

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

CORETHIAN DION BELL,)
)
Plaintiff,)
)
v.)
)
CHICAGO POLICE DETECTIVE)
M. CUMMINGS (STAR NO. 21101);)
CHICAGO POLICE DETECTIVE)
PATRICK DURKIN (STAR NO. 21099);)
CHICAGO POLICE DETECTIVE P.)
ALFINI (STAR NO. 20547); CHICAGO)
POLICE DETECTIVE T. DOWNES)
(STAR NO. 20639); CHICAGO POLICE)
OFFICER R. LOMBARD (STAR NO.)
60032); CHICAGO POLICE OFFICER)
J. FITZMAURICE (STAR NO. 60023);)
and THE CITY OF CHICAGO,)
)
Defendants.)

No.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff CORETHIAN DION BELL, by his undersigned attorneys, for his complaint against defendants CHICAGO POLICE DETECTIVE M. CUMMINGS (Star No. 21101); CHICAGO POLICE DETECTIVE PATRICK DURKIN (Star No. 21099); CHICAGO POLICE DETECTIVE P. ALFINI (Star No. 20547); CHICAGO POLICE DETECTIVE T. DOWNES (Star No. 20639); CHICAGO POLICE OFFICER R. LOMBARD (Star No. 60032); CHICAGO POLICE OFFICER J. FITZMAURICE (Star No. 60023); and THE CITY OF CHICAGO, alleges as follows:

INTRODUCTION

1. This is an action for malicious prosecution, false imprisonment, intentional infliction of emotional distress and conspiracy. Plaintiff Corethian Dion Bell was wrongfully

charged with the brutal murder of his mother, Netta Bell, following a 50 hour custodial interrogation process in which the defendants took advantage of his vulnerabilities and employed unlawful interrogation techniques designed to coerce him, despite his complete innocence, into making a false confession. Following Mr. Bell's confession, he was formally charged with murder and was incarcerated for over 17 months in dangerous and dehumanizing conditions in the Cook County Jail. Mr. Bell was finally released from his unlawful confinement after DNA tests showed that another man had murdered Netta Bell. Throughout Mr. Bell's confinement, the defendants, individually and in concert, willfully, wantonly and maliciously concealed from Mr. Bell and his lawyers the fact that they had coerced Mr. Bell into confessing to a crime of which they knew or should have known he was innocent. This action seeks money damages from the defendants to compensate Mr. Bell for his wrongful incarceration and to punish the defendants for their willful, wanton and malicious conduct.

THE PARTIES

2. Plaintiff Corethian Dion Bell is a citizen of the State of Illinois and a resident of Cook County who was coerced into confessing to a crime of which he was completely innocent and, thereafter, was wrongfully incarcerated for over 17 months.

3. Defendant M. Cummings, Star No. 21101, was, at all times relevant to this action, employed as a Detective in the Chicago Police Department. Defendant Cummings was acting in the course and within the scope of his employment during his investigation of the murder of Netta Bell, including the interrogation of plaintiff.

4. Defendant Patrick Durkin, Star No. 21099, was, at all times relevant to this action, employed as a Detective in the Chicago Police Department. Defendant Durkin was acting in the

course and within the scope of his employment during his investigation of the murder of Netta Bell, including the interrogation of plaintiff.

5. Defendant P. Alfini, Star No. 20547, was, at all times relevant to this action, employed as a Detective in the Chicago Police Department. Defendant Alfini was acting in the course and within the scope of his employment during his investigation of the murder of Netta Bell, including the interrogation of plaintiff.

6. Defendant T. Downes, Star No. 20639, was, at all times relevant to this action, employed as a Detective in the Chicago Police Department. Defendant Downes was acting in the course and within the scope of his employment during his investigation of the murder of Netta Bell, including the interrogation of plaintiff.

7. Defendant R. Lombard, Star No. 60032, was, at all times relevant to this action, employed as an officer in the Chicago Police Department. Defendant Lombard was acting in the course and within the scope of his employment during his investigation of the murder of Netta Bell, including the interrogation of plaintiff.

8. Defendant J. Fitzmaurice, Star No. 60023, was, at all times relevant to this action, employed as an officer in the Chicago Police Department. Defendant Fitzmaurice was acting in the course and within the scope of his employment during his investigation of the murder of Netta Bell, including the interrogation of plaintiff. Defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice are sometimes hereinafter collectively referred to as the “Chicago Police defendants.”

9. Defendant City of Chicago is a municipal corporation within the State of Illinois. The City of Chicago was the employer and principal of the Chicago Police defendants at all times relevant to this action.

JURISDICTION AND VENUE

12. 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

13. On or about July 14, 2000, Netta Bell was murdered in her apartment at 6244 South King Drive in Chicago. Physical evidence at the scene indicated that Netta Bell was attacked in the bedroom of the apartment with one or more knives and was repeatedly stabbed. The body was discovered in the bathroom, completely naked, seated on the toilet, with multiple stab wounds to the face and torso.

14. Corethian Bell, at the time of his mother's murder, sold incense and copies of *Streetwise* in the Hyde Park neighborhood of Chicago. Although he sometimes stayed at his mother's apartment, Mr. Bell often slept either on the streets or in Washington Park, which runs along the western border of the Hyde Park neighborhood to the east of King Drive.

15. Mr. Bell went to his mother's apartment several times on July 14 and July 15, knocked on the door and got no response, although he heard water running inside. Finally, in the early morning of July 16, Mr. Bell, who had grown concerned that something might be amiss, forced open the door of the apartment and discovered his mother's body. Terrified, he ran to Hyde Park and called the Chicago Police, using the 911 emergency number. A dispatcher instructed Mr. Bell to return to the apartment and meet the police there. Mr. Bell did as he was instructed.

16. At the scene, at approximately 3:00 a.m. on July 16, one or more of the Chicago Police defendants directed Mr. Bell to sit in the back of a patrol car. Shortly thereafter, one or more of those defendants transported Mr. Bell to the Area Two police headquarters for questioning. Mr. Bell arrived at Area Two at or about 3:30 a.m. on July 16 and was placed alone in a locked interrogation room. The room was small and windowless, without toilet facilities or a sink, and with no bed in which to sleep.

17. Mr. Bell is a mildly retarded man who suffers from serious mental illness that has been diagnosed as paranoid schizophrenia. Because of his limited intelligence and his mental illness, Mr. Bell is highly vulnerable. He exhibits incoherent thought and speech; poor memory; extreme suggestibility; a high degree of acquiescence; and a compliant personality. Mr. Bell's speech is sometimes incoherent and often contradictory. He has difficulty understanding questions and a limited vocabulary. Mr. Bell's disabilities are dramatic and obvious to anyone who engages him in questioning for even a relatively brief period of time.

18. The effects of shock and grief greatly exacerbated the vulnerabilities described in the preceding paragraph and made those vulnerabilities even more obvious in the days and hours following Mr. Bell's discovery of his mother's body.

19. At all times relevant to this action, the Chicago Police defendants knew or reasonably should have known that Mr. Bell was vulnerable, disabled and easily manipulated as a result of his limited intelligence and mental illness.

20. Despite or because of this knowledge, the Chicago Police defendants placed Mr. Bell in a locked interrogation room and, in the early morning hours of July 16, commenced an interrogation process that was designed not to elicit the truth but to cause Mr. Bell to confess to murdering his mother, without regard to whether he had in fact committed the crime.

21. Throughout the time the Chicago Police defendants conducted their interrogation of Mr. Bell, they had no evidence that Mr. Bell was guilty of murder. No physical evidence tied Mr. Bell to the crime. No witness had reported to the police any information indicative in any way of Mr. Bell's involvement in the crime. Mr. Bell's own actions following his discovery of his mother's body were consistent with innocence, not guilt: Mr. Bell had reported his mother's death to the police and, on instructions from a 911 dispatcher, had returned to the scene of the murder in order to meet police officers there. Moreover, it was obvious to the Chicago Police defendants that Mr. Bell was not even aware of the details of his mother's murder: Mr. Bell reported to the 911 dispatcher and to police at the crime scene that his mother had been "shot," when, in fact, her injuries were the result of stabbing.

22. The Chicago Police defendants engaged in a number of improper and coercive interrogation tactics in order to force Mr. Bell into confessing to the murder of his mother, including but not limited to the following:

- a. For most of the 50 hours that they interrogated Mr. Bell, the defendants kept him alone and isolated in a locked interrogation room as he tried to cope with the shock and grief of losing his mother and discovering her body after she had been gruesomely murdered.
- b. During the morning of July 16, the Chicago Police defendants caused Mr. Bell to be subjected to a polygraph examination concerning whether he had killed his mother. Following this examination, upon information and belief, the Chicago Police defendants falsely told Mr. Bell that he had failed and that his denials of killing his mother were deceptive.

- c. During the course of their interrogation, the Chicago Police defendants supplied Mr. Bell with information about the circumstances of his mother's killing with the intent and the purpose that Mr. Bell would use this information in making a "confession" to the crime. The Chicago Police defendants, acting in violation of standard interrogation procedures, informed Mr. Bell of the following information which their investigation of the Netta Bell murder had revealed: (1) that Netta Bell's death was the result of a stabbing, not a shooting as Mr. Bell originally believed; (2) that the stabbing had occurred in the bedroom of the apartment, not in the bathroom, and that, after the attack, Mr. Bell's mother had managed to walk from the bedroom to the bathroom, where she died; (3) that a probable murder weapon had been recovered in a dumpster in the alley behind his mother's apartment; (4) that the murder weapon found in the alley dumpster was a kitchen knife of standard dimensions; (5) that his mother had been stabbed in the torso and on the face, including one stab wound through the eye; (6) that the blade of a knife used in the killing had broken off inside his mother's body; and (7) that blood spatters had been found on the bedroom walls.
- d. During the early stages of the interview process, the Chicago Police defendants suggested to Mr. Bell that he may have been motivated to kill his mother by disgust at her crack cocaine habit. The Chicago Police defendants told Mr. Bell that this motive might excuse and explain his having committed murder.
- e. After Mr. Bell continued to deny killing his mother throughout the day on July 16 and into the evening hours of July 17, one or more of the Chicago Police

defendants became loud, angry and verbally abusive in the interrogation of Mr. Bell.

- f. When Mr. Bell still persisted in his denials, one of the Chicago Police defendants struck Mr. Bell in the head.

23. Because of Mr. Bell's inherent vulnerability, the shock and grief he was experiencing as a result of his mother's death, and the coercive effect of an interrogation process that had lasted over two days, Mr. Bell agreed in the early morning hours of July 18 to make the confession that the Chicago Police defendants had fabricated for him. Mr. Bell had become fearful for his safety and was exhausted because of the defendants' lengthy, increasingly hostile interrogation. Mr. Bell's mental illness exacerbated his extreme fear of suffering additional beating at the hands of the Chicago Police defendants.

24. Assistant State's Attorney James Navarre, of the Cook County State's Attorney's Felony Review Unit, arrived at the Area Two police headquarters in the early morning hours of July 18.

25. After discussing the case with one or more of the Chicago Police defendants, Navarre conducted his own interrogation of Mr. Bell, during which he rehearsed with Bell a confession that Bell would make to the murder of Netta Bell. Navarre's objective was to secure a confession from Bell without regard to whether Mr. Bell was in fact innocent and despite the evidence suggesting Bell's innocence.

26. Following this rehearsal, Navarre led Mr. Bell through a videotaped confession to the crime of murder. Defendant Lombard was present with Navarre and Mr. Bell throughout the videotaped confession, which began at 5:30 a.m. on July 18, after Mr. Bell had been locked in an interrogation room and subjected to psychological manipulation and physical coercion for 50

hours. Because of Mr. Bell's incoherent and contradictory speech, Navarre used leading questions during key portions of the confession. On more than one occasion when Navarre departed from the leading question format, Mr. Bell gave answers that were inconsistent with the physical evidence from the crime scene.

27. Criminal proceedings against Mr. Bell were commenced through a criminal complaint for murder signed by defendant Cummings and filed in the Circuit Court of Cook County on July 19, 2000.

28. The defendants willfully, wantonly and maliciously concealed the fact that they had coerced a false confession from Mr. Bell using psychological manipulation and physical coercion. The defendants never disclosed any general progress reports describing the progress of their interrogation. Instead, the defendants prepared a sanitized and false police report that omitted any reference to their misconduct during the interrogation.

29. While the defendants were engaged in their coercive interrogation of Mr. Bell, evidence technicians and the medical examiner had secured physical evidence that could have immediately been used to prove conclusively that Mr. Bell was innocent and to ascertain the identity of the true offender: (1) technicians collected blood samples from the walls and floors of the bedroom, living room and bathroom door frame, which were transported to the Illinois State Police Forensic Science Center, and (2) the medical examiner's office prepared a sexual assault kit from Netta Bell's remains that was also transported to the Forensic Science Center. At all times relevant to this action, the defendants ignored the potential of this evidence to reveal the identity of the attacker and instead focused their efforts on coercing Mr. Bell into confessing to the crime.

30. Following the commencement of the criminal case against Mr. Bell, his counsel made a motion that the evidence described in the preceding paragraph be subjected to DNA testing to determine whether any of the blood recovered from the scene of the crime contained genetic characteristics consistent with Mr. Bell and to determine whether any of the biological material in the sexual assault kit was consistent with Mr. Bell. On May 24, 2001, the Circuit Court entered an order directing the Illinois State Police to conduct the DNA testing that Mr. Bell had requested.

31. The Illinois State Police performed the DNA analysis and made the following determinations:

- a. The blood samples taken from the bathroom door frame and from the south wall of the bedroom of Netta Bell's apartment originated from two people: Netta Bell and a male whose genetic profile was consistent with the profile of one DeShawn Boyd.
- b. The blood from the bathroom door frame and from the south wall of the bedroom could not have originated from Mr. Bell.
- c. The vaginal swab included within the sexual assault contained male DNA consistent with the genetic profile of DeShawn Boyd.
- d. The male DNA from the vaginal swab could not have originated from Mr. Bell.

32. The Illinois State Police matched the male DNA from the vaginal swab and the DNA from the blood samples to DeShawn Boyd by running that genotype through a DNA database of known sex offenders. Boyd's genotype was on the sex offender database because he had been charged with the rape and attempted murder of another woman, one Tyechia Kyles, on December 19, 2000, five months following the Netta Bell murder. On December 19, Boyd had

attacked Ms. Kyles in her apartment at 229 East 59th Street, just a few blocks from Netta Bell's apartment. He had stabbed Ms. Kyles in the head and abdomen with a kitchen knife and had raped her vaginally.

33. The DNA evidence described above showed conclusively that Mr. Bell was innocent of Netta Bell's murder. On January 4, 2002, in the face of mounting public pressure, the Office of the Cook County State's Attorney voluntarily dismissed all criminal charges against Mr. Bell. At the time the charges were dismissed, Mr. Bell had been wrongfully incarcerated in the Cook County Jail for over 17 months.

34. Mr. Bell suffered enormous injury as a direct and proximate result of the willful, wanton and malicious actions of the defendants. Mr. Bell spent over 17 months wrongfully incarcerated for a crime of which he was completely innocent, not knowing whether he would ever succeed in proving the wrongfulness of the charges that had been made against him. The months Mr. Bell spent in the Cook County Jail were frightening and arduous, particularly because of Mr. Bell's heightened emotional and psychological vulnerabilities.

COUNT I

(Malicious Prosecution)

35. Plaintiff repeats and realleges paragraphs 1 through 34 as if fully set forth herein.

36. Defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice individually and/or jointly and in conspiracy, initiated and/or continued a malicious prosecution against Mr. Bell, all without probable cause. Defendants were each instrumental in the initiation and perpetuation of the prosecution of Mr. Bell. Defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice each acted with malice.

37. This prosecution was terminated in Mr. Bell's favor on January 4, 2002, after Mr. Bell had been incarcerated more than 17 months.

38. Defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice are liable for this malicious prosecution because it was proximately caused by their unlawful actions as set forth above.

39. 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. Bell demands compensatory damages in an amount in excess of Fifty Thousand dollars (\$50,000.00) and punitive damages in an amount sufficient to deter similar misconduct, jointly and severally from the defendants named in this Count, plus costs, attorneys fees and whatever additional relief this Court deems just and equitable.

COUNT II

(False Imprisonment)

40. Plaintiff repeats and realleges paragraphs 1 through 39 as if fully set forth herein.

41. Defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice, individually and/or jointly and in conspiracy, falsely imprisoned plaintiff without reasonable or probable cause.

42. Defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice are liable for this false imprisonment because it was proximately caused by their unlawful actions as set forth above.

43. The defendants false imprisonment of Mr. Bell continued from on or about July 16, 2000, when the defendants commenced their unlawful interrogation, until Mr. Bell's release from jail on January 4, 2002. During this period, the defendants knew that they had unlawfully

coerced Mr. Bell into falsely confessing to the murder of Netta Bell, despite his innocence. The defendants concealed this fact and thereby continued Mr. Bell's wrongful imprisonment.

44. As a result of the wrongful acts of the defendants in falsely imprisoning Mr. Bell, he suffered injuries and damages as set forth above.

WHEREFORE, Mr. Bell demands compensatory damages in an amount in excess of Fifty Thousand dollars (\$50,000.00) and punitive damages in an amount sufficient to deter similar misconduct, jointly and severally from the defendants named in this Count, plus costs, attorneys fees and whatever additional relief this Court deems just and equitable.

COUNT III

(Intentional Infliction of Emotional Distress)

45. Plaintiff repeats and realleges paragraphs 1 through 44 as if fully set forth herein.

46. Defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice and their co-conspirators intentionally engaged in extreme and outrageous behavior against Mr. Bell, including, but not limited to, employing unlawful interrogation tactics, including psychological manipulation and physical coercion, designed to elicit a false confession to murder from Mr. Bell, despite his innocence, all the while knowing that Mr. Bell was a mentally ill person with limited intelligence whose vulnerabilities were exacerbated by the shock and grief he felt after discovering his mother's brutally murdered body.

47. Defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice are liable for this intentional infliction of emotional distress because it was proximately caused by their actions as set forth above.

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

WHEREFORE, Mr. Bell demands compensatory damages in an amount in excess of Fifty Thousand dollars (\$50,000.00) and punitive damages in an amount sufficient to deter similar misconduct, jointly and severally from the defendants named in this Count, plus costs, attorneys fees and whatever additional relief this Court deems just and equitable.

COUNT IV

(Conspiracy)

49. Plaintiff realleges and repeats paragraphs 1 through 48 as if fully set forth herein.

50. Defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice and other persons, some of whom are not yet identified, including but not limited to 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 upon Mr. Bell.

51. In furtherance of this conspiracy or conspiracies, the defendants named above, together with the unnamed co-conspirators, committed the overt acts set forth above, including, but not limited to, employing unlawful interrogation tactics, including psychological manipulation and physical coercion, designed to elicit a false confession to murder from Mr. Bell, despite his innocence, all the while knowing that Mr. Bell was a mentally ill person with limited intelligence whose vulnerabilities were exacerbated by the shock and grief he felt after discovering his mother's brutally murdered body; and, thereafter, concealing the fact that they had coerced a false confession from Mr. Bell.

52. The conspiracy, or conspiracies alleged herein continued from at least July 2000, when the defendants coerced Mr. Bell's false confession, until Mr. Bell was exonerated. Efforts to conceal the conspiracy are ongoing.

53. Defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice are liable for this conspiracy because it was proximately caused by their unlawful acts and omissions as set forth above.

54. This conspiracy proximately caused the injuries to Mr. Bell set forth above.

WHEREFORE, Mr. Bell demands compensatory damages in an amount in excess of Fifty Thousand dollars (\$50,000.00) and punitive damages in an amount sufficient to deter similar misconduct, jointly and severally from the defendants named in this Count, plus costs, attorneys fees and whatever additional relief this Court deems just and equitable.

COUNT V

(745 ILCS 10/9-102 – the City of Chicago)

55. Plaintiff repeats and realleges paragraphs 1 through 54 as if fully set forth herein.

56. Defendant City of Chicago was at all times relevant to this action the employer of defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice

57. Defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice committed the acts alleged in this complaint in the course and within the scope of their employment.

WHEREFORE, pursuant to 745 ILCS 10/9-102, Mr. Bell demands judgment against the City of Chicago in the amounts awarded to Mr. Bell against the employee-defendants by way of judgment or settlement, including any and all amounts awarded for damages, and costs and attorneys fees.

COUNT VI

(Respondeat Superior – the City of Chicago)

58. Plaintiff repeats and realleges paragraphs 1 through 57 as if fully set forth herein.

59. Defendants Cummings, Durkin, Alfini, Downes, Lombard and Fitzmaurice were at all times relevant to this action employees and agents of the defendant City of Chicago. Each of the above-named defendants was acting within the scope of his employment when he engaged in the actions described in this complaint. Therefore, all of the individual defendants' acts and omissions are directly chargeable to the City of Chicago pursuant to the doctrine of respondeat superior.

WHEREFORE, Mr. Bell demands compensatory damages in an amount in excess of Fifty Thousand dollars (\$50,000.00), from the defendant City of Chicago, plus costs, attorneys fees and whatever additional relief this Court deems just and equitable.

JURY DEMAND

Plaintiff demands trial by jury on all counts of this complaint.

Respectfully submitted,

CORETHIAN DION BELL

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