

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JOHN WILLIS, JR.,)

Plaintiff,)

) No. 00 L 02231

PAMELA FISH, EARL GRINBARG,)

MARY ANN FURLONG, MARIAN)

JURY TRIAL DEMANDED

CAPARUSSO, THE CITY OF CHICAGO,)

and THE OFFICE OF THE COOK)

COUNTY STATE=S ATTORNEY,)

Defendants.)

PLAINTIFF' S FIRST AMENDED COMPLAINT AT LAW

Plaintiff John Willis, Jr., by his undersigned attorneys, complains of defendants Pamela Fish, Earl Grinbarg, Mary Ann Furlong, Marian Caparusso, the City of Chicago, and the Office of the Cook County State=s Attorney as follows:

INTRODUCTION

1. This is an action for malicious prosecution, false imprisonment, intentional infliction of emotional distress and conspiracy. Plaintiff John Willis was wrongfully convicted and sentenced to 100 years in the Illinois Department of Corrections for two aggravated criminal sexual assaults that he did not commit. Unbeknown to Mr. Willis at the time of his trials and convictions of these offenses, defendant Pamela Fish in or about August 1991 had conducted a serological analysis of evidence from one of the assaults that showed conclusively that Mr. Willis was not the person who had committed either crime. In the period of time from August 1991 until in or about April 1998 (when the exculpatory test results were inadvertently revealed to Mr. Willis=s counsel by a clerk in the Chicago Police Department), all of the defendants, individually and in concert, willfully, wantonly and maliciously undertook to conceal this

exculpatory evidence from Mr. Willis and his lawyers. Thereafter, from April 1998 until in or about September 1998, the defendants attempted to conceal from Mr. Willis and his lawyers the exculpatory significance of those test results. Thus, the defendants caused Mr. Willis to be convicted and to serve more than eight years in prison for crimes of which he was completely innocent. This complaint seeks money damages from the defendants to compensate Mr. Willis for his unjust imprisonment and to punish the defendants for their wilful, wanton and malicious conduct.

THE PARTIES

2. Plaintiff John Willis, Jr. is a citizen of the State of Illinois who was unjustly imprisoned for over eight years for crimes that he did not commit.

3. Defendant Pamela Fish was, at certain of the times relevant to this action, employed by defendant City of Chicago as a criminalist in the Chicago Police Department=s Crime Lab, where she was in charge of the serology unit from the middle of 1991 until January 1996. Thereafter, defendant Fish became employed as a criminalist at the Illinois State Police Forensic Science Center.

4. Defendant Earl Grinbarg is an attorney licensed to practice law in the State of Illinois. He was, at all times relevant to this action, employed by the defendant Office of the Cook County State=s Attorney as a felony trial attorney.

5. Defendant Marian Caparusso was, at certain of the times relevant to this action, employed by defendant City of Chicago as a criminalist in the Chicago Police Department=s Crime Lab. In or about 1996, defendant Caparusso became employed as a criminalist at the Illinois State Police Forensic Science Center.

6. Defendant Mary Ann Furlong was, at all times relevant to this action, employed by defendant City of Chicago as a criminalist at the Chicago Police Department=s Crime Lab.

7. Defendant City of Chicago is a municipal corporation within the State of Illinois. The City of Chicago was the employer of defendant Furlong at all times relevant to this complaint and was the employer of defendants Fish and Caparuso within the time period relevant to this complaint up to in or about January 1996.

8. Defendant Office of the Cook County State=s Attorney was, at all times relevant to this complaint, the employer of defendant Grinbarg.

JURISDICTION AND VENUE

9. This court has jurisdiction of this controversy because it is among citizens of the State of Illinois. Venue is proper in Cook County pursuant to 735 ILCS 5/2-101 because the defendants reside in Cook County and because the transaction or some part thereof out of which this cause of action arises occurred in Cook County.

ALLEGATIONS OF FACT

John Willis is Arrested and Falsely Charged with Five Beauty Shop Assaults

10. In the years between 1989 and 1992 a serial rapist in the Chatham neighborhood of Chicago committed a string of assaults against women, most of them in beauty shops. These attacks were each conducted in a methodical and highly idiosyncratic manner and, thus, were obviously the work of a single attacker. In many of the cases, the rapist would enter a beauty shop and express his interest in having his hair curled; he would briefly leave the beauty shop and then return; he would announce a robbery and pull a gun; he would order all of the women in the beauty shop to hand over their valuables and then he would demand that they disrobe; he

would then select one of the women and force her to engage in sex acts, including oral copulation; finally, he would herd the women into a bathroom, tell them to count to 100 and would flee the scene. Some of the attacks would not culminate in a rape, but would follow the pattern in all other respects. The Chicago Police were unable to identify a suspect in these crimes, which came to be known as the "Beauty Shop Rapes," for a period of many months.

11. One in this series of attacks occurred on May 2, 1990. On that date, the attacker entered Karen's Modernistic Beauty Salon at 613 East 75th Street in Chicago, robbed the patrons there and sexually assaulted one K.E. in the bathroom of the beauty shop, using the modus operandi described in the preceding paragraph. In the course of the attack, the rapist ejaculated into K.E.'s mouth. K.E. spat a portion of the ejaculate into a toilet paper wrapper. The toilet paper wrapper was recovered immediately after the attack by Chicago Police evidence technicians and preserved as evidence. In the course of the investigation a sexual assault kit was also prepared, which contained vaginal, rectal and oral swabs taken from K.E. as well as microscope slides made from the material on the swabs.

12. Another in this series of assaults occurred on September 7, 1990. On that date, the attacker entered Emma's Elite Boutique at 647 East 75th Street in Chicago, robbed the patrons there and sexually assaulted one E.E., again following the modus operandi described above. A sexual assault kit was also prepared following this attack, which contained the same materials as the K.E. assault kit.

13. In the course of the investigation of these crimes, the Chicago Police developed a composite drawing of the attacker, which was widely distributed in the area of the attacks. On or about September 8, 1990, the police received an anonymous telephone call in which the caller

alleged that the composite drawing was of plaintiff John Willis. According to a police report, the anonymous caller also provided the license plate number of Mr. Willis's car. Mr. Willis was arrested on September 13, 1990. In police line-ups, Mr. Willis was identified as the serial rapist by several victims in the series of attacks. Following these identifications, he was charged with a total of five beauty shop attacks, including the May 2, 1990 assault of K.E. (People v. John Willis, No. 90 CR 23912 (Cir. Ct. of Cook County) (hereinafter sometimes referred to as the A.K.E. case)) and the September 7, 1990 assault of E.E. (People v. John Willis, No. 90 CR 23913 (Cir. Ct. of Cook County) (hereinafter sometimes referred to as the A.E.E. case)). The remaining three cases against Mr. Willis were for armed robberies in beauty shops. The State nolle prossed the charges in these three cases after Mr. Willis had been convicted in both the K.E. case and the E.E. case.

14. From the day of his arrest until his ultimate exoneration in March 1999, Mr. Willis steadfastly and unequivocally maintained that he was mistakenly identified and that he was completely innocent of all of the beauty shop attacks, including the sexual assaults of K.E. and E.E.

Serological Analysis Exonerates John Willis

15. Following the commencement of the criminal cases against him, on or about June 19, 1991, Mr. Willis and the State jointly made an oral request in the K.E. case that the Chicago Police crime lab conduct a serological analysis of the sexual assault evidence collected in the investigation of the attack against K.E. and on blood and saliva samples taken from Mr. Willis.

16. Mr. Willis made this request because the serological analysis could establish his innocence. Serological analysis of Mr. Willis's body fluids would determine whether Mr.

Willis is a secretor, i.e., a person whose body fluids carry his ABO blood type, and would also determine Mr. Willis's blood type. Serological analysis of semen from the crime scene could determine, using a procedure called absorption inhibition testing, whether the donor of the semen was a secretor and, if so, could identify his ABO blood type. Thus, the requested serological analysis could exonerate Mr. Willis, by showing that his secretor status or blood type is inconsistent with the rapist's semen. Alternatively, the serological analysis could yield circumstantial proof of guilt, if there were a match between the secretor status and blood type of Mr. Willis and that of the rapist.

17. In or about August 1991, defendant Fish performed the serological analysis. Defendant Fish first confirmed that semen was present on the stain in the toilet paper wrapper. From blood and saliva samples taken from Mr. Willis, she determined that Mr. Willis is a secretor with blood of ABO type B. Using the absorption inhibition procedure on extracts from the semen stain on the toilet paper wrapper, defendant Fish obtained a result indicating that the donor of the seminal material on the toilet paper wrapper was a secretor with blood of ABO type A. Thus, based on defendant Fish's serological analysis Mr. Willis was eliminated as the person who sexually assaulted K.E.

18. Defendant Fish made handwritten lab or bench notes reflecting her analysis and showing that Mr. Willis was not the attacker. Those notes are attached and incorporated herein as Ex. A.

The Exonerating Evidence is Hidden From Mr. Willis

19. Defendant Fish did not reveal to Mr. Willis=s counsel the true results of her analysis. Instead, she prepared a Laboratory Report, dated August 19, 1991, attached as Ex. B hereto and incorporated herein, in which she correctly reported that Mr. Willis is a secretor with type B blood, but incorrectly stated that Aserological tests conducted on extracts of [the toilet paper wrapper] yielded inconclusive A/B/O typing results.@"

20. There is no scientific justification for the statement that there were Ainconclusive@" results from serological tests on the extracts of the toilet paper wrapper. Prominent experts in the area of forensic serology have reviewed defendant Fish=s handwritten lab notes and have concluded that they clearly reflect that Mr. Willis was excluded as the donor of the semen on the toilet paper wrapper. Thus, in light of defendant Fish=s scientific training, the most likely inference is that the statement in defendant Fish=s August 19, 1991 Laboratory Report was made with full knowledge that Mr. Willis had been exonerated by the serological analysis and with intent to conceal that fact.

21. Even if defendant Fish believed, without scientific justification, that her analysis did not conclusively exonerate Mr. Willis, the statement in her Report that the results were Ainconclusive,@" was still deliberately incomplete, evasive and, therefore, knowingly false. If defendant Fish=s results were inconclusive (and they were not), defendant Fish surely knew that further testing could resolve any ambiguity that was present in the results. Therefore, at a minimum, defendant Fish=s failure to record the nature of the ambiguity and the need for further testing was made with full knowledge that further serological analysis could exonerate Mr. Willis.

22. On March 19, 1991, Mr. Willis=s defense counsel made standard motions for discovery in the K.E. case and the E.E. case that included, among other things, a request for Aany report and results of any and all scientific tests . . . pertinent to this case@ and a request for any material tending to negate Mr. Willis=s guilt.

23. The defendants did not provide Mr. Willis and his defense counsel with the handwritten bench notes defendant Fish had prepared, which showed that Mr. Willis was excluded as K.E.=s attacker. On September 6, 1991, defendant Grinbarg did provide Mr. Willis=s counsel with a copy of defendant Fish=s false August 19, 1991 Laboratory Report, stating that the results of serological testing had been Ainconclusive.@

24. All of the defendants continued to conceal and hide the exculpatory test results from Mr. Willis and his counsel at all times from the date the notes were prepared until on or about April 13, 1998, when a clerk in the Chicago Police Department inadvertently revealed them to an Assistant Public Defender who was then representing Mr. Willis in post-conviction matters.

Trial of the K.E. Case: John Willis is Wrongfully Convicted Based on the False Testimony of Defendant Fish and Defendant Grinbarg=s Subornation of Perjury

25. The State elected to try Mr. Willis first in the K.E. case. During that trial, on February 10, 1992, defendant Fish provided testimony under questioning from defendant Grinbarg that the results from her serological analysis of the semen stain on the toilet paper wrapper were Aerroneous@ and that Aany results@ she would obtain from analyzing the semen stain AI will not be able to interpret because they would give me inconclusive reactions.@ This testimony was false. As defendants Fish and Grinbarg both knew, Fish=s analysis of the semen stain clearly showed the presence of A antigens in the stain, which could not have come from

Mr. Willis, and therefore excluded Mr. Willis as the attacker. Fish=s testimony made it appear B contrary to fact B that no testing had been done on the semen stain itself.

26. Under further leading questioning from defendant Grinbarg, defendant Fish testified that no further tests on the semen stain from the toilet paper wrapper could narrow down who contributed the semen on the wrapper. This testimony was also false, as defendants Fish and Grinbarg both knew. If defendant Fish believed there were any ambiguities in the test result she achieved B and there were not B defendant Fish could have retested the materials or could have employed more quantitative testing methods.

27. Because Fish and Grinbarg failed to reveal the true outcome of Fish=s serological analysis, Mr. Willis was convicted of the armed robbery and sexual assault of K.E. and was sentenced to a total of 45 years in the Illinois Department of Corrections for crimes of which he was completely innocent.

Trial of the E.E. Case: John Willis is Tried for a Second Rape and Armed Robbery Despite the Exonerating Test Results and the Continuing Crime Spree of the Actual Rapist

28. After Mr. Willis=s wrongful arrest and following his wrongful conviction in the K.E. case, the beauty shop serial rapist continued his attacks. On March 21, 1992, nearly a year and a half after Mr. Willis=s wrongful arrest and one month following his wrongful conviction in the K.E. case, the beauty shop serial rapist committed another sexual assault. On that date, the rapist entered a beauty shop located at 749 East 82nd Street in Chicago, robbed the patrons there and sexually assaulted one S.M., again following the modus operandi described in paragraph 10 above. This attack received wide attention in the media, because one of the victims was the wife of Area 2 Detective Commander Robert Beavers.

29. On April 4, 1992, Dennis McGruder was arrested as a result of a fingerprint recovered from the scene of a sexual assault he had committed on November 8, 1991, long after Mr. Willis=s erroneous arrest, in a tavern at 8022 South Racine in Chicago. McGruder was subsequently identified in a police line-up as the attacker in the March 21, 1992 sexual assault and was charged with the March 21, 1992 crime as well as a number of other sexual assaults. In September 1993, McGruder pled guilty to the March 21, 1992 assault. McGruder was in fact the person who had committed the attack against K.E., the attack against E.E. and the three armed robberies with which Mr. Willis was wrongfully charged

30. In November 1993, two months after McGruder=s guilty plea, Mr. Willis was brought to trial in the E.E. case. At that trial, defendant Grinbarg successfully argued that the jury hearing Mr. Willis=s trial should be allowed to learn that Mr. Willis had been convicted of the rape of K.E., contending that rape of K.E. and the rape of E.E. were so similar in modus operandi that they could only have been committed by the same person. Defendant Grinbarg made this argument despite his knowledge that defendant Fish=s serological analysis had excluded Mr. Willis as the attacker in the assault of K.E.

31. Defendant Grinbarg also successfully argued during the trial of the E.E. case that Mr. Willis=s defense counsel should not be allowed to inform the jury that McGruder was being prosecuted for the sexual assault of S.M., even though it was highly likely that the same person had committed the sexual assaults of K.E., E.E. and S.M. and even though defendant Grinbarg possessed knowledge that Mr. Willis had been excluded as K.E.=s attacker by defendant Fish=s serological analysis.

32. Mr. Willis was convicted of the attack against E.E. because defendants Fish and Grinbarg continued to conceal that the serological analysis Fish had performed of the semen stain on the toilet paper wrapper in the K.E. case exonerated Mr. Willis.

33. Following his conviction in the E.E. case, Mr. Willis was sentenced to consecutive terms of 60 years for aggravated criminal sexual assault and 40 years for armed robbery, to be served concurrently with the sentences Mr. Willis had received following his conviction in the K.E. case. Thus, as a result of the wilful, wanton and malicious conduct of defendants Fish and Grinbarg, Mr. Willis was wrongfully sentenced to a total term of 100 years in the Illinois Department of Corrections for crimes of which he was completely innocent.

34. After this sentence was imposed, the State elected to dismiss the remaining three armed robbery cases in which Mr. Willis had also been wrongfully charged.

The Defendants Resist Mr. Willis=s Ongoing Efforts to Establish His Innocence

35. Mr. Willis appealed his conviction in the K.E. case, arguing that the evidence was insufficient to establish his guilt beyond a reasonable doubt. In January 1994, the Illinois Appellate Court issued an unpublished order affirming the conviction and citing, among other things, to defendant Fish=s false testimony that her serological analysis had produced inconclusive results. If the Appellate Court had known that in fact defendant Fish=s analysis had excluded Mr. Willis as K.E.=s attacker, it would never have affirmed the conviction.

36. In February 1994, Mr. Willis filed a Motion to Vacate the conviction in the K.E. case, arguing that, if the trier of fact in that case had been informed of Dennis McGruder=s guilt in the March 21, 1992 beauty shop assault, Mr. Willis would not have been convicted of the attack on K.E. The State vigorously resisted Mr. Willis=s Motion to Vacate and the Circuit

Court subsequently denied the Motion. The defendants never informed the Circuit Court that Mr. Willis had been excluded by defendant Fish=s serological analysis. If the Circuit Court had been made aware of this information in addition to the information regarding McGruder, the Circuit Court would have granted the Motion to Vacate.

37. In October 1996, the Illinois Appellate Court affirmed the Circuit Court=s denial of Mr. Willis=s Motion to Vacate in the K.E. case. That some month, the Appellate Court also affirmed, on direct appeal, Mr. Willis=s conviction in the E.E. case. The defendants never informed the Appellate Court in either case of Mr. Willis=s exoneration through defendant Fish=s serological analysis. If the Appellate Court had known this fact, it would not have affirmed either conviction.

38. In July 1997 B anticipating the enactment of 725 ILCS 5/116-3 B Mr. Willis filed a motion for post-conviction DNA testing of biological evidence that had been collected in the investigation of both the K.E. case and the E.E. case. When this motion was filed, defendant Grinbarg B even though he knew that defendant Fish=s serological analysis had exonerated Mr. Willis in the K.E. case B told a Chicago Tribune reporter that DNA testing would be meaningless because AJohn Willis absolutely, positively is the rapist.@

39. On August 13, 1997, the Chief Judge of the Criminal Division of the Cook County Circuit Court entered an Order in the K.E. case directing that the biological evidence be produced and subjected to PCR-based DNA testing.

The Defendants Claim that All Evidence with the Potential to Exonerate Mr. Willis Has Been Destroyed

40. On October 2, 1997, an Assistant State=s Attorney advised Mr. Willis=s counsel

that all of the evidence from the K.E. case that could have been subjected to DNA testing was missing and could not be located. From October 2, 1997 until September 1, 1998, the defendants repeatedly asserted to Mr. Willis=s counsel that there was no evidence remaining that could be tested.

41. Defendant Grinbarg wantonly and maliciously destroyed or hid or failed to preserve or otherwise rendered unavailable evidence that he knew, were it to be examined by a competent and honest forensic scientist, would reveal that Mr. Willis was innocent of the crimes in the K.E. case and the E.E. case. Defendant Grinbarg bears direct responsibility for the unavailability of the following evidence:

! In the K.E. case, defendant Grinbarg obtained from the Evidence and Recovered Property Section of the Chicago Police Department the semen stained toilet paper wrapper and the sexual assault kit taken from K.E. on February 10, 1991, the day Mr. Willis=s trial in that case began. On information and belief, the package containing the semen stained toilet paper wrapper also contained two microscope slides with smears taken from extracts defendant Fish had made from the semen stain.

! In the E.E. case, defendant Grinbarg obtained from the Evidence and Recovered Property Section of the Chicago Police Department the sexual assault kit taken from E.E. B also on the first day of the trial of the K.E. case.

42. Defendant Grinbarg introduced the semen stained toilet paper wrapper into evidence during the trial of the K.E. case. The remaining items were never used as evidence in court. Defendant Grinbarg violated the Rule 15.5(b) of the Rules of the Circuit Court of Cook

County by not impounding with the Clerk of the Circuit Court evidence that he had used at trial in a criminal case. Grinbarg wilfully and wantonly did not impound his evidence and did not return unused items of evidence to the Evidence and Recovered Property Section of the Chicago Police Department because he knew, based on defendant Fish=s serological analysis, that the evidence had the potential to exonerate Mr. Willis.

43. In addition to the evidence that Grinbarg rendered unavailable, the Chicago Police Crime Lab also had evidence with the potential to exonerate Mr. Willis. That evidence was the extracts that defendant Fish made from the semen stain during her serological analysis in the K.E. case in August 1991. Under established procedure in the Chicago Police Crime Lab, these extracts were to be retained forever in the event they might ever be needed for any investigatory purpose. Defendants Fish, Caparusso and Furlong were each in charge of maintaining evidence in the Chicago Police Crime Lab during a portion of the period that Mr. Willis remained wrongfully incarcerated. On information and belief, defendant Fish was in charge from 1991 through a portion of 1996; defendant Caparusso was in charge during a portion of 1996; and defendant Furlong has been in charge from 1996 through the present time.

44. One or more of defendants Fish, Caparusso and Furlong wilfully, wantonly and maliciously destroyed or hid or failed to preserve or otherwise rendered unavailable the extracts taken from the semen stained toilet paper wrapper, knowing that those extracts, if analyzed by an honest and competent forensic scientist, would show that Mr. Willis was innocent of the assaults of K.E. and E.E.

The Defendants Conceal Fish=s Lab Notes and their Significance

45. For months after Mr. Willis filed his Motion for DNA Testing, the defendants

continued to conceal the lab notes that showed the true exonerating results of defendant Fish=s serological analysis.

46. In July and August 1997, defendants Furlong and Caparusso each had occasion to review defendant Fish=s lab notes, which were assembled in response to the Motion for DNA Testing. Furlong and Caparusso are both experienced forensic scientists with expertise in serological analysis. Neither could have failed to perceive that defendant Fish=s lab notes reflected the exoneration of Mr. Willis through serological analysis performed in 1991. Both were aware that Mr. Willis was seeking DNA testing and claimed to be innocent.

47. Despite knowing the significance of defendant Fish=s lab notes, Furlong and Caparusso wilfully, wantonly and maliciously failed to report to Mr. Willis and his counsel that the notes existed and that they showed Mr. Willis to be innocent.

48. On or about April 13, 1998, a clerk employed by the Chicago Police Department faxed to Mr. Willis=s counsel a set of documents relating to Mr. Willis, which included a copy of defendant Fish=s lab notes. This was the first time these notes were ever disclosed to Mr. Willis or to anyone representing him. The Chicago Police clerk faxed these notes to Mr. Willis=s counsel in response to a subpoena counsel had issued, and did so on a day that defendant Furlong, who was then in charge of the Chicago Police Crime Lab, was absent from the office.

49. Following the disclosure of Fish=s lab notes, defendant Fish and defendant Caparusso both had conversations with Mr. Willis=s counsel in which they either failed to disclose the significance of the notes or attempted to affirmatively mislead counsel regarding the importance of the notes.

Mr. Willis=s Innocence Is Confirmed by DNA Testing

50. On or about September 1, 1998, Assistant State=s Attorney Thomas Gainer, who first appeared for the State in Mr. Willis=s cases after the Motion for DNA Testing had been filed, produced a single microscope slide containing a smear from the semen stain on the toilet paper wrapper from the K.E. case. ASA Gainer informed Mr. Willis=s counsel and the court that the microscope slide had been found in the bottom of a manila folder in defendant Grinbarg=s trial file. On information and belief, the microscope slide had originally been included in the package containing the toilet paper wrapper itself, which Grinbarg had destroyed or otherwise caused to be unavailable.

51. The amount of seminal material on the microscope slide was extremely small, consisting of some 60 sperm cells, constituting approximately 180 picograms (.2 nanograms) of seminal material. This sample, the size of no more than a pin prick, was at the very bottom range of the size from which successful DNA typing had ever been accomplished in forensic science.

52. Through counsel, pursuant to court order, Mr. Willis submitted the sample to a team of world renowned forensic scientists. Despite the extraordinarily small size of the sample, the scientists succeeded in obtaining a genotype from the sample. The genotype that the scientists obtained was inconsistent with Mr. Willis and was consistent with Dennis McGruder, thereby confirming the 1991 serological results that the defendants had obtained and, for years, concealed from Mr. Willis.

53. On March 15, 1999, shortly after these results were obtained, ASA Gainer moved to nolle prosequere all charges against Mr. Willis in the K.E. case and the E.E. case. Chief Judge

Thomas Fitzgerald granted the State=s motion on the ground that Mr. Willis was innocent and should not have been convicted of any crime in either case.

54. On December 2, 1999, Governor George Ryan granted Mr. Willis a full and complete pardon in the K.E. case and the E.E. case based upon Mr. Willis=s complete innocence in both cases.

Mr. Willis=s Injury

55. Mr. Willis has suffered enormous injury as a direct and proximate result of the wilful, wanton and malicious conduct of the defendants. Mr. Willis spent over eight years imprisoned for crimes of which he was completely innocent, not knowing whether he would ever succeed in proving the wrongfulness of his incarceration. Mr. Willis was wrongfully condemned by most who came in contact with him as a heinous, serial rapist, which caused Mr. Willis great anguish, shame and humiliation. Mr. Willis=s years of incarceration were lonely and arduous. He was wrongfully separated from his family and loved ones. He was deprived of opportunities to pursue a vocation, to establish a family and live as a free citizen. Mr. Willis was forced to spend years in maximum security prisons of the State of Illinois, where he was subjected to horrible deprivations and constant danger of assault by other inmates.

COUNT I

(Malicious Prosecution -- All Individual Defendants)

56. Plaintiff repeats and realleges paragraphs 1 through 55 as if fully set forth herein.

57. Defendants Fish, Grinbarg, Furlong, and Caparusso individually and/or

jointly and in conspiracy, initiated and/or continued a malicious prosecution against Mr. Willis, all without probable cause. Defendants Fish, Grinbarg, Furlong and Caparusso were each instrumental in the initiation and perpetuation of the prosecution of Mr. Willis. Defendants Fish, Grinbarg, Furlong and Caparusso each acted with malice.

58. This prosecution was ultimately terminated in Mr. Willis's favor on March 15, 1999, after Mr. Willis had been incarcerated for more than eight years. Mr. Willis was granted an executive pardon on the basis of innocence on December 2, 1999.

59. Defendants Fish, Grinbarg, Furlong and Caparusso are liable for this malicious prosecution because it was proximately caused by their unlawful actions as set forth above.

60. These actions directly and proximately caused the injuries and damages to plaintiff as claimed above, and constitute the tort of malicious prosecution under Illinois law.

WHEREFORE, Mr. Willis demands compensatory damages in an amount in excess of Fifty Thousand (\$50,000) dollars, jointly and severally from the defendants named in this Count, plus costs, attorneys fees and whatever additional relief this Court deems equitable and just.

COUNT II

(False Imprisonment -- All Individual Defendants)

61. Plaintiff repeats and realleges paragraphs 1 through 60 as if fully set forth herein.

62. Defendant Fish, Grinbarg, Furlong and Caparusso, individually and/or jointly and in conspiracy, falsely imprisoned plaintiff without reasonable or probable cause.

63. Defendants Fish, Grinbarg, Furlong and Caparusso are liable for this false

imprisonment because it was proximately caused by their unlawful actions as set forth above.

64. The defendants' false imprisonment of Mr. Willis continued from in or about August 1991, when defendant Fish performed her serological analysis, until Mr. Willis's release from prison on February 25, 1999. During this period the defendants knew of information, as set forth above, which demonstrated that Mr. Willis was not guilty of the crimes with which he was charged and later convicted, yet they concealed and destroyed this evidence and continued the wrongful imprisonment of Mr. Willis.

65. As a result of the wrongful acts of the defendants in falsely imprisoning Mr. Willis he suffered the injuries and damages set forth above.

WHEREFORE, Mr. Willis demands compensatory damages in an amount in an excess of Fifty Thousand (\$50,000) dollars, jointly and severally from the defendants named in this Count, plus costs, attorneys fees and whatever additional relief this Court deems equitable and just.

COUNT III

(Intentional Infliction of Emotional Distress -- All Individual Defendants)

66. Plaintiff repeats and realleges paragraphs 1 through 65 as if fully set forth herein.

67. Defendants, Fish, Grinbarg, Furlong and Caparusso and their co-conspirators intentionally engaged in extreme and outrageous behavior against Mr. Willis, including, but not limited to, unjustifiably prosecuting him and falsely imprisoning him for over eight years, while knowing him to be innocent of the crimes for which he was prosecuted and convicted.

68. Defendants Fish, Grinbarg, Furlong and Caparusso are liable for this intentional infliction of emotional distress because it was proximately caused by their actions as set forth above.

69. The defendants= outrageous behavior caused Mr. Willis to suffer severe emotional distress, including anxiety, fear, anger, depression and humiliation and the injuries set forth above.

WHEREFORE plaintiff demands compensatory damages in an amount in excess of Fifty Thousand (\$50,000) dollars, jointly and severally from the defendants named in this Count, plus costs and whatever additional relief this Court deems equitable and just.

COUNT IV

(Conspiracy -- All Individual Defendants and Other Unidentified Persons)

70. Plaintiff repeats and realleges paragraphs 1 through 69 as if fully set forth herein.

71. Defendants Fish, Grinbarg, Furlong and Caparusso and other as yet unidentified persons, including but not limited to unidentified law enforcement personnel, together reached an understanding, engaged in a course of conduct, and otherwise jointly acted and/or conspired among and between themselves to falsely imprison, maliciously prosecute, and to intentionally inflict severe emotional distress on Mr. Willis.

72. In furtherance of this conspiracy or conspiracies, the defendants named above, together with the unidentified co-conspirators, committed the overt acts set forth above, including, but not limited to, the wrongful imprisonment and prosecution of Mr. Willis; the knowing concealment of exculpatory evidence; the provision of false testimony against Mr. Willis; the creation of false laboratory reports; the suppression, destruction, and spoliation of

exonerating exculpatory evidence, including, the handwritten notes attached hereto as Ex. A and the materials described above in paragraphs 41 to 43; the failure to investigate the evidence showing Dennis McGruder to be the true offender, either at the time that evidence was received or after it was subsequently corroborated; and, further including without limitation, the other acts and omissions alleged in this complaint.

73. The conspiracy, or conspiracies alleged herein continued from at least August 1991, when defendant Fish performed her serological analysis, until Mr. Willis was exonerated. Efforts to conceal the conspiracy are ongoing.

74. Defendants Fish, Grinbarg, Furlong and Caparusso are liable for this conspiracy because it was proximately caused by their unlawful acts and omissions as set forth above.

75. This conspiracy proximately caused the injuries to Mr. Willis set forth above.

WHEREFORE, Mr. Willis demands compensatory damages in an amount in excess of Fifty Thousand (\$50,000) dollars, jointly and severally from the defendants named in this Count, plus costs, attorneys fees and whatever additional relief this Court deems equitable and just.

COUNT V

(745 ILCS 10/9-102 B the Office of the Cook County State=s Attorney and the City of Chicago)

76. Plaintiff repeats realleges paragraphs 1 through 75 as if fully set forth herein.

77. Defendant City of Chicago was, at certain times material to this complaint, the employer of defendants Fish, Furlong and Caparusso. The Office of the Cook County State=s Attorney was, at all times material to this complaint, the employer of defendant Grinbarg.

78. Defendants Fish, Grinbarg, Furlong and Caparusso committed the acts alleged in this complaint in the course and within the scope of their employment as employees of their

respective employers.

WHEREFORE, pursuant to 745 ILCS 10/9-102, Mr. Willis demands judgment against the respective employer-defendants named in this Count in the amounts awarded to Mr. Willis and against their respective employee-defendants by way of a judgment or settlement, including any and all amounts awarded for damages, and costs and attorneys fees.

COUNT VI

(Respondeat Superior -- the City of Chicago, and the Office of the Cook County State=s Attorney)

79. Plaintiff repeats realleges paragraphs 1 through 78 as if fully set forth herein.

80. Defendant Grinbarg was, at all times relevant to this action, an employee and agent of the defendant Office of the Cook County States Attorney. Defendants Fish, Furlong and Caparusso were at certain of the times relevant to this action employees and agents of the defendant City of Chicago. Each of the above named individual defendants was acting within the scope of his or her employment when he or she engaged in the actions described in this Complaint. Therefore, all of the individual defendants= acts and omissions are directly chargeable to their respective employers pursuant to the doctrine of respondeat superior.

WHEREFORE, Mr. Willis demands judgment for compensatory damages in an amount in excess of Fifty Thousand (\$50,000) dollars, jointly and severally from the City of Chicago, the Office of the Cook County State=s Attorney, plus costs, attorneys fees and whatever additional relief this Court deems equitable and just.

Respectfully submitted,

JOHN WILLIS, JR.

By: _____
One of his Attorneys

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