

**IN THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS**

CHRISTOPHER COLEMAN,)	
)	
Plaintiff,)	
)	Case No.
v.)	
)	
CITY OF PEORIA, PATRICK RABE,)	
TERRY PYATT, TIMOTHY ANDERSON,)	
MICHAEL FORD, and other as-yet)	
unidentified Peoria Police Officers,)	
)	JURY TRIAL DEMANDED
Defendants.)	

COMPLAINT

NOW COMES Plaintiff, CHRISTOPHER COLEMAN, by his attorneys LOEVY & LOEVY, RODERICK AND SOLANGE MACARTHUR JUSTICE CENTER, and BLUHM LEGAL CLINIC, and complaining of Defendants CITY OF PEORIA, PATRICK RABE, TERRY PYATT, TIMOTHY ANDERSON, MICHAEL FORD, and other as-yet unidentified Defendant Officers, states as follows:

INTRODUCTION

1. Plaintiff Christopher Coleman was wrongfully convicted of armed robbery and sexual assault that took place in Peoria, Illinois, in 1994.
2. Mr. Coleman did not commit the crime, and there was not one piece of physical evidence connecting him to it.
3. The only evidence that tied Mr. Coleman to crime was the testimony of witnesses who were manipulated and threatened by the Defendants into falsely identifying Mr. Coleman as

a perpetrator, including a 12-year-old boy named Anthony Brooks, who falsely claimed that he had committed the crime along with Mr. Coleman.

4. In a 2010 evidentiary hearing, the case the Defendants built against Mr. Coleman crumbled. Mr. Brooks revealed that, in fact, Defendant Peoria Police Detective Patrick Rabe forced him to falsely implicate himself and Mr. Coleman, and that he actually had no knowledge of the crime.

5. At the same hearing, the real perpetrators of the crime came forward, testified under oath to their respective roles in the crime, and confirmed that Mr. Coleman had no involvement whatsoever.

6. Based on this evidence, the Illinois Supreme Court reversed Mr. Coleman's conviction, and on March 13, 2014 the Peoria County State's Attorney dismissed all charges against Mr. Coleman.

7. Having spent more than 19 years behind bars for a crime he did not commit, Mr. Coleman now seeks redress for the hardship he has endured and continues to suffer as a result of the Defendants' misconduct.

JURISDICTION AND VENUE

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

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

10. Venue is proper under 28 U.S.C. § 1391(b) because the events and omissions giving rise to Plaintiff's claims occurred within this judicial district.

PARTIES

11. Plaintiff Christopher Coleman is a 41-year old resident of Peoria, Illinois, who works as an industrial cleaner.

12. Defendants Patrick Rabe, Terry Pyatt, Timothy Anderson, and Michael Ford are or were officers of the Peoria Police Department. At all times relevant hereto, Defendants Rabe, Pyatt, Anderson, and Ford were acting under color of law and within the scope of their employment as officers of the Peoria Police Department.

13. Defendant City of Peoria is an Illinois municipal corporation that employs or employed the Defendant Officers at the time of the events giving rise to this suit.

FACTS

14. In August 1994, Plaintiff Christopher Coleman was a 20-year old young man who lived in Peoria, Illinois.

The Miller Home Invasion and Initial Police Investigation

15. On August 22, 1994, six men wearing face coverings invaded a Peoria home occupied by Bertha Miller, her 17-year-old twin daughters Tequilla Miller and T.M., her two sisters Myre Lott and Angela Stimage, two younger children, T.M.'s boyfriend, and Lott's boyfriend.

16. The intruders demanded money and beat the occupants of the house. Two of the men took T.M. into a bathroom and at least one of them sexually assaulted her.

17. Police responded to the scene of the crime while intruders were still at the home.

18. Two of the intruders were apprehended at the scene. One of them, Robert Nixon, was arrested inside the house, and the other, James Coats, was arrested after he jumped out of the second-floor window and injured himself. The other four intruders got away.

19. Plaintiff was not one of the intruders, and he had nothing to do with this crime.

20. Within hours of the attack, Detective Rabe and other investigators interviewed occupants of the home about what had occurred.

21. Investigators learned that the offenders wore face masks and had taken additional steps to conceal their identities, for example, by putting pillows over the victims' heads.

22. Notwithstanding the measures that the offenders had taken to conceal themselves, Tequilla Miller allegedly told police that most of them looked familiar to her from when she previously lived in the Warner Homes, a nearby public housing community.

23. Detective Rabe also interviewed Nixon and Coats, neither of whom identified the four accomplices who had gotten away.

Defendants Manufacture Additional Suspects

24. With no way to identify the four other offenders, Detective Rabe turned to Peoria Police Officers Timothy Anderson and Michael Ford, who were beat officers at the Warner Homes.

25. Together they came up with names of four males from the Warner Homes: Christopher Coleman, Mark Roberson, Elbert Nickerson, and Anthony Brooks. In reality, there was no probable cause to suspect that any of these men had anything to do with the crime.

Tequilla Miller's Photo Identification

26. The officers assembled photo spreads of the Defendants' four suspects and showed them to Tequilla Miller.

27. Prior to viewing the photographs, Detective Rabe allowed Miller to view Plaintiff in person at the police station, together with Robert Nixon, one of the known perpetrators who had been arrested at the scene of the crime.

28. Due to the unduly suggestive procedure, Miller proceeded to identify of each of the four suspects whose names the officers had previously come up with, including Plaintiff.

29. Later events demonstrated that Ms. Miller's identifications were unreliable and that police had come up with the wrong group of men. For example, Mark Roberson was arrested based on Ms. Miller's identification, but was soon released from custody when police confirmed that he had been working at a restaurant in the Chicago suburbs at time of the crime. Similarly, Elbert Nickerson was charged and indicted, but the charges were dismissed after Ms. Miller changed her mind about her identification of him.

Police Fabricate Evidence From 12-Year-Old Anthony Brooks

30. Having secured photo identifications from Miller, Officers Anderson and Ford proceeded to arrest Anthony Brooks, who was only 12-years old at the time.

31. Detective Rabe interrogated Brooks about the Miller home invasion, without an attorney or parent present.

32. Brooks explained to Detective Rabe that he was not involved and had no knowledge about the crime, but Detective Rabe continued to pressure him to give a statement anyway.

33. Although Brooks's relatives came to the police station for him, Detective Rabe would not allow Brooks to have any access to them.

34. Instead, Detective Rabe showed Brooks pictures of Coleman, Roberson, and Nickerson, the other three other men whose names the officer had come up with earlier. Detective Rabe repeatedly threatened Brooks that he would spend the rest of his life in prison and never see his family again if he did not implicate himself along with Coleman, Roberson, and Nickerson.

35. After several hours in custody and after enduring Detective Rabe's repeated threats, Brooks relented and agreed to tell the police's false story, namely, that he committed the crime with Coleman, Roberson, Nickerson (the suspects whose names the officers had come up with), and Nixon, and Coates (the known offenders who were apprehended at the scene).

The Lineup "Identification" Of Plaintiff

36. Thereafter, Detectives Rabe and Pyatt arranged for Tequilla Miller to view a live line up including Plaintiff.

37. At the lineup, Detectives Rabe and Pyatt explained to Miller that the person whose photo she had previously chosen was in the lineup and the rest were volunteers. They told her to pick out the person whose picture she had identified earlier.

38. Miller subsequently identified Plaintiff in the lineup. Plaintiff was the only person in the lineup whose photo she had previously been shown.

Plaintiff's Trial And Conviction

39. Plaintiff was subsequently charged with armed robbery and aggravated criminal sexual assault and proceeded to trial in April 1995.

40. At trial, the State introduced Tequilla Miller's identification of Plaintiff and the false statement Brooks made to Detective Rabe implicating Plaintiff.

41. The only other evidence at trial linking Plaintiff to the crime was exceptionally weak. Bertha Miller testified that she did not see the faces of any of the intruders, but she claimed to be able to identify Plaintiff, "[b]ecause I know his voice and I know how he walk." She elaborated that Plaintiff walked "kind of crooked like" and so did one of the intruders. Miller was impeached on cross-examination by her prior inconsistent grand jury testimony and by the fact that she never told police that she supposedly could identify Plaintiff as one of the intruders.

42. A jury found Plaintiff guilty and he was convicted of armed robbery, aggravated criminal sexual assault, and related offenses. He was sentenced to 60 years in prison.

43. At no point prior to or during Plaintiff's criminal trial did Defendants reveal the true circumstances surrounding the manner in which they obtained Tequilla Miller's identification or Anthony Brooks's statement.

Plaintiff's Innocence and Exoneration

44. Plaintiff had nothing whatsoever to do with the Miller home invasion. At the time of the crime, he was asleep at a friend's house.

45. Plaintiff always maintained his innocence; he spent the 19 years following his conviction fighting for a new trial.

46. In 2009, Plaintiff filed a post-conviction petition with the assistance of the Northwestern University School of Law Center on Wrongful Convictions.

47. At a 2010 evidentiary hearing on the petition, the true perpetrators testified under oath that they participated in the crime, that there were no other participants, and that Plaintiff was not present and had no involvement.

48. At the same hearing, Anthony Brooks testified that he had nothing to do with the crime and that the only reason he implicated himself and Plaintiff was because he had been a frightened child at the time and Defendant Rabe threatened that he would go to jail for life and never see his family again if he did not do so.

49. On October 3, 2013, the Illinois Supreme Court unanimously reversed Plaintiff's conviction and remanded the case for a new trial, finding that evidence of Plaintiff's innocence was "conclusive enough that another trier of fact would probably reach a different result."

50. On March 13, 2014, the Peoria County State's Attorney dismissed all charges against Plaintiff.

51. On March 5, 2015, Peoria County Judge David Brown granted Plaintiff a Certificate of Innocence.

Plaintiff's Damages

52. At the time he was wrongfully accused of being involved in the Miller home invasion, Plaintiff was a 20-year-old man with his whole life ahead of him.

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

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

COUNT I

42 U.S.C. § 1983 – Due Process

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

56. In the manner described more fully above, the Defendant Officers, while acting individually, jointly, and in conspiracy with one another, as well as under color of law and within the scope of their employment, deprived Plaintiff of his constitutional right to a fair trial.

57. In the manner described more fully above, the Defendant Officers withheld exculpatory evidence from Plaintiff, as well as knowingly fabricated false evidence, thereby

misleading and misdirecting the criminal prosecution of Plaintiff. Defendants also engaged in unduly suggestive identification procedures, as described above.

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

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

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

61. The misconduct described in this Count was undertaken pursuant to the policy and practice of the Peoria Police Department to pursue wrongful convictions through profoundly flawed investigations and witness identification procedures, as well as to withhold exculpatory information bearing on the crime at issue. The City of Peoria violated Plaintiff's rights by maintaining policies and practices that were the moving force driving the foregoing constitutional violations.

62. In addition to constituting policies, these widespread practices, so well-settled as to constitute de facto policy in the Peoria Police Department, were able to exist and thrive because municipal policy makers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it.

63. The widespread practices described in the preceding paragraphs were allowed to flourish because the City of Peoria declined to implement sufficient training and/or any legitimate mechanism for oversight or punishment. Indeed, the Peoria Police Department's system for investigating and disciplining police officers accused of his type of misconduct was, and is, for all practical purposes, nonexistent. As a result, officers are led to believe they can act with impunity, thereby encouraging the very type of abuses that befell Plaintiff.

COUNT II

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

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

65. In the manner described more fully above, the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to prosecute Plaintiff for the Miller home invasion, regardless of his guilt or innocence, and thereby to deprive him of his constitutional rights.

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

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

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

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

COUNT III

42 U.S.C. § 1983 – Failure to Intervene

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

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

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

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

COUNT IV

42 U.S.C. § 1983 – Federal Malicious Prosecution¹

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

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

¹ Plaintiff recognizes that this Circuit currently holds that malicious prosecution is not actionable in Illinois under 42 U.S.C. § 1983. Other Courts of Appeals have taken the opposite position. Plaintiff pleads the claim here under the Fourth and Fourteenth Amendments to preserve the issue for reconsideration in the U.S. Court of Appeals for the Seventh Circuit or review in the Supreme Court of the United States.

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

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

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

COUNT V

State Law Claim – Malicious Prosecution

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

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

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

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

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

COUNT VI

State Law Claim – Intentional Infliction of Emotional Distress

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

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

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

COUNT VIII

State Law Claim – Civil Conspiracy

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

88. As described more fully above, the Defendant Officers reached an agreement with others to commit an unlawful act or to commit a lawful act by unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of his constitutional rights.

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

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

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

COUNT IX

State Law Claim – Respondeat Superior

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

93. While committing the misconduct alleged in the preceding paragraphs, the Defendant Officers were employees and agents of the City of Peoria, acting at all relevant times within the scope of their employment.

94. Defendant City of Peoria is liable as principal for all state law torts committed by its agents.

COUNT X

State Law Claim – Indemnification

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

96. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

97. The Defendant Officers were employees of the City of Peoria, acting at all relevant times within the scope of their employment in committing the misconduct described herein such that the City of Peoria is obligated to pay any judgment entered against Defendant Officers

WHEREFORE, Plaintiff CHRISTOPHER COLEMAN, respectfully requests that this Court enter a judgment in his favor and against Defendants CITY OF PEORIA, PATRICK RABE, TERRY PYATT, TIMOTHY ANDERSON, MICHAEL FORD, and other as-yet unidentified Defendant Officers, awarding compensatory damages, attorneys' fees and costs against each Defendant, punitive damages against each of the individual Defendants, and any other relief this Court deems just and appropriate.

JURY DEMAND

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

Respectfully submitted,

CHRISTOPHER COLEMAN

BY: /s/Elizabeth Mazur
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