they existed, would justify or exonerate the killing under the principles stated in Article 7 of this Code, but his or her belief is unreasonable.” 720 ILCS 5/9-2.
3. A person commits the offense of **attempted murder** “when, with intent to commit [murder], he or she does any act that constitutes a substantial step toward the commission of that [murder].” 720 ILCS 5/8-4.
4. “A person commits **aggravated battery** when, in the commission of a battery, the individual knowingly does any of the following: Discharges a firearm and causes any injury to another person[.]” 720 ILCS 5/12-3.05(e)(1)).
5. “A person commits **battery** if he or she knowingly without legal justification by any means (1) causes bodily harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual.” 720 ILCS 5/12-3.
6. “A person commits an **assault** when, without lawful authority, he or she knowingly engages in conduct which places another in reasonable apprehension of receiving a battery.” 720 ILCS 5/12-1.
7. “A person commits the offense of **kidnapping** when he or she knowingly: (1) and secretly confines another against his or her will; (2) by force or threat of imminent force carries another from one place to another with intent secretly to confine that other person against his or her will; or (3) by deceit or enticement induces another to go from one place to another with intent secretly to confine that other person against his or her will[.]” 720 ILCS 5/10-1.
8. “A person commits the offense of **conspiracy** when, with intent that an offense be committed, he or she agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of that agreement is alleged and proved to have been committed by him or her or by a co-conspirator.” 720 ILCS 5/8-2.
9. “A person **obstructs justice** when, with intent to prevent the apprehension or obstruct the prosecution or defense of any person, he or she knowingly commits any of the following acts[.] [including]:

- (1) Destroys, alters, conceals or disguises physical evidence, plants false evidence, furnishes false information; or
 - (2) Induces a witness having knowledge material to the subject at issue to leave the State or conceal himself or herself; or
 - (3) Possessing knowledge material to the subject at issue, he or she leaves the State or conceals himself[.] 720 ILCS 5/31-4
10. “A person commits **perjury** when, under oath or affirmation . . . he or she makes a false statement, material to the issue or point in question, knowing the statement is false.” 720 ILCS 5/32-2.

The actions of federal agents during Operation Midway Blitz satisfy the elements of the enumerated offenses and thus constitute state crimes.

i. Homicide, Attempted Murder, & Aggravated Battery

On September 12, 2025, ICE agents’ shooting and killing of Mr. Villegas González in Franklin Park constituted a homicide. The Cook County Medical Examiner’s office corroborated this finding.³⁹ ICE is not legally authorized to use deadly force to apprehend a fleeing person when that person poses no threat.⁴⁰ Moreover, the claims of self-defense made by the agent who shot Mr. Villegas González were refuted by ICE’s own bodycam footage, showing he posed no threat. Indeed, under DHS policy, “[d]ischarging a firearm against a person constitutes the use of deadly force *and shall be done only with the intent of preventing or stopping the threatening behavior that justifies the use of deadly force.*”⁴¹ Here, the ICE agents faced no threat.

Along with other elected Illinois officials, Governor Pritzker called for a “full, factual accounting” of the shooting.⁴² The Mexican government requested “a thorough investigation.”

³⁹ Aydali Campa, ‘This Could Have Been Anyone’: How a Fatal ICE Shooting Impacted Franklin Park Residents, BORDERLESS MAGAZINE (Oct. 21, 2025), <https://borderlessmag.org/2025/10/21/immigration-agents-trump-ice-fatal-shooting-silverio-villegas-gonzalez-franklin-park-chicago/> (Medical Examiner ruling his death was a “homicide from multiple gunshot wounds”).

⁴⁰ Dep’t of Homeland Sec., Policy Statement 044-05 (Revision 01), Update to the Department Policy on the Use of Force, DHS (Feb. 6, 2023), https://www.dhs.gov/sites/default/files/2023-02/23_0206_s1_use-of-force-policy-update.pdf (emphasis added) (hereinafter “DHS Policy Statement 044-05”).

⁴¹ *Id.*

⁴² Governor JB Pritzker, Facebook (Sep. 12, 2025), <https://www.facebook.com/GovPritzker/posts/i-am-aware-of-the-troubling-incident-that-has-unfolded-in-franklin-parkthis-is-a/1335291531287236/>.

Id. But the State’s Attorney’s Office has failed to investigate or prosecute any persons in connection with the murder of Mr. Villegas González.

On October 4, 2025, Border Patrol agent Charles Exum’s shooting of Marimar Martinez in Brighton Park constituted attempted murder and aggravated battery.⁴³ Exum muttered “time to get aggressive” and rammed into Ms. Martinez’s car before “fir[ing] 5 rounds” into her body.⁴⁴ The actions of the agent could be understood to indicate intent to cause her death or “great bodily harm” through acts—repeated rounds of shooting—knowing that those acts had a great probability of killing her.⁴⁵ The elements of aggravated battery with a firearm are also met: Exum indeed fired his gun and caused Martinez grave injury, resulting in her hospitalization.

As above, DHS policy prohibited Exum from using deadly force against someone who did not pose a threat.⁴⁶ Exum’s asserted claim for legal justification failed resoundingly when federal prosecutors dismissed charges of assault against her, and bodycam footage revealed Exum’s lie about Ms. Martinez boxing him in, as well as an agent’s call to “do something, bitch” shortly before the vehicles made contact.⁴⁷ The action was not legally justified.

The State’s Attorney’s Office has failed to investigate or prosecute any persons in connection with the attempted murder of Marimar Martinez.

⁴³ Darius Johnson & Sabrina Franza, *Judge rules key evidence in Marimar Martinez shooting, including bodycam video and text messages, can be released*, CBS CHICAGO (Feb. 6, 2026), <https://www.cbsnews.com/chicago/news/marimar-martinez-shooting-bodycam-video-federal-court/>.

⁴⁴ Matt Masterson, *Feds Dismiss Charges Against Woman*.

⁴⁵ DHS Policy Statement 044-05.

⁴⁶ *Id.*

⁴⁷ Renee Hickman, *‘It’s time to get aggressive’*, *Border Patrol agent says in Chicago shooting video*, REUTERS (Feb. 11, 2026) <https://www.reuters.com/world/us/its-time-get-aggressive-border-patrol-agent-says-chicago-shooting-video-2026-02-11/> (Hereinafter Hickman, *‘It’s time to get aggressive.’*)

ii. *Aggravated Battery, Battery, & Assault*

Countless federal immigration agents—some identified by name, others not yet identified due to their obstructive actions of concealing their identities—committed aggravated battery, battery, and assault by knowingly causing harm to other individuals.

At the Broadview facility, throughout the course of multiple weeks, ICE agents pushed, pulled, and shoved peaceful protesters, laughing as “blood oozed from the ears of someone they pushed;” used their vehicle to hit a protester which resulted in his hospitalization; knelt on protester’s heads and necks, and smashed their’ heads into the ground. DHS, CBP, and/or ICE personnel also repeatedly and for multiple days deployed tear gas and shot pepper balls at peaceful, unarmed community members, journalists, and members of the clergy, hitting them in the face, eyes, head, arms, torso, and back, and causing concussions, difficulty breathing, burning sensations, and myriad other injuries. *Supra* Part II(A)(1). Several of those tear gas canisters were personally used and deployed by Gregory Bovino. *Id*; *see also* Ex. 1 at 11-13, 86, 97-98, 140-141. These actions constituted aggravated battery or battery, a distinction to be determined by the finder of fact. *People v. Crespo*, 203 Ill.2d 335, 344 (2001); *People v. Mandarino*, 2013 IL App (1st) 111772, ¶ 63.

Federal agents’ conduct across Cook County also constituted aggravated battery or battery. Agents grabbed, shoved, and tackled peaceful individuals and deployed tear gas, rubber bullets, pepper spray, pepper balls, and flashbang grenades against them with little to no warning or provocation. *Supra* Part II(A)(1). There was no lawful basis under Illinois law for the federal agents to use physical force likely to cause bodily harm against non-violent individuals without warning or provocation. *Cf. People v. Mandarino*, 2013 IL App (1st) 111772, ¶ 56 (officers’ use of force with a baton not legally justified where victim “never attempted to flee, never attacked Mandarino, and never appears to resist Mandarino.”); *see also id.* (“[F]orce is least justified

against nonviolent misdemeanants who do not flee or actively resist arrest and pose little or no threat to the security of the officers or the public.”) (citation omitted).

Federal agents also committed numerous assaults by knowingly engaging in conduct that placed peaceful protesters, religious figures, and press in reasonable apprehension of bodily harm. Agents pointed guns and threatened to shoot and harm nonviolent protesters when they posed no threat. *Supra* Part II(A)(1); *see, e.g.*, Ex. 1 at 155, 160.

In *CHC v. Noem*, in reference to the actions listed above, the Court determined there was “little justification for the extent of the use of force that federal agents have used against . . . peaceful protesters, journalists, and religious practitioners. Pointing guns, pulling out pepper spray, throwing tear gas, shooting pepper balls, and using other less lethal munitions do not appear to be appropriate uses of force in light of the totality of the circumstances.” Ex. 1 at 215 (citing *Gonzalez v. City of Elgin*, 578 F.3d 526, 541 (7th Cir. 2009) (“[O]fficers may not, without provocation, start beating, pepper-spraying, kicking, and otherwise mistreating people standing around a restaurant parking lot (even in the middle of the night).”); *Duran v. Sirgedas*, 240 F. App’x 104, 112-113 (7th Cir. 2007) (use of pepper spray could be considered excessive force if used without justification, noting that “[a]ssaulting citizens who are safely detained without any provocation violates clearly established constitutional principles”); *Clash v. Beatty*, 77 F.3d 1045, 1048 (7th Cir. 1996) (“[P]olice officers do not have the right to shove, push, or otherwise assault innocent citizens without any provocation whatsoever.”)). Illinois courts find the same. *See, e.g.*, *Mandarino*, 2013 IL App (1st) 111772, ¶ 56; *People v. Freneey*, 2016 IL App (1st) 140328, ¶ 29 (noting that officers may only use force they “reasonably believe[] to be necessary” to *arrest* a person or *defend* themselves) (emphasis added).

Additionally, these officers committed these batteries and assaults while repeatedly violating a federal order that barred the use of chemical irritants and other riot control weapons on individuals who did not pose an immediate threat to federal agents or others; barred the use of riot control weapons without at least two separate warnings; and barred the use of force against people who posed no immediate threat of physical harm to others. *See* Ex. 8 (Temporary Restraining Order, Dkt. 42, *Chicago Headline Club v. Noem*, No. 25-cv-12173 (N.D. Ill. Oct. 9, 2025)). By defying federal orders, the federal agents were by definition not acting reasonably to fulfill their federal duties. Without legal justification for these actions, these federal officers could be found liable for numerous instances of assault and battery.

iii. Kidnapping

The secret detention of elected official Juan Muñoz is one example of federal agents' act of kidnapping. Bovino himself initiated an arrest of Muñoz for no more than filming federal agents' conduct, and multiple federal agents used physical force against Muñoz before carrying him to a separate location to confine him against his will. Ex. 2, ¶ 14-26. Muñoz was unable to speak to a lawyer or his wife for multiple hours while detained—though his wife did not know where or why he was taken. *Id.* ¶ 30. Such actions constitute the elements of kidnapping under Illinois law. 720 ILCS 5/10-1. Yet the State's Attorney's Office has failed to investigate or prosecute any federal agent involved.

iv. Perjury and Obstruction

Multiple federal agents, including Bovino, committed perjury by lying under oath. *Supra* Part II(A)(1); *see also* Ex. 1 at 10, 11 (“Turning to Bovino, the Court specifically finds his testimony not credible. Bovino appeared evasive over the three days of his deposition, either providing ‘cute’ responses to Plaintiffs’ counsel’s questions or outright lying.”), 13, 62-63, 97-98; 115, 116, 124. Bovino and other federal agents also obstructed justice by concealing

evidence regarding agents' actions and identities, furnishing false narratives to justify agents' unlawful activities, and intimidating witnesses to agents' misconduct. Throughout Operation Midway Blitz, federal agents concealed their badges, drove in unmarked vehicles, and refused to provide their names or identification numbers to those who asked. *Supra* Part II(A)(4).

Officers fabricated narratives to conceal evidence of their misconduct, which was consistently "disproved" by pictures, audio, and video footage, or attempted to conceal evidence of their misconduct by threatening or silencing potential witnesses against them. Both Tara Goodarzi and Jo-Elle Munchak described having their cars boxed in, surrounded by ICE agents, and having guns pointed at them by the agents. These statements and actions would be intimidating to reasonable witnesses with potential incriminating footage or knowledge of CBP, ICE, or DHS agents' activities. *Supra* Part II(A)4.

There was no legal justification under Illinois law for federal agents to lie under oath, conceal their identities, conceal potential evidence of misconduct through improper body-worn camera use, fabricate narratives to justify misconduct, or intimidate potential witnesses. The State's Attorney's Office has failed to investigate or prosecute any agents for any of the previously described instances of obstruction of justice.

v. *Conspiracy*

Numerous federal immigration agents committed conspiracy by agreeing with other agents to intentionally commit the offenses described in the preceding sections, and acting in furtherance of those agreements. They accompanied and encouraged one another to shoot, deploy tear gas, and use other physical force against nonviolent protesters, knowing they faced no provocation and would not deliver warnings. They discussed and joked about using tear gas on non-violent protesters before doing so. They worked together to conceal evidence of their misconduct, fabricate false claims to protect themselves or others from liability, and intimidate

or threaten others into not disclosing the extent of their criminal conduct. *Supra* Part II(A)(1). Just as there is no question that this attempted murder took place, it is irrefutable that the agents agreed to commit the act together. These actions, taken without legal justification, satisfy the elements of conspiracy.

The State's Attorney's Office has failed to investigate or prosecute any agents for their participation in these acts of conspiracy.

2. There is No Barrier to Investigating & Prosecuting Federal Agents Who Commit State Crimes.

Federal agents do *not* possess absolute immunity from prosecution under state law. *Colorado v. Symes*, 286 U.S. 510, 518 (1932) (“Federal officers and employees are not, merely because they are such, granted immunity from prosecution in state courts for crimes against state law.”); *Johnson v. Maryland*, 254 U.S. 51, 56 (1920) (“An employee of the United States does not secure a general immunity from state law while acting in the course of his employment.”); *North Carolina v. Ivory*, 906 F.2d 999 (4th Cir. 1990); *see also Puerto Rico v. Fitzpatrick*, 140 F. Supp. 398, 400 (D.P.R. 1956) (holding that U.S. Armed Forces member could face state criminal charges for driving negligently).

Instead, long-standing precedent instructs that absolute immunity attaches only if (1) the officer was performing an act that he was authorized to do by federal law, *and* (2) in performing the authorized act, the officer did no more than was “necessary and proper” to fulfill those duties. *See In re Neagle*, 135 U.S. 1 (1890). The latter requirement necessitates a determination of the “reasonableness” of an officer’s actions. *New York v. Tanella*, 374 F.3d 141, 147 (2d Cir. 2004). Courts have taken a variety of approaches to determine what constitutes “necessary and proper” action. *Compare, e.g., Idaho v. Horiuchi*, 253 F.3d 359, 363 (9th Cir. 2001) (en banc), *vacated as moot*, 266 F.3d 979 (9th Cir. 2001) (en banc) (determination hinged on whether the officer

“acted in an objectively reasonable manner in carrying out [his] duties.”) *with Puerto Rico v. Torres Chaparro*, 738 F. Supp. 620, 622 (D.P.R. 1990) (“What is necessary and proper is a subjective measurement . . .”). The prevailing approach is to determine whether the federal agent “had an objectively reasonable and well-founded basis to believe that his actions were necessary to fulfill his duties.” *Wyoming v. Livingston*, 443 F.3d 1211, 1222 (10th Cir. 2006) (standard “in harmony with the Second, Sixth, and Ninth Circuits[.]”).

Here, neither condition is satisfied. DHS’s own policy prohibits federal officers from killing, shooting, or beating peaceful individuals or conspiring to commit these acts.⁴⁸ *See supra* Part IV(A)(1). In fact, federal agents brazenly and repeatedly *violated* a federal order barring them from using force, including chemical irritants and riot control weapons, against anyone who did not pose an immediate threat of harm. *See Ex. 8*. Their lies, fabrications, obstruction of the truth, and unlawful actions, captured on their own body cameras and by nonviolent media and observers, reveal that they “engaged in gratuitous uses of force untethered to any legitimate law enforcement purposes.” *Ex. 1* at 218.

Second, their actions to beat, batter, shove, and shoot civilians, members of the media, clergy, and nonviolent protesters were far more than “necessary and proper” or reasonable under any definition. Video footage confirms their excessive nature. Court orders recount the carnage in detail. *See generally Ex. 1; see also id.* at 215-217 (“[R]epeatedly shooting pepper balls or pepper spray at clergy members shocks the conscience . . . Tear gassing expectant mothers, children, and babies shocks the conscience Pointing a gun at someone for exercising their First Amendment rights shocks the conscience Videotaping while driving into concerned neighbors standing in the street shocks the conscience[.]”). And as stated *supra* Part IV(A)(1), by

⁴⁸ The federal agents violated their own DHS policy against using deadly force against anyone who does not pose a threat. *See DHS Policy Statement 044-05*.

defying federal orders, the federal agents, by definition, did not act reasonably. Accordingly, no exception shields the federal agents from liability for their actions during Operation Midway Blitz and the State’s Attorney faces no barrier to investigate, charge, or prosecute state crimes committed by federal agents in her jurisdiction.

Further, even if immunity were a feasible defense, which it is not here, that determination is for a judge to decide—not a prosecutor. Indeed, DHS’s own policy indicates that a determination of the reasonableness of an officer’s use of force “requires careful attention to the facts and circumstances of each particular case.”⁴⁹ Accordingly, the Cook County State’s Attorney cannot justify inaction on this basis.

Similarly, the possibility that a federal officer would remove a case to federal court under 28 U.S.C. § 1442(a)(1) should they be prosecuted for state crimes presents no obstacle to prosecution. In that event, the suit would simply move forward in federal court with applicable law and the state’s prosecutorial role unchanged, save for the forum.

As the Supreme Court has noted, “preventing and dealing with crime is much more the business of the States than it is of the Federal Government, and [] we should not lightly construe the Constitution so as to intrude upon the administration of justice by the individual States.” *Patterson v. New York*, 432 U.S. 197, 201 (1977) (citation omitted). State criminal law applies to a state’s prosecution of a federal agent, whether that case proceeds in federal or state court. *See, e.g., Arizona v. Manypenny*, 451 U.S. 232, 241 (1981) (noting that state criminal law applies in state prosecution of federal agent removed to federal court); *Tennessee v. Davis*, 100 U.S. 257, 271-272 (1879) (same).

⁴⁹ DHS Policy Statement 044-05.

The interests at play are well illustrated by *Manypenny*. There, an on-duty Border Patrol agent removed his state prosecution for violating Arizona’s criminal laws to federal court, where he was convicted for state crimes. 451 U.S. at 234-236. The state of Arizona appealed after the conviction was set aside in a post-trial ruling. *Id.* at 237-239. Ultimately, the U.S. Supreme Court held that Arizona had the authority to appeal under state law despite the removal to federal court and reaffirmed the Supreme Court’s “highest regard for a State’s right to make and enforce its own criminal laws.” *Id.* at 243, 248-249. This decision demonstrates that, even if a federal forum is obtained, the state retains its interests and ability to apply state criminal law. Thus, the option for removal does not bar Illinois’ ability to prosecute federal agents for state crimes.

The State’s Attorney faces no barriers to investigating, filing charges, or prosecuting federal agents for committing violent crimes and other criminal acts in Cook County. Her failure to do so only confirms her *unwillingness* to hold accountable the perpetrators of criminal wrongdoing in her own jurisdiction.

B. The State’s Attorney’s Decision Not to Investigate Crimes Committed During Operation Midway Blitz Is a Conflict That Counsels in Favor of Appointing a Special Prosecutor

The State’s Attorney’s failure to investigate well-documented state crimes in her jurisdiction has created an untenable conflict of interest, where she has abandoned the particular interests of the people she represents. This Court can remedy this conflict of interest and ensure the fair administration of justice by appointing a special prosecutor pursuant to 55 ILCS 5/3-9008 (a-10).

The State’s Attorney is charged with the duty to “commence and prosecute all actions, suits, indictments and prosecutions . . . in which the people of the State or county may be concerned.” 55 Ill. Comp. Stat. Ann. 5/3-9005(a)(1). As such, the State’s Attorney is responsible

to the People of Cook County to uphold public safety, “vigorously prosecute” crimes committed in the County, and “provide extensive services to victims and witnesses in the County.”⁵⁰

The Illinois Supreme Court “recognizes that a State’s Attorney has an affirmative duty to investigate the facts and determine whether an offense has been committed,” *People v. Ringland*, 2017 IL 119484, ¶ 22, and presumes that “[the State’s Attorney] will act under such a heavy sense of public duty and obligation for enforcement of all our laws.” *Cnty. of Cook ex rel. Rifkin v. Bear Stearns & Co.*, 215 Ill. 2d 466, 476 (2005). This presumption of law enforcement confers a responsibility on the State’s Attorney to investigate and prosecute violations of Illinois criminal law.

The State’s Attorney has demonstrated that there is an actual conflict of interest preventing her from carrying out her duties to enforce state laws in her jurisdiction. Despite ample credible claims of criminal conduct by on-duty federal agents, the State’s Attorney’s Office has refused to investigate such criminal conduct. More troubling, the lack of investigation has continued even though federal agents committed many of these crimes as long as *six months* ago. *See, e.g., Heidelberg v. People*, 2017 IL App (3d) 160561-U, ¶ 26 (“A petitioner can demonstrate that a State’s Attorney has abandoned his duties to the People of the State of Illinois by alleging an *impropriety or insufficiency* in the State’s Attorney’s investigation.”) (emphasis added) (citation omitted).

On February 19, 2026, the State’s Attorney’s Office issued a “Federal Immigration Enforcement Action Response Protocol.” Ex. 4 (Protocol). While the Protocol states the

⁵⁰ Cook County Government, State’s Attorney, Mission Statement, <https://www.cookcountyil.gov/agency/states-attorney> (last visited February 10, 2026); *see also* American Bar Association, Fourth Edition (2017) of the Criminal Justice Standards for the Prosecution Function (“The prosecutor serves the public interest and should act with integrity and balanced judgment to increase public safety both by pursuing appropriate criminal charges of appropriate severity, and by exercising discretion to not pursue criminal charges in appropriate circumstances.”).

applicable legal standards to which a prosecutor must adhere, it does nothing to shift the State's Attorney's position of inaction. First, the Protocol does concede that investigation and prosecution of these crimes *is possible*—nothing precludes the State's Attorney from investigating and filing charges. And it admits that the State's Attorney must follow the law if evidence supports prosecution.

Importantly, however, the Protocol confirms the State's Attorney's Office's reluctance to investigate or prosecute. For instance, the Protocol emphasizes a narrow role of prosecutorial action, rather than the State's Attorney's "affirmative duty to investigate the facts and determine whether an offense has been committed," particularly in instances "*where law enforcement officials are themselves involved.*" *People v. Ringland*, 2017 IL 119484, ¶ 25 (emphasis added) (citations omitted). It fails to acknowledge that "in some circumstances the prosecutor [must] take the initiative to investigate suspected criminal acts" because law enforcement is unwilling to investigate themselves, the investigation may be "unusually technical" or lengthy, or law enforcement may inadequately handle such an investigation. *Id.* (citations omitted). Moreover, the Protocol relies on discretionary and permissive language, rather than acting as a binding directive for prosecutors.

The Protocol's narrow vision of the State's Attorney's prosecutorial role is confirmed by the Protocol's narrow scope. By only focusing on incidents involving "death, shooting, act of violence, or use of force," it lacks a commitment to investigate or prosecute other crimes committed by federal agents that are listed in this Petition—including perjury, obstruction of justice, kidnapping, and conspiracy. Further, there is no indication that this Protocol is retroactive. Notably, the Protocol omits any commitment to investigating the crimes already committed during Operation Midway Blitz, and it contains no policy statement that the State's

Attorney plans to investigate those crimes. In sum, the Protocol lacks any indication that the status quo will change. Rather, it stands as further evidence that the State's Attorney will continue to do nothing.

The State's Attorney has not opened any investigation or even stated that her office plans to open an investigation into any of the alleged criminal conduct of federal agents listed in this petition. *See Heidelberg v. People*, 2017 IL App (3d) 160561-U, ¶ 29 (the petitioner "further demonstrated that a conflict of interest existed because [the State's Attorney] performed an insufficient investigation into his allegation."). Although the conduct was recorded in video footage, submitted in federal court, corroborated by witness testimony, aerial footage, official reports, expert reports, and medical evidence, confirmed by a federal judge, and canvassed in local and national media, the State's Attorney claims she has not been "presented" with the evidence needed to initiate an investigative review. This establishes that no investigation or prosecution will occur under her authority.

Though a State's Attorney is "vested with the exclusive discretion in the initiation and management of a criminal prosecution," *People ex rel. Daley v. Moran*, 94 Ill. 2d 41, 45 (1983), the position is ultimately answerable to the electorate. The high standard of proof required to displace an elected official pursuant to 55 ILCS 5/3-9008 (a-10) presumes a State's Attorney is following its duties. *In re Appointment of Special Prosecutor*, 2019 IL App (1st) 173173 ¶ 49 (a court must proceed with particular caution where "a request to appoint a special prosecutor is for the purpose of investigating and possibly charging individuals with a criminal offense," as opposed to taking over a case that is already filed, as such an appointment "raises . . . concerns relating to the separation of powers doctrine") (citing *McCall*, 334 Ill. App. 3d at 204-05). Where a State's Attorney rebuts this presumption by abdicating core tenets of the role—here, the

duty to conduct investigations with impartiality—she is no longer responsive to the will of the electorate.

Here, the residents of Cook County, citizens of Chicago, and elected officials at local, state, and federal levels have formalized public demands for the fair, impartial, and unencumbered investigation of allegations of criminal conduct by federal agents. The State’s Attorney has decided not to initiate any investigation. Instead, the State’s Attorney issued a Protocol that restates the law, narrowly construes her prosecutorial obligation, identifies obstacles to prosecution, and declines to commit to investigating crimes for which widespread, credible evidence exists. Her inaction leaves the electorate without representation. Even if she were to change course now, her public responsibility of maintaining impartiality has been irrevocably tainted.

C. The State’s Attorney’s Normal Collaboration with Federal Authorities Is a Conflict That Counsels in Favor of Appointing a Special Prosecutor

An independent prosecutor would be insulated from the need to collaborate with local or federal law enforcement personnel, including the U.S. Department of Homeland Security and its personnel, on investigations and prosecutions, unlike the State’s Attorney. With the appointment of a special prosecutor, State’s Attorney Burke would be permitted to continue her ongoing collaboration with federal law enforcement on other pressing matters without further entrenching the conflict of interest.

The Cook County State’s Attorney has an ongoing and necessary collaborative relationship with local, state, federal law enforcement agencies. The State’s Attorney continuously works alongside local and state law enforcement, as evident by its own Protocol. Ex. 4. The State’s Attorney also collaborates with federal prosecutors and law enforcement on

important initiatives to prevent crime in Cook County.⁵¹ That involvement creates a public appearance of comity and potential unwillingness to prosecute. *See People v. Courtney*, 288 Ill. App. 3d 1025, 1032 (3d Dist. 1997) (the “rigid rule” prohibiting an attorney from representing conflicting interests “is designed to protect against an actual conflict of interest and the appearance of such a conflict.”) (emphasis in original). Thus, the relationship necessarily challenges the State’s Attorney’s ability to fairly prosecute law enforcement partners.

In comparable, recent situations that did not concern federal agents, Cook County judges have appointed special prosecutors to investigate and prosecute alleged misconduct by law enforcement and government officials due to the relationship between the accused and the State’s Attorney’s Office, as well as structural limitations on the State’s Attorney’s ability to fairly investigate the alleged misconduct. *See, e.g., Ex. 5, Order, In re Appointment of Special Prosecutor*, No. 11 Misc. 46 (Ill. Cir. Ct. Cook Cnty. Crim. Div. Apr. 6, 2012); *Ex. 6, People v. Plummer*, No. 90-CR-12036 et al. (Ill. Cir. Ct. Cook Cnty. Crim. Div. Apr. 11, 2013); *Ex. 7, Order, In Re: Appointment of Special Prosecutor*, No. 16-MR-0000501 (Ill. Cir. Ct. Cook Cnty. Crim. Div. July 31, 2016). Past State’s Attorneys have likewise acknowledged, and courts have confirmed, an inability to discharge the duties of the office when it came to the prosecution of law enforcement and government officials. *See, e.g., Ex. 6 at 4-5*. The appointed special prosecutors capably investigated and pursued prosecutions of the wrongdoers.

⁵¹ For instance, the Cook County State’s Attorney’s Office participates in the Illinois Internet Crimes Against Children (ICAC) Task Force, which “helps Federal, State and local law enforcement agencies enhance their investigative responses” to online crimes involving child exploitation. *Illinois ICAC Task Force – Cook County State’s Attorney’s Office*, INT’L ASSOC’N OF CHIEFS OF POLICE (accessed Mar. 10, 2026), <https://www.iacpcybercenter.org/labs/illinois-icac-task-force-cook-county-states-attorneys-office-2/>. The State’s Attorney’s Multi-Jurisdiction Bureau also coordinates the investigation and prosecution of crimes “that utilize federal agencies or other agencies outside of Cook County, such as the ATF and FBI.” Press Release, *Cook County State’s Attorney’s Office Coordinates First-Ever National Retail Crime Blitz Across 28 States*, COOK COUNTY STATE’S ATTORNEY (June 10, 2025), <https://www.cookcountystatesattorney.org/news/cook-county-states-attorneys-office-coordinates-first-ever-national-retail-crime-blitz-across>.

This situation is similar. The State’s Attorney is intertwined with federal personnel and many of the pursuits of federal law enforcement in the jurisdiction of Cook County—challenging her role to zealously investigate and prosecute those law enforcement officers who commit misconduct, as well as the public’s confidence in a fair investigation. *See, e.g., Courtney*, 288 Ill. App. 3d at 1032; *see also* Ex. 5 at 25 (“[D]eterminations of impropriety should not be confined to those of us who labor within the well of the court. Rather, it is the overriding perception of the public that truly measures and judges those determinations.”) (Toomin, J.)). An independent, Special Prosecutor would be unencumbered by such associations and collaborations. Moreover, the appointment would relieve the burden on the State’s Attorney to continue ongoing partnerships with law enforcement agents without causing concern about the propriety of those ongoing partnerships amidst any investigation or prosecution of those federal agents involved in Operation Midway Blitz. The appointment of such an independent prosecutor would therefore permit a neutral, independent investigation and prosecution of the alleged crimes committed by law enforcement without any evidence of impropriety.

D. The State’s Attorney’s Exposure to Political Retaliation Is a Conflict That Counsels in Favor of Appointing a Special Prosecutor

There is an urgent need for prosecutorial independence in a political environment where state prosecutors, like State’s Attorney Burke, face a threat of federal retaliation for prosecuting federal agents. At minimum, the threat of retaliation reduces public confidence that State’s Attorney Burke will exercise her discretion fairly when determining whether to investigate or bring charges. More concerning, the threat of retaliation has chilled, and will continue to chill, any investigation into crimes committed by federal agents in Chicago, further entrenching the conflict of interest before the Court.

State’s Attorney Burke operates in an environment where federal retaliation against state prosecutors has already occurred. In September 2025, the Department of Justice subpoenaed records related to Fulton County District Attorney Fani Willis’ travel history around the time of the 2024 presidential election, after Willis had announced a grand jury indictment of President Trump in August 2023.⁵² The next month, New York Attorney General Letitia James, who had secured a civil fraud judgment against President Trump and the Trump Organization, was indicted by a federal grand jury in Virginia.⁵³

Most relevant here, Department of Justice officials have already threatened to prosecute state and local officials for resisting the administration’s immigration enforcement agenda.⁵⁴ In a January 2025 memo, then-Acting Deputy Attorney General Emil Bove warned that “activities that are inconsistent with Executive Branch immigration initiatives” may be met with “legal action.”⁵⁵ California Attorney General Rob Bonta called the warning a “scare tactic,” stating that “the President is attempting to intimidate and bully state and local law enforcement into carrying out his mass deportation agenda for him.”⁵⁶

State’s Attorney Burke faces these pressures. To expect her to investigate and prosecute federal agents who committed crimes in her own jurisdiction is highly improbable, as evidenced by her own inaction. An independent special prosecutor, shielded from political conflict, is therefore necessary. This independence is also critical to protect against the political pressures of

⁵² Richard Fausset and Danny Hakim, *Justice Department Seeks Information on Georgia D.A. Who Prosecuted Trump*, N.Y. TIMES (Sep. 26, 2025), <https://www.nytimes.com/2025/09/26/us/justice-department-fani-willis-trump.html>.

⁵³ Carrie Johnson, *Justice Department indicts Letitia James after pressure from Trump*, NPR (Oct. 9, 2025), <https://tinyurl.com/529489vn>.

⁵⁴ Joel Rose, DOJ threatens to prosecute local officials for resisting immigration enforcement, NPR WBEZ CHICAGO, <https://tinyurl.com/487523f3>.

⁵⁵ U.S. Department of Justice, *Interim Policy Changes Regarding Charging, Sentencing, And Immigration Enforcement* (Jan. 21, 2025), <https://tinyurl.com/4tk9bn5f>.

⁵⁶ Eric He, *California AG pushes back on Trump threat to prosecute officials who don’t comply with ICE*, POLITICO (Jan. 22, 2025), <https://tinyurl.com/bdewudx3>.

elected officials *seeking* prosecution of federal agents. An independent prosecutor will determine whether charges are needed based on a neutral examination of the evidence, rather than on the preferences of elected officials. Finally, an independent prosecutor would also relieve the State's Attorney's Office of the substantial resources that an investigation of this size and complexity will demand.

A special prosecutor appointment is needed to preserve prosecutorial discretion and impartial decision making, in line with the expressed will of the People. The documented inaction of this State's Attorney in the face of credible, public allegations of criminal conduct of federal agents ignores the call of her electorate. In contrast, the purpose of appointing a special prosecutor is "not *prosecution*, . . . but the exercise of *prosecutorial discretion* by an impartial decision maker after a full and fair investigation into the facts." *In re Appointment of Special Prosecutor*, 2024 IL App (4th) 231295-U, ¶ 26 (emphasis in original) (citing Ill. R. Prof'l Conduct (2010) R. 3.8 (eff. Jan. 1, 2016) ("The duty of a public prosecutor is to seek justice, not merely to convict.")). The public has called for a full and fair investigation into the facts, and this is what the Court can ensure by exercising its discretion under 55 ILCS 5/3-9008 (a-10).

Conclusion

Petitioners, who are the victims of federal agents' criminal actions, elected officials in Cook County and Illinois, community-based and legal organizations, members of the clergy, academy, and press, and concerned residents of Cook County, seek the appointment of an independent special prosecutor to investigate and prosecute the crimes in Cook County committed by federal agents during Operation Midway Blitz. Absent such appointment, there will be no such action, and there will be no prospect for accountability. The Court's appointment of an independent special prosecutor will ensure that a fair and objective evaluation of these

criminal activities moves forward, free from political interference or the appearance of impropriety, and will maintain the public's confidence in the impartiality and integrity of the criminal justice system.

WHEREFORE, Petitioners respectfully request this Court to appoint a special prosecutor to investigate and determine whether criminal charges should be brought against any agent or officer of the U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection agencies of the Department of Homeland Security for their actions in the Chicago Midway Blitz. Petitioners further respectfully request that they be permitted to present a list of candidates before the appointment is made, or to otherwise have input into the selection process.

Dated: March 12, 2026

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that he served the foregoing Notice of Motion and Petition to Appoint a Special Prosecutor to Investigate and Prosecute Federal Agent Wrongdoing During Operation Midway Blitz by hand delivery before the hour of 11:00 a.m. on Thursday, March 12, 2026, upon the Cook County State's Attorney's Office:

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