

EXHIBIT 61

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

IN RE KALVEN APPOINTMENT OF)
A SPECIAL MASTER) Honorable Judge Leroy K. Martin,
) Chief Judge Presiding
)
)
)
)

NOTICE OF FILING AND PROOF OF SERVICE

To: Fabio Valentini
Cook County State's Attorney's Office
2650 S. California Avenue, 11th Floor
Chicago, IL 60607

Illinois Attorney General
100 West Randolph Street
Chicago, IL 60601

Stephen R. Patton, Corporation Counsel
City of Chicago
30 N. LaSalle St., #700
Chicago, IL 60602

Please take notice that on December 6, 2016 at 9:00 a.m., I will appear Courtroom 101 in the Circuit Court of Cook County, 2650 S. California Avenue, Chicago, IL 60608, and present the **PETITION FOR APPOINTMENT OF A SPECIAL MASTER**, a copy of which is hereby served on you.

Respectfully Submitted,


Counsel for Jamie Kalven

Joshua Tepfer
Tara Thompson
THE EXONERATION PROJECT
at the University of Chicago Law School
311 N. Aberdeen St., Ste 2E
Chicago, IL 60607
(312) 789-4955
josh@exonerationproject.org
ID: 44407

PL JOINT 038736

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION

IN RE KALVEN APPOINTMENT OF)
A SPECIAL MASTER) Honorable Judge Leroy K. Martin,
) Chief Judge Presiding
)
)
)

PETITION FOR APPOINTMENT OF A SPECIAL MASTER

When [Ronald Watts] was approached by someone that he believed to be a courier for drug dealers, he jumped right on the idea of stealing what he believed to be drug proceeds from the courier and then kicking back a portion to the courier. He did this twice with apparently no second thoughts from what we see on the recordings, and *which leads you to wonder how many times he might have done something similar when the government was not involved.*

I also would note that [Ronald Watts] did other things such as putting a false case on the confidential source that was involved in our investigation. Had him arrested on drug charges. *And the source, who was a homeless unemployed alcoholic, felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn't commit.*

- Statements of Assistant U.S. Attorney Margaret J. Schneider, October 9, 2013, at the federal sentencing hearing of Ronald Watts. (Ex. F at 10, 11) (italics added).¹

¹ The exhibits in this petition are voluminous, and most are available in the court files of *People v. Ben Baker*, No. 05 CR 8982, *People v. Ben Baker & Clarissa Glenn*, No. 06 CR 810, or *People v. Lionel White*, 06 CR 12092. Undersigned counsel from the Exoneration Project represents or represented the Petitioners in those matters. The exhibit letter(s) corresponds to the exhibits as noted in *Baker, Glenn, and White* court files, and a full Exhibit List is attached to this Petition. For any new exhibits in support of this Petition, hard copies are attached hereto and are continuously marked where Petitioner left off in the *White* case. Additionally, an electronic copy of all the exhibits cited within this petition is included on the DVD attached to this filing.

Counsel can provide additional hard copies as requested by the Court.

Petitioner Jamie Kalven,² by and through his attorneys at The Exoneration Project, respectfully request that this Court appoint a special master to investigate the propriety of convictions obtained due to arrests by Sergeant Ronald Watts, or officers working under his supervision, up through Watts' own arrest in February 12, 2012.

In support, Petitioner states as follows:

INTRODUCTION

1. Over the last year, irrefutable evidence has surfaced that disgraced Sergeant and federal convict Ronald Watts—and members of his tactical team—engaged in what whistleblowing Chicago police officer Daniel Echeverria described as a “criminal enterprise” for “[d]amn near a decade.” (Ex. T at Dep p. 11-12, 27-28). Recently exposed FBI documents and sworn statements from Chicago police officers describe a Watts-led criminal enterprise that included robbery, extortion, shakedowns, theft of guns and narcotics, and direct involvement in the drug trade.

2. The documented evidence makes clear that Watts and his team—in furtherance of their criminal enterprise—routinely planted contraband on and fabricated false charges against those who would not “cooperate” or attempted to expose them. (Exs. A-M, O, P, R-X).

3. This criminal conduct continued up until Watts and one of his co-conspirators—Kallatt Mohammed—were arrested by the Federal Bureau of Investigations (FBI) in 2012. Both later pled guilty to stealing government money from a federal informant. (Exs. C-M).

² Petitioner Jamie Kalven’s interest in this matter is outlined in the appendix to this Motion. See also Jamie Kalven, *Code of Silence: Two Chicago police officers uncovered a massive criminal enterprise within the department. Then they were hung out to dry*, The Intercept, Oct. 6, 2016 (attached as Ex. QQQ) (documenting Petitioner Kalven’s extensive investigation and reporting on the Sergeant Watts-led corruption in the Chicago Police Department).

4. Recent litigation has shown that this Watts-led criminal enterprise resulted in the wrongful convictions of innocent people in the criminal courts of Cook County. Indeed, the full scope of this Watts-led corruption was exposed, due in part, to post-conviction litigation in two criminal cases: *People v. Ben Baker*, No. 05 CR 8982 and *People v. Ben Baker & Clarissa Glenn*, No. 06 CR 810. This litigation resulted in Ben Baker's release from prison after almost a decade of wrongful imprisonment; Baker's exoneration and certification of his innocence twice (for two different "crimes" fabricated by Watts and his team); and the exoneration (and finding of factual innocence) of Baker's wife Clarissa Glenn for a "crime" fabricated by Watts and his crew. (Exs. NN, PP, ZZ, AAA).

5. There is little question that the Baker and Glenn cases barely scratch the surface of the wrongful arrests, prosecutions, and convictions at the hands of an individual the Cook County State's Attorney's Office now acknowledges is a "dirty police officer." See Phil Rogers, *Chicago Man Who Claimed He Was Set Up By Corrupt Cops Released From Prison*, NBC5, Jan. 14, 2016³ (quoting Cook County State's Attorney Criminal Prosecutions Chief Fabio Valentini as stating, "Now it's a fact that [Watts] is a dirty police officer.").

6. As described more fully in the factual section below, the public record is replete with credible and/or already acknowledged examples of Watts and his crew framing individuals for crimes they did not commit during their decade-long reign of corruption. See e.g., *U.S. v. Watts*, 12 CR 87-1, Transcript of Sentencing Hearing, October 9, 2013 (Ex. F, at 11) (Assistant U.S. Attorney Margaret J. Schneider explaining that in the course of the federal government's investigation, Watts framed their informant, who, in turn, was forced to plead guilty and go to prison for a crime he did not commit); *Cartwright v. City of Chicago*, 1:09-CV-04298,

³ <http://www.nbcchicago.com/news/local/Chicago-Man-Who-Claimed-He-Was-Set-Up-By-Corrupt-Cops-to-Be-Released-From-Prison-365301721.html>

Complaint, July 17, 2009 (Exs. Y-Z) (documenting Sandra Cartwright's ordeal of being framed by Watts and his crew for drug charges in November 2007, and spending 1-1/2 years falsely imprisoned as a result); *People v. White*, No. 06 CR 12092, Motion to Vacate Conviction Pursuant to 735 ILCS 5/2-1401, Sept. 2, 2016 (documenting Lionel White's claim of being framed on false Class X drug charges by Watts and his cohorts and sentenced to five in prison in 2006—post-conviction litigation is ongoing); *Chicago Cops Who Broke "Code of Silence" to Report Police Drug Gang Face Deadly Retaliation*, Democracy Now!, October 21, 2016⁴ (quoting Shannon Spalding, one of the whistleblowing police officers who exposed Watts as saying: "this crew of rogue officers, under the command of Ronald Watts, were [] planting narcotics on innocent individuals and falsifying police reports, falsely arresting them, putting them in prison for false allegations"); Jamie Kalven, *Code of Silence: Two Chicago police officers uncovered a massive criminal enterprise within the department. Then they were hung out to dry*, The Intercept, Oct. 6, 2016 (attached as Ex. QQQ) (reporting, in Part II of his story, on two different informants who were convicted and served prison time based on cases Watts fabricated).

7. When faced with a similarly widespread scandal of systemic police misconduct routinely causing unreliable or wrongful convictions—namely, Commander Jon Burge and his notorious midnight crew physically abusing and torturing African American subjects during interrogations—retired Cook County Chief Criminal Court Judge Paul Biebel, *sua sponte*, appointed Special Master David Yellen to identify all of the potential victims of this corrupt crew of police. See *People v. Johnnie Plummer & Vincent Wade*, Nos. 91 CR 21451, 84 C 10108, Order, March 12, 2014 (attached as Ex. RRR) (appointing Dean David N. Yellen "as an

⁴ http://www.democracynow.org/2016/10/21/chicago_cops_who_broke_code_of

unpaid Special Master to identify all incarcerated individuals who have ‘valid claims’ of coerced confessions at the hands of Commander Burge and those under his authority”).

8. In response to far-reaching law enforcement scandals that caused an unknown amount of wrongful convictions, other jurisdictions have responded in the same way. *See supra* 122 (documenting similar investigations and responses in West Virginia, Philadelphia, Los Angeles, New York, and Boston).

9. Given the scope of this scandal—and the documented examples that individuals were, perhaps routinely, wrongfully convicted of crimes fabricated by Sgt. Watts’ tactical team—Petitioner requests that this Court order the same. The interests of justice necessitate a full accounting of all the victims that have been harmed by wrongful conviction through the actions of these rogue Chicago police officers.

10. Specifically, in a similar manner ordered by Chief Judge Biebel in the Burge scandal, this Court should (a) define a category of individuals with valid claims of being victimized by wrongful conviction by Sgt. Watts’ tactical team during Watts’ tenure as a supervisor or Sergeant with the Chicago Police Department (“Watts victims”), (b) appoint a Special Master to work with undersigned counsel in identifying “Watts victims,” and (c) forward the names of these “Watts victims” to the court for appointment of private *pro bono* counsel to each identified litigant.

FACTUAL BACKGROUND

Relevant Chicago Police Officer Assignments Covering Public Housing on Chicago’s Southside: 1999-2012

11. In 1999, the Chicago Police Department dramatically enlarged the public housing unit. Commander Ernest Brown was appointed to head the unit, which included public housing south and north. (Ex. QQQ).

12. Shortly thereafter, Sergeant Ronald Watts joined the public housing south unit as a supervisor. Sgt. Watts had previously been assigned to the 2nd District, and upon his transfer, he brought with him some of the same officers who had worked with him throughout his years on his tactical team. These included Officers Kallatt Mohammed, Alvin Jones, Brian Bolton, and Robert Gonzalez. Sgt. Watts remained a supervisor at public housing south until the unit disbanded in 2004. (Ex. QQQ).

13. After public housing south was disbanded, the area previously covered by it was included within the 2nd District. Sgt. Watts returned to the 2nd District, where he remained a supervisor. Mohammed, Jones, Bolton, and Gonzalez continued to work under Watts' supervision at the 2nd District. Other officers, including Douglas Nichols, Jr., Manuel Leano, Kenneth Young, Jr., and Elsworth Smith, Jr., also worked under Sgt. Watts's supervision at the 2nd District. (Exs. PPP, QQQ).

14. Up through 2004, Officers Shannon Spalding and Mickey Spaargaren were assigned to public housing south. When public housing disbanded, Officer Spalding was assigned to the 1st District (just north of the 2nd District), where she met and began working with Officer Daniel Echeverria. After their work led to a major drug bust at a public housing unit within the 1st District, Officers Spalding and Echeverria were reassigned to the narcotics division within the organized crime bureau. Officer Echeverria's assignment within this unit had him working out of a satellite office at the 2nd District that was right down the hall from Sgt. Watts. (Ex. QQQ).

Law Enforcement Officers Learning and Reporting of the Misconduct of Sergeant Watts and His Tactical Team

15. Prior to being relocated to the 2nd District, Officer Echeverria had never met Sgt. Watts. Officer Echeverria had, however, heard his name from many of people he had arrested in

public housing. On multiple occasions, arrestees would make veiled references of whether they could bribe Officer Echeverria to avoid arrest; on one occasion, he heard one of the young arrestees tell another, to “Shut up!” because “they ain’t like Watts.” (Ex. QQQ).

16. Officer Echeverria’s role within the narcotics division included debriefing arrestees. In the course of debriefings, he heard frequent references to Watts’ misconduct. This was especially true of those who were arrested at the Ida B. Wells housing development, who would say things like: *“Why are you messing with me, when your man Watts is out there running his game?”* (Ex. QQQ).

17. Officer Echeverria generally discounted these allegations, until he encountered a man named Bernard Brown. Brown’s allegations about Watts not only mirrored others, but Officer Echeverria was also able to corroborate his claims through other police documents. On August 14, 2009, a Federal Bureau of Investigation (FBI) Report, authored by Special Agent Patrick Smith, documents Brown’s statements relating to Sergeant Watts. Brown made these statements to Agent Smith in the presence of Officers Echeverria and Spalding. In this FBI report, Brown reported that Watts had been running “a drug line” out of the Ida B. Wells housing complex from as far back as 2000. Among other things, Brown described how Watts used a drug dealer identified as Big Shorty⁵ to operate the drug line, and that Watts protected Big Shorty from prosecution and received profits. Brown further stated that in or around 2000, members of the Hobos street gang stole money from Watts and Big Shorty’s drug line; in retaliation, Watts “targeted Hobos street gang members for arrests.” (Exs. X, QQQ).

⁵ Big Shorty is now known to be Wilbert Moore, who was killed on January 19, 2006. Mr. Moore’s homicide is, in part, the subject of an ongoing federal trial against multiple members of the Hobos street gang in front of U.S. Northern District Court Judge John Tharp. *See* Jason Meisner, *Prosecutor calls Hobos leaders ‘all-star team’ of killing, terror*, Chi. Trib. at 1, September 14, 2016, available at <http://www.chicagotribune.com/news/local/breaking/ct-hobos-street-gang-trial-opening-met-20160914-story.html>.

18. Having concluded that the allegations against Watts had merit, Officer Echeverria contacted his partner, Officer Spaulding, to ask her advice. Officer Spaulding, too, had repeatedly heard these allegations of police criminal activity within public housing. Officers Echeverria and Spaulding reported what they learned to supervisors at the CPD, but it became clear these supervisors would not pursue the matter. Believing there was more than enough information to warrant an investigation—and frustrated by the inaction of the CPD—Spaulding and Echeverria reported what they had learned to the FBI in late 2006 or early 2007. (Ex. QQQ).

Federal Investigations of Watts

19. Although highly redacted, documents obtained from an ongoing federal Freedom of Information Act (FOIA) lawsuit in *Ben Baker v. Federal Bureau of Investigation*, Case No. 1:14 CV 09416, make clear that as of the time Officers Spaulding and Echeverria contacted the FBI in 2006 or 2007, an FBI investigation into Watts and his team was well underway. A September 24, 2004 report, documenting an interview three days prior with an individual whose name is redacted, notes that “Watts gets IBW [Ida B. Wells] drug dealers to pay him to ‘work’ (sell drugs) in the housing project. If the payments are made to WATTS, he will in turn allow the drug dealers to continue to sell drugs.” The same report described Officer Mohammed as a co-conspirator in this scheme, and noted that “WATTS receives weekly payments from drug dealers . . . typically in the amount of \$5,000.” (Ex. O).

20. An FBI report dated September 27, 2004 provided further details. It noted that the FBI, Watts-targeted investigation involved CPD-IAD as well, and had already “resulted in the successful recovery of firearms.” The report documented statements from an individual who said Watts “solicited bribe payments from him” in exchange for allowing “his drug trafficking activity in the Ida B. Wells housing project.” (Ex. O). Highly redacted October 15, 2004, January

20, 2006, and February 10, 2006 FBI reports received as part of the federal FOIA litigation continue along these lines: All indicate that Watts was involved in systematic extortion, bribery, and drug trafficking. The federal investigation ceased, however, when the FBI learned that the Cook County State's Attorney was considering "parallel State prosecution." (Ex. O).

21. During this same time period, other federal agencies were receiving information related to Watts's criminal activity. Agents from the Bureau of Alcohol, Tobacco, Firearms, and Explosive (ATF) of the Department of Justice—in conjunction with officers with the federal Department of Drug Enforcement Agency (DEA) and several Chicago Police Department officers—were conducting an investigation into criminal activity of the Gangster Disciples at the Ida B. Wells Housing Projects.⁶ As part of this investigation, these officials interviewed Wilbert Moore ("Big Shorty") on April 7, 2005, or eight months before he was killed. (Ex. EEE).

22. In a detailed nine-page report that included sixty-two numbered paragraphs, Moore detailed extensive criminal activity in and around the Wells Housing Project. Beginning in paragraph 53, Moore described Watts's tactical team's role in the criminal activity. Moore explained that he had personally paid Sergeant Watts \$7,000 and that his associate, "Shock," had seemingly paid Watts much more. Moore further reported that Watts' associate, Officer Al Jones, "also took the payments from 'Shock.'" The report also refers to "Kenny" (believed to be

⁶ Petitioner Kalven's *Intercept* piece confirms that the federal Drug Enforcement Agency (DEA) had been investigating Watts. Kalven reports an interaction whistleblowing Officers Spalding and Echeverria had with a DEA Agent in or around 2010. An undercover agent saw Spalding and Echeverria interacting with a source identified as "Monk." The DEA Agent asked them about it, noting they "we're trying to get a wire up on him." During the meeting, when Watts' name came up, "the DEA agent was outraged to learn he was still on the force and had been promoted to sergeant." The DEA Agent responded: "Watts is still around, as corrupt as he is? We were looking into him 10 years ago. I can't believe your fucking department. I can't believe they didn't do anything about it." (Ex. QQQ, at Part II).

Officer Kenneth Young) and Officer Mehammed as other corrupt officers working with or for Watts. (Ex. EEE).

23. In the next paragraph, the ATF report documents that on one occasion, Moore and “Shock” paid Watts \$10,000 and two rifles. These payments were to avoid arrest. A later paragraph alleges that Watts stole forty “bags of weed” from someone and then sold the weed to “Shock.” The report further details Moore’s suspicions that Watts has a gambling problem, that a man named William Gaddy was also paying off Watts, and that Watts “shot at” Gaddy after Gaddy informed Watts he was not going to pay him off. (Ex. EEE).

24. The previously-suspended FBI investigation into Watts’ tactical team was rejuvenated in early 2007, when Officers Echeverria and Spalding contacted them. Although again highly redacted, a January 18, 2007 FBI report appears to document conversations the FBI had with Spalding and Echeverria. The report calls Sergeant Ronald Watts “a corrupt Police Officer” and states “that Watts, *along with other members of his team*, routinely used their positions as Police Officers to extort individuals at Ida B. Wells.” (Ex. P) (italics added). According to the redacted source, “it was common for Watts to keep narcotics on his person while on duty” and he “maintained possession of narcotics so that Watts could use the narcotics as leverage to extort people.” (Ex. P).

25. The limited and highly redacted number of reports that undersigned counsel has received thus far from the ongoing federal FOIA litigation makes clear that this rejuvenated re-investigation of the Watts tactical team continued for years. An October 26, 2007 FBI report described the targets of the investigation as “Ronald Watts, Kallatt Mohammed and others yet unknown,” and stated that they “are accused of engaging in the systematic extortion of money from drug dealers in the Ida B. Wells Housing Project in exchange for police protection.” A

report three months later, dated January 21, 2008, described “bribe payments . . . made to Mohammed on a biweekly basis in exchange for Mohammed and Watts’ protection.” A highly redacted February 7, 2008 report requested the use of a Title III wiretap and noted the U.S. Attorney’s Office concurred with the recommendation. (Ex. P).

26. A June 9, 2008 FBI report notes that Sergeant Watts “has been responsible for patrolling and investigating illegal activity within the Ida B. Wells Housing Complex . . . for approximately ten (10) years.” It noted that Watts “supervises nine (9) to ten (10) officers at any given time, including Kallatt Mohammed.” The same report explained “Watts regularly extorted payments from drug dealers in exchange for allowing the drug trade to continue at the Wells complex.” (Ex. P).

27. A November 19, 2010 FBI report calls Watts the “main target” of the investigation. This report, as well as a later one dated February 18, 2011, states, without qualification, that “Watts has engaged in the systemic extortion of drug dealers in the Second District.” These two reports go on to say that Watts is accused of committing a host of other crimes, including theft, the possession and distribution of drugs for money, ‘*planting*’ drugs on subjects, and paying informants with drugs.” (Ex. P) (italics added). Federal agents concluded that Watts’ above-described criminal activities had been ongoing “over the last ten years.” The redacted report states that other Chicago Police Officers were “directly involved in the extortion of drug dealer’s funds,” and it lists Kallatt Mohammed. The names of the other officers listed directly before Kallatt Mohammed are redacted. (Ex. P).

28. Finally, in a highly-redacted November 30, 2011 letter from “Special Agent in Charge” Robert D. Grant sent directly to U.S. Attorney Patrick Fitzgerald, the FBI explains,

“[a]s background” that its investigation “involves allegation[s] of systemic corruption within the Chicago Police Department Second District.” (Ex. P).

29. This sprawling, multi-faceted, seven-year investigation that involved multiple federal and local law enforcement agencies into “systemic” and “systematic” corruption of Watts’ tactical team—and which appeared to successfully utilize multiple wiretaps—culminated in a one count information charging Watts and Mohammed with theft of \$5,200 of government funds. (Ex. C). Watts and Mohammed were arrested on February 12, 2012 for this offense.

30. The Affidavit of Special Agent Craig Henderson in support of probable cause explained that, utilizing a Cooperating Witness identified only as “CS5,” Watts and Mohammed were caught on wiretap stealing money from the informant they believed to be a drug trafficker. However, even in the complaint supporting the single count information, Agent Henderson detailed his use of CS5 and how Watts would systematically steal money from drug dealers. (Ex. D).

Sworn Testimony and Statements of Chicago Police Officers Shannon Spalding, Daniel Echeverria, Juan Rivera, Mickey Spaargaren, and Pete Koconis

31. On November 1, 2012, Officers Spalding and Echeverria filed a federal whistleblowing lawsuit alleging that they had suffered retaliation ordered by supervisory personnel within the Chicago Police Department for exposing the criminal conduct of Watts and his tactical team. The amended complaint makes clear that Spalding and Echeverria were working with the FBI from 2007-2012 as part of the undercover investigation of Watts, Mohammed, and others at the 2nd District, and that they uncovered “evidence of illegal activity being committed by various Chicago Police Officers.” (Ex. R). On May 31, 2016, weeks after Mayor Emmanuel was ordered to testify about his statements acknowledging a Chicago police code of silence and the day the trial was set to commence, the lawsuit settled for \$2 Million. *See*

Jason Meisner, *Emanuel averts witness stand as city settles suit by whistleblower ccps*, Chi. Trib., May 31, 2016.

32. Prior to the settlement, Officers Spalding, Echeverria, and Defendant Juan Rivera—who headed the Chicago Police Department’s Internal Affairs Division during this time period—among others, were all deposed under oath. Although the focus of the lengthy depositions were the Plaintiff’s allegations of retaliation for violating the Chicago Police Department’s Code of Silence—and not the whistleblowing officers’ investigation into the Watts-led criminal enterprise—there is substantial sworn, police testimony that corroborates the systemic and widespread nature of the Watts-led corruption.

33. For example, in Officer Spalding’s November 2014 deposition, she notes that perhaps as far as *ten years prior to 2007*, an FBI Agent named Ken Samuels reached out to her about “illegal activity” involving “multiple officers, including Sergeant Watts.” (Ex. S at Dep. p.23). At that time, Officer Spalding had no information. Later, however, Officer Spalding transferred to a different unit and allegations from arrestees “continuously surfaced on the same sworn personnel. It never deviated from the personnel.” (Id. at Dep. p. 29). Officer Spalding later explained these arrestees would say that these personnel were essentially “out there running a dope line.” The arrestees consistently named Watts and his “crew, which was referring to his tact team.” (Id. at Dep. p. 30). Officer Spalding explained that she reported this information to authorities, explaining, at one time, that she told them, “that continuously the same names continuously popped up by people from different areas, whether it was Englewood or [Ida B. Wells] or the South Side, all consistently naming Ronald Watts and members of his team committing the same crimes of robbing the drug dealers, *false arrests*, stealing the money, extortion.” (Id. at Dep. p. 43, 53-54) (italics added).

34. Later, after the arrests of Watts and Mohammed but during the time that Officer Spalding alleges she was being retaliated against by the Chicago Police Department (*id.* at Dep. p. 312-23), Spalding complained directly to her police superiors:

You've got criminals like the rest of Ronald Watts' team still out there not under arrest for the crimes they've committed, and you have this completely false made-up allegation that you're going to detain me for.

(*Id.* at Dep. p. 323).

Throughout her deposition, Officer Spalding detailed other examples of other officers voicing complaints about Watts and his tactical team engaging in illegal conduct. (*Id.* at Dep. p. 368, 371).

35. In an interview with Officer Spalding on NBC with Phil Rogers,⁷ Officer Spalding was asked, and stated, as follows:

Rogers: And the corruption in the unit was much larger than Watts and Mohammed?
Spalding: Correct.
Rogers: And those officers are still on the force.
Spalding: Correct.

In the written article accompanying the video, Phil Rogers reported that Spalding and Echeverria said "the investigation was stopped before it snared at least half a dozen more officers."

36. In an earlier report, quoting unnamed "sources close to the investigation," Rogers reported "that the allegations about the unit date back more than 10 years, and that while two officers, Kallatt Mohamed and Ronald Watts have now been charged, other officers are under investigation. The same article quoted comments on the Second City Cop web page that said "Watts and his team from housing, which included Mohammed, were dirty over 10 years ago.

⁷ Phil Rogers, *Officers Allege Widespread Corruption Inside Chicago Police Department*, NBC5, Feb. 11, 2015, available at <http://www.nbcchicago.com/investigations/Chicago-Police-Officers-Allegations-of-Corruption-291607971.html> (Video :50 – 1:01).

I'm surprised it took this long for them to get taken down. And I'm really surprised that more of his team didn't get caught up in this indictment." Another, unnamed police officer wrote: "No secret in housing that Watts' team was dirty."⁸

37. When asked, Officer Echeverria testified similarly in his deposition. He said that as of August 2008, the FBI was well aware of what Watts, Mohammed "and others" had been doing for "[d]amn near a decade." (Ex. T at Dep. pp. 11, 27-28). Officer Echeverria called it "a criminal enterprise" that included "extorting money from drug dealers, stealing narcotics themselves, selling narcotics to rival gangs or rival buildings. . . . Basically facilitating the narcotics trade." (*Id.* at Dep. p. 11-12). When asked what illegal activity he uncovered, he responded: "What didn't I uncover, is more like the question." (*Id.* at Dep. p. 11). Officer Echeverria described what arrestees told him (*Id.* at Dep. pp. 14-15), and described Sergeant Watts as "dangerous. He's a gangster." (*Id.* at Dep. p. at 160).

38. In support of Officers Spalding and Echeverria's lawsuit, Chicago Police Officer Mickey Spaargaren prepared a sworn affidavit. Under oath, Officer Spaargaren swore that, while working on the Public Housing South team supervised by Ronald Watts, he witnessed Sgt.

⁸ Phil Rogers, *More Officers Under Investigation in Drug Probe: Sources*, NBC5, at <http://www.nbcchicago.com/news/local/chicago-police-department-watts-mohammed-drug-money-139329598.html> (italics added). The same page as those comments on the blog included another comment by an unnamed police officer who said Watts solicited him to commit criminal acts:

The karma bus rolled into the 002nd District and so now ex Commander GL and retired Lt KM do you believe me now?...PO KM [Kallatt Mohammed] and Sgt RW [Ronald Watts] are under arrest for the very thing I told you they asked me to do with them 4 yrs ago...but my punishment for telling was removal from tact and sent to a beat car...well for that Commander GL I THANK YOU FROM THE BOTTOM OF MY HEART...BTW...I've never been AFRAID to do my job...I've never had the desire to go to prison...

(Ex. W).

Watts, Officer Mohammed, and other members of Watts's crew fail to log or inventory large amounts of narcotics and drug money seized during drug busts. This occurred no fewer than five times. Officer Spaargaren eventually confronted Sgt. Watts about the missing inventory; in response, Sgt. Watts both threatened to falsify a case against him and made veiled threats to his safety. Officer Spaargaren later informed Lieutenant James Spratt about the missing inventory; Lt. Spratt, in turn, accused Officer Spaargaren of misconduct, and threatened that both his career and life would be in jeopardy if Officer Spaargaren reported Sgt. Watts' conduct to Internal Affairs. (Ex. V).

39. During the Defendant deposition of Chicago Internal Affairs Lieutenant Juan Rivera, Lieutenant Rivera confirmed that as far back as 2004, Sergeant Watts was being investigated by Internal Affairs. (Ex. U at Dep. p. 20). Lieutenant Rivera further confirmed that there were other officers involved in the illegal activity beyond Watts and Mohammed, calling it "a team of officers." (Ex. T at Dep. p. at 28). Lieutenant Rivera demurred on all questions related to the names of other officers (besides Watts and Mohammed) involved in the internal criminal investigation. Lieutenant Rivera was asked about three specific officers: Alvin Jones, Robert Gonzalez, and Brian Bolton. (Ex. T at Dep. p. 142).

40. Later, in support of the post-conviction case of Ben Baker, yet another Chicago Police Officer came forward. Thirty-eight year veteran Chicago Police Officer, Pete Koconis, retired from CPD in 2009. During his career as a CPD officer, he spent 18 consecutive years in the Internal Affairs Division (IAD), leaving that division in 2004 or 2005. Although not assigned to the case during his time at IAD, Officer Koconis learned that the FBI—and other CPD officers in IAD—were investigating Sergeant Watts and members of his tactical team. Because Officer

Koconis had been at IAD for so long, he was, at times, informally consulted on the investigation. (Ex. MM).

41. According to Officer Koconis' sworn affidavit, he was aware the investigation targeted multiple members of Watts' team who were involved in criminal activity. This investigation was still ongoing, and had been for many years, by the time Officer Koconis left IAD in 2004 or 2005. Officer Koconis swore that Officers Brian Bolton, Robert Gonzalez, Alvin Jones, and Douglas Nichols were officers "working in consort with Sergeant Watts and were being investigated" in the FBI-led investigation. (Ex. MM).

Proceedings on Federal Charges against Watts and Mohammed

42. The federal criminal proceedings against both Watts and Mohammed ended in guilty pleas. (Exs. F, J).

43. Mohammed pled guilty first, on August 17, 2012. His sentencing hearing occurred on October 26, 2012. (Exs. J, K). During that sentencing hearing, the U.S. Attorney argued that Mohammed's conduct was "repeated and ongoing," and noted that there were "multiple [uncharged] occasions" where he participated "in picking up essentially protection payments from drug dealers, some of which were from sources who were working with the Government, unbeknownst to him." (Ex. K, at 9). The government noted crimes committed by Mohammed in 2007, 2008, as well as the charged offense in 2011. (*Id.* at 11). For his part, Mohammed argued that "Watts was strong-willed, a strong supervisor that if you said no to him, you got certain punishments. He was an individual that people did not say no to without certain kinds of consequences." Mohammed argued that while he took some money on some occasions, Watts "was getting many thousands of dollars at a crack." (*Id.* at 12). Mohammed essentially claimed he had little choice but to engage in criminal conduct: "Watts controlled his unit with a

very, very strong will and strong fist. He ordered Kallatt Mohammed to do this, and we have phone calls that specifically say, you know: You go ahead and pick up this bag." (*Id.* at 13-14).

44. Judge Sharon Nelson called the nature and circumstances of the offense "outrageous." She commented that she could understand "one slip-up" but noted that Mohammed continued and did it "several times." (*Id.* 17-18). The court sentenced Mohammed to 18 months in prison. (*Id.* at 20).

45. Watts pled guilty on July 19, 2013, the Government filed a Sentencing Memorandum on October 2, 2013, and a sentencing hearing was conducted on October 9, 2013. (Exs. E, F, and H). In its written memorandum, the Government noted that Watts's criminal acts continued "[f]or years" and that he engaged in "years of crime." (Ex. H, at 1, 8). Watts "used his badge and his position as a sergeant with the Chicago Police Department to shield his own criminal activity from law enforcement scrutiny. He recruited another CPD officer into his crimes, stealing drug money and extorting protection payments from the drug dealers who terrorized the community that, he, the defendant, had sworn to protect." (Ex. H, at 1).

46. Looking merely at a five-month period from December 2007 – May 2008, the Government noted that Watts and Mohammed routinely "extort[ed] protection payments from drug dealers [] in exchange for agreeing not to arrest them." According to the memorandum, Mohammed admitted, over this five-month period, he, alone, was responsible for picking up between \$20,000 and \$25,000 in protection payments for Watts. (*Id.* at 2). The Government detailed many other uncharged criminal acts, including four payments totaling \$3,700 to one government informant, and two payments totaling \$1,000 to a second informant. Both informants claimed these payments were just the tip of the iceberg and just part of "day-to-day workings" of Watts' involvement in the drug trade at Ida B. Wells. (*Id.*).

47. Significantly, the Government's sentencing memorandum makes clear that Watts's criminal conduct included falsifying charges against individuals who would not work with him in his criminal scheme. The Government described one of their confidential source's (CS) interactions with Defendant Watts as follows:

The CS declined to give information to the defendant [Watts] because he did not trust him, but the defendant persisted in trying to get CS to work with him. At times, the defendant threatened to plant drugs on the CS and then arrest him for them. At one point, the defendant and other officers *falsely arrest the CS on drug charges*. The CS understood that as a homeless, unemployed alcoholic, he had no chance of successfully fighting against a corrupt cop who appeared to operate within the confines of the justice system. As a result, *the CS pleaded guilty and received a sentence of two years' imprisonment*.

(*Id.* at 3) (italics added).

48. At the sentencing hearing itself, the Government repeated these claims, noting Watts's ongoing criminal conduct started in "at least 2007." (Ex. F, at 10). And, again, the Government reiterated the story of Watts framing and causing the wrongful conviction of its informant.⁹ (*Id.*). The Government also presented evidence of other specific criminal conduct of Watts in which Mohammed was not involved, specifically one in March 2010 where Watts stole \$11,650 of Government money from an informant. (*Id.* at 20-21). The court ultimately sentenced Watts to 22 months in prison.¹⁰

⁹ The sentencing hearing later makes clear that this informant was named Mr. Hopkins. (*Id.* at 15-16, 24).

¹⁰ It should not escape notice that Sgt. Watts was sentenced to less time in prison than the confidential informant that the U.S. Attorney alleged Watts framed.

Known Individuals Framed by Watts and His Cohorts, Including Sandra Cartwright, Ben Baker (three times), Clarissa Glenn, and Lionel White

49. During the federal criminal proceedings in Watts and Mohammed's case, the U.S. Attorney's Office took the clear position that their confidential source—Mr. Hopkins—was framed, convicted, and sentenced to two years in prison for a crime fabricated by Sgt. Watts. The FBI's investigative documents—and sworn testimony of Chicago Police Officers—suggests this practice of falsifying charges was routine. Indeed, Chicago Police Officer Spaargaren specifically swore that Sgt. Watts threatened to falsify charges against him if Spaargaren exposed Watts' criminal conduct.

50. Officer Spalding, the whistleblowing police officer who investigated the Watts tactical team's criminal conduct for years, was recently interviewed by Juan Gonzalez and Amy Goodman of *Democracy Now!* Officer Spalding described the Watts tactical team's criminal activity and her investigation in this way:

My partner Danny and I started investigating allegations that kept surfacing. There was a sergeant, Ronald Watts, and members of his TAC team, who worked directly underneath him, that were imposing what they called on the street a "Watts tax." Basically, he was extorting the drug dealers. He was receiving money from drug dealers that ran different drug lines within the Ida B. Wells housing projects and the surrounding area. And in exchange for that money, they were guaranteed protection from prosecution and arrest. *In addition to that, the allegations were that this crew of rogue officers, under the command of Ronald Watts, were also planting narcotics on innocent individuals and falsifying police reports, falsely arresting them, putting them in prison for false allegations.* There's also the allegations of, you know, physical violence, of being beaten, if they didn't want to comply and pay this tax, as well as warrantless seizures, kicking in doors and going through people's apartments, stealing everything that wasn't nailed down. And the allegations kept being repeated over and over again from every individual that we would do intelligence debriefings with, along with our confidential informants.

Chicago Cops Who Broke "Code of Silence" to Report Police Drug Gang Face Deadly Retaliation, Democracy Now!, October 21, 2016 (italics added).

51. The public record, moreover, provides additional, specific examples of individuals who were victimized by Watts and his crew.

Sandra Cartwright

52. On November 3, 2007, Sandra Cartwright was in her apartment in a Chicago Housing Authority building when Sgt. Watts banged on her door, demanded that she opened it, and told her he would arrest her if she didn't. Cartwright fled out the back of her apartment. She fled because for some time prior to this incident, Officer Alvin Jones, "along with other Chicago police officers from the 2nd District," had been threatening and harassing her for information about drug sales in the building. Indeed, in one instance, an officer from the 2nd District had falsely arrested her, and Cartwright had filed complaints against these 2nd District officers. (Ex. Y).

53. After she fled from her apartment on November 3, 2007, Officer Lamonica Lewis caught Cartwright and brought her back to the apartment. When there, Officers Jones, Lewis, and Douglas Nichols planted drugs in her apartment and arrested Cartwright for a Class X felony. After almost a year-and-a-half in prison, Cartwright was acquitted at a jury trial where she represented herself. (Exs. Y-Z).

54. In the federal court file of Cartwright's case where she sued Officers Watts, Jones, Nichols, and Lamonica—*Cartwright v. City of Chicago*, No. 1:09-CV-04298—there are portions of deposition transcripts, including one of an individual named **Mister Lucky Tyrone Pearson**. In the midst of that deposition, after saying he planned to testify in Cartwright's favor at her trial, Pearson asks: "Ain't nothing going to happen to me, is it?" After some back and forth, Pearson clarifies that he is "just talking about as far as them trying to put something on me

again just for giving them my testimony. That's what I'm talking about." (Ex. SSS) (italics added).

Ben Baker and Clarissa Glenn

55. The most well-known, and familiar example to this Court of Watts and his crew falsifying charges against innocent individuals in furtherance of their criminal enterprise are the cases of Ben Baker and Clarissa Glenn. It is now widely-acknowledged that from June 2004 – December 2005, Watts and his crew framed either Baker, Glenn, or both in what became three different fabricated Cook County cases: No. 04 CR 1900, No. 05 CR 8982, and No. 06 CR 810.

56. From June 2004 – June 2006, Ben Baker and Clarissa Glenn were living with their three children in Apartment 206 of the Ida B. Wells Housing Complex. They had lived in that apartment together since 1997 and married in 2006. (Exs. QQ, at ¶ 10; RR, at ¶ 1).

57. Case No. 04 CR 1900: In June 2004, Sergeant Watts approached Baker and told him that he planned to attribute drugs supposedly found in a mailbox at the housing complex to Baker. If Baker gave Watts a \$1,000 bribe, however, Watts would ensure that Baker would “beat the case.” At the time, Baker had not been arrested or charged with any case relating to drugs found in a mailbox. Baker refused Watts’s solicitation of the bribe. (Ex. A at U43-49).

58. One month later, Sergeant Watts and three other officers stormed Baker’s home and arrested him. They found no drugs, but nevertheless arrested Baker for drugs allegedly found in a mailbox. (*Id.* at U43-49).

59. As a result of that false arrest, Baker spent four-and-a-half months in Cook County Jail in Case No. 04 CR 1900. In November 2004, however, Judge Toomin granted Baker’s motion to suppress the evidence. The State subsequently dismissed the case, and Baker was released from county jail. (Ex. Q; Ex. SS at 19-22).

60. Just one week later, Baker encountered Officer Alvin Jones—who was often seen with Watts (Ex. A, at U101)—just outside the Wells housing complex. When Baker complained to Jones that “was some BS y’all put that case on me,” Officer Jones replied: “[T]hat is part of the game you win some you lose some, you won this one because [Officer] Kenny [Young] . . . fucked up on his testimony.” Officer Jones then promised that the “next time we get you it will stick. . . . Kenny ain’t going to be able to fuck up the testimony.” (*Id.* at U49-54).

61. Case No. 05 CR 8982: On March 23, 2005, Officer Jones kept his promise. On that day, Baker was walking down the stairway of the Wells housing complex when Officer Douglas Nichols detained him and two others on the third floor. Baker was not in possession of any contraband. Remembering Officer Jones’s promise and knowing that Officer Nichols was part of Watts and Jones’s crew, Baker attempted to flee from Officer Nichols. Baker ran to the first floor where he was detained by Officer Manual Leano. Officer Leano searched Baker, but found nothing illegal. Baker was nevertheless arrested on site. Minutes later, Sergeant Watts and Officer Jones arrived, and Officer Jones said to Baker: “I told you we were going to get you.” (*Id.* at U30, 56-64).

62. Based on this March 23, 2005 arrest, Baker was subsequently charged and prosecuted in Case No. 05 CR 8982 with possession with intent to deliver 15.3 grams of heroin and 13.9 grams of cocaine.

63. During the pendency of the Class X drug charges in Case No. 05 CR 8982, Baker was on bond. At pre-trial hearings related to Baker’s bond, a Cook County Assistant State’s Attorney named David Navarro—who was not the prosecutor actually assigned to the case—would sometimes appear and state that he had no objection to an I-bond for Baker. (Ex. QQ, at ¶ 6); *see also* Ex. A at L3-4 (a December 8, 2005 court date in which ASA Navarro appeared,

where he indicates he has no objection to an I-bond despite multiple, pending non-probationable felony charges against Petitioner Baker, including in Case No. 05 CR 8982, and Case No. 05 CR 25580; *see also* *Id.* at N3 (parties agree at a December 14, 2005 court date that ASA Navarro had no objection to an I-bond, even though, by that time, an additional fabricated Class X felony charge under Case No. 06 CR 810 was now pending).

64. ASA Navarro was assigned to the public corruption unit in the State's Attorney's Office. He became involved in Baker's case because he was aware of Baker's allegations against Watts and his tactical team. Indeed, over the time period when Sergeant Watts first solicited Baker for a bribe and framed Baker (June/July 2004, through the pendency of his charges in Case No. 05 CR 8982), Baker and Glenn took several steps in an attempt to expose the police misconduct. They contacted the Office of Professional Standards (OPS) and met with city and county law enforcement officers who were purportedly investigating allegations made by Baker (and others) against Watts and his tactical team. Baker and Glenn also met with and spoke specifically with ASA Navarro about their allegations. (Ex. QQ, at ¶ 10); *see also* Ex. OO, at 6 (Judge Toomin stating that he was aware that ASA Navarro was investigating these allegations); *see also* Ex. A at S4 (same).

65. While Baker was on bond, Sergeant Watts and other members of his team learned about Baker and Glenn's attempt to expose their criminal conduct.¹¹

¹¹ *See* Ex. UU, Chicago Police Department Member's Bill of Rights, General Order 93-3, Effective January 13, 1993 (in effect in 2005), Addendum No. 1 at D-F (noting a presumption against anonymous disciplinary complaints and noting that "prior to the interrogation of a Department member under investigation, the member will be informed in writing of the nature of the complaint and the names of all complainants"); *see also* Agreement Between the City of Chicago Department of Police and the Fraternal Order of Police Chicago Lodge No. 7, Article 6.1E (Bill of Rights), available at http://directives.chicagopolice.org/contracts/FOP_Contract.pdf (noting that "[i]mmediately prior to the interrogation of an Officer under investigation [for a

66. Case No. 06 CR 810: In retaliation for Baker and Glenn's attempts to expose the criminal conduct of the police, Sergeant Watts and members of his tactical team framed Baker and Glenn on December 11, 2005, leading to charges in Case No. 06 CR 810.

67. On December 11, 2005, while on bond awaiting trial for Case No. 05 CR 8982, Baker was driving with his wife—Clarissa Glenn. As they were pulling up to a lot in or near the Wells Housing Complex, a blue and white police car appeared. Baker and Glenn believed that the police car was attempting to go around them, so Baker stopped his car. When he did, another car pulled up behind them and stopped. Sergeant Watts exited the driver's side of that car, and Officer Alvin Jones exited the passenger side. (Exs. QQ, at ¶ 12; RR, at ¶ 6).

68. Sergeant Watts and Officer Jones ordered Baker and Glenn out of the car. They complied, and the police officers then searched the car. Baker and Glenn had nothing illegal in the car. Glenn then observed Sergeant Watts pull a plastic bag that appeared to contain narcotics out of his right sleeve. Sergeant Watts then falsely claimed he found the narcotics on the driver's door of the car. Both Baker and Glenn were arrested and taken to the 51st Street police station. (Exs. QQ, at ¶ 13-14; RR, at ¶ 7-8).

69. At the station, Baker and Glenn were placed near a desk where Officer Kallatt Mohammed was sitting. Baker and Glenn were familiar with Officer Mohammed, who often patrolled the Wells housing complex as part of Watts's tactical team. When Officer Mohammed saw Baker and Glenn, he asked them what they were doing there. Baker informed him what Sergeant Watts and Officer Jones had done to them. Officer Mohammed merely shook his head and said something to the effect of, "that's too bad." (Exs. QQ, at ¶ 15; RR, at ¶ 9).

disciplinary violation], he or she shall be informed in writing of the nature of the complaint and the names of all complainants").

70. Shortly thereafter, Sergeant Watts and Officer Jones arrived back to where Baker and Glenn were sitting. Sergeant Watts then told Officer Mohammed to write up a report about the arrest. Officers Jones, Robert Gonzalez and other members of Watts's team were instructing Officer Mohammed what to put in the report. Baker and Glenn protested, specifically noting that Officer Mohammed wasn't even present during the arrest. Sergeant Watts brushed them off. (Exs. QQ, at ¶ 16; RR, at ¶ 10).

71. The police version of the arrest is documented in a three-page arrest report of Ben Baker and a two-page Vice Case Report. The arrest report lists Officers Jones and Mohammed as the arresting officers. The vice report similarly mentions Officer Jones and Mohammed, while adding that Sergeant Watts, Officer [Elsworth] Smith, Officer Gonzalez, and Officer Leano were witnesses. The since-federally convicted Mohammed, as well as Officer Jones, Gonzalez, Smith, and Leano are all known members of the now-federally convicted Watts' tactical team. Save for Mohammed and Smith, all of these officers were involved in framing Baker and sending him to prison for almost a decade in Case No. 05 CR 8982. Indeed, Officers Jones and Gonzalez falsely testified against Baker in that case, corroborating the false testimony of Sergeant Watts. (Ex. TT).

72. According to these police reports, the arresting officers had been surveilling Baker because an unnamed "concerned citizen" informed them that Baker "was enroute to get a supply of 'blow.'" After Baker purportedly failed to stop his car at a stop sign, he was "curbed" in the parking lot behind the Wells Housing Complex. According to the Vice Report, the arresting officers then pulled up to the side of the curbed car and saw Glenn hand Baker a clear plastic bag with suspect narcotics, and Baker put it in the driver's side arm rest console. The arresting officers then arrested Glenn and Baker. (Ex. TT).

73. The December 11, 2005 arrest led to Class X criminal drug charges against Glenn and Baker under Case No. 06 CR 810. They both were released on bond. (Exs. QQ, at ¶ 17; RR, at ¶ 11).

74. As to Baker, the State elected on Case No. 05 CR 8982 first. No substantive proceedings were held for either Baker or Glenn on Case No. 06 CR 810 prior to Baker's bench trial in Case No. 05 CR 8982 in May 2006. Attorney Matt Mahoney represented both Baker and Glenn as it related to all of these cases.

75. At the bench trial in May 2006 in Case No. 05 CR 8982, Baker testified to the facts as indicated in paragraphs 56-61. He explained in detail that he was innocent and being framed by Sergeant Watts and his crew all because he refused Sergeant Watts' bribe solicitation in 2004.

76. Sergeant Watts, Officer Jones, and Officer Nichols all denied the truth of Baker's testimony and the allegations he was being framed. Rather, the officers falsely testified that this was merely an onsite drug arrest, and Baker attempted to flee but was caught. Officer Leano (who Baker testified was the officer who detained him), however, did not testify. Instead, Officer Gonzalez falsely claimed that he was the one who detained Baker on the first floor, not Officer Leano. (Ex. A at U97-120; Supp. T. A6-18).

77. On June 9, 2006, noting that Baker's testimony was "not corroborated," Judge Toomin found Baker guilty. Baker's bond was revoked, and he was taken immediately into custody. (Ex. A at W7).

78. During his allocution at his sentencing hearing in Case No. 05 CR 8982, Baker noted that the same officers continued to frame him time and time again simply because he

refused to pay them off. He ended his allocution with a simple plea to Judge Toomin: “[Do] not let them do to my wife [Clarissa Glenn] what they are doing to me.” (*Id.* at X11).

79. Baker was originally sentenced to 18 years in prison. After noting Baker’s allegations of misconduct against the police officers—and stating that “[i]f there had been some corroboration, there might have been a different story,”—on July 28, 2006, Judge Toomin reduced Baker’s sentence to 14 years. (*Id.* at Y8).

80. After Baker’s wrongful conviction and lengthy sentence in Case No. 05 CR 8982, his “primary motivation was to ensure Clarissa was not imprisoned and our children would have their mother to raise them.” (Ex. QQ at ¶ 22).

81. For her part, since her arrest in December 2005, Petitioner Glenn—who had never been previously charged with any crime (Ex. RR, at ¶ 17)—had been committed to fighting the charges in Case No. 06 CR 810 because both she and her husband were innocent and being framed. However, after Glenn watched Baker be wrongfully convicted, her husband “was adamant that, for the sake of the kids,” they both could not be incarcerated. And Glenn was informed that she was facing a four-year prison sentence at minimum if she was convicted of at least one of the charged offenses at trial. Glenn and Baker also knew that in Case No. 06 CR 810, the same officers would testify in front of the same judge who, based on these officers’ fabricated testimony, convicted Baker in Case No. 05 CR 8982, and ultimately sentenced Baker to 14 years imprisonment. (Exs. QQ at ¶ 25; RR at ¶¶ 13-14).

82. When the State’s Attorney’s Office offered to reduce Glenn’s charges and recommend one year probation for her and a four-year sentence for Baker in exchange for guilty pleas by both, Baker persuaded his wife that they should take the deal. (Ex. QQ at ¶ 25; RR at ¶¶ 15).

83. Baker explained that, after being framed and sentenced to 14 years, he “would have taken any amount of time on this second drug charge with an assurance that Clarissa would not be imprisoned.” He pled guilty only “to protect my wife and our children from the risk of my wife’s imprisonment and upon the agreement that she would only be sentenced to 1 year probation.” (Ex. QQ at ¶¶ 23, 27).

84. For her part, Glenn stated that she “only pled guilty at Ben’s urging and upon the agreement that [she] would be sentenced to 1 year probation. [Petitioners’] children could not have both parents in prison.” (Ex. RR at ¶ 18).

85. During the plea hearing, Judge Toomin stated several times that if Baker and Glenn’s allegations about Sergeant Watts and his crew were ever proven true, he would immediately vacate the convictions.

*[L]et’s just assume that [] your suspicions, your conjecture has some merit here and that at some point down the line Sergeant Watts and his team are shown to be bad cops and if they have done all the things you have said they did, don’t you think that if Mr. Baker suffered a conviction in this case and in the other case where I have found them to be credible *don’t you think that I would vacate those convictions. I mean I have to and I certainly would.**

(Ex. OO, at 7) (italics added).

*Let me say this to both of you. I know through your lawyer what your position has been with regard to these police officers. I’m keenly aware of that. I know how you feel. I know what your defenses were earlier, Mr. Baker. There has not been [a] sufficient showing [to] me that these are renegade police officer[s]. That they are bad police that they are outlaws. *If something should happen in the future where has happened before as you may have read about in the paper in the last few weeks police officers do get charged with doing things that are wrong, breaking the law. If that should happen here in this case I would have no hesitation to vacate all of the guilty findings, judgments, sentences including the 14 years that you’re doing now. . . . If something should later develop, then I think your lawyer has told you my position and I would vacate these findings and I would toss out these convictions[.]**

(Ex. OO, at 29-30) (italics added).

86. At one point, Attorney Mahoney requested, in lieu of a straight guilty plea, that Baker and Glenn enter *Alford*¹² pleas “to protect [their] possible post conviction rights if there does come a time when Sergeant Watts is held to account for what he is alleged to have done.” (Ex. OO at 9).

87. Judge Toomin stated that “we don’t use [*Alford*] pleas,” but reiterated the convictions should be immediately vacated if Baker and Glenn’s allegations about the police are proven true:

I can’t conceive of a situation where if things should develop down the line where it turned out that your suspicions are correct and that this guy [Sergeant Ronald Watts] is tagged at some point that there is a judge in the building *I can’t conceive the state would object to vacating pleas and even convictions. It just would not be right to allow convictions [] if they were based upon outlaw police.*

(Ex. OO at 9-10) (italics added).

88. Baker and Glenn’s guilty pleas were entered on September 18, 2006. (Ex. OO).

89. On December 15, 2015, Baker filed a pleading entitled *Supplemental Pleading To Motion for Leave to File First Successive Amended Petition for Post Conviction Relief in Case No. 05 CR 8982*. This pleading was supported by two volumes of exhibits that were approximately four inches thick, including many of the same exhibits used in support of this pleading. Baker’s pleading, which supplemented pending post-conviction matters for the case in which Baker was serving a 14-year prison sentence, was the first filed court document to put the full, comprehensive scope of Watts and his tactical team’s decade-long reign of corruption squarely in front of the Court and the Cook County State’s Attorney’s Office.

90. On January 14, 2016, less than one-month after the full scope of Watts’s corruption was exposed, the Cook County State’s Attorney’s Office moved to dismiss all

¹² See *North Carolina v. Alford*, 400 U.S. 25 (1970) (allowing a defendant to plead guilty while simultaneously maintaining his innocence of the charged crime).

charges against Baker in Case No. 05 CR 8982. Baker was exonerated and released from prison after serving almost a decade of imprisonment for a crime fabricated by Watts and his tactical team. (Ex. NN).

91. That same day, Cook County State's Attorney Criminal Prosecutions Chief Fabio Valentini told NBC5: "The conviction's tainted. Now it's a fact that (Watts) is a dirty police officer."¹³ In a press release, Cook County State's Attorney Anita Alvarez noted that the conviction "can no longer stand," in light of Watts and Officer Kallatt Mohammed's federal criminal convictions.¹⁴ The decision by the Cook County State's Attorney's Office, of course, was an acknowledgement that Baker's May 2006 testimony about being framed by Watts, Jones, and his crew was true. It was also confirmation that when Watts, Jones, Gonzalez, and Nichols testified to the contrary, they committed perjury in furtherance of the Watts tactical team's criminal enterprise.

92. Just over one month later, on February 22, 2016 and without objection or intervention from the State, Chief Judge Martin granted Ben Baker a certificate of innocence based upon the identical evidence. Chief Judge Martin stated that this was the first Certificate of Innocence he ever allowed. (Ex. KKK). There is no way to interpret this finding other than to conclude that this Court found that Baker proved by a preponderance of the evidence that (1)

¹³ Phil Rogers, *Chicago Man Who Claimed He Was Set Up By Corrupt Cops Released From Prison*, NBC5, Jan. 14, 2016, available at <http://www.nbcchicago.com/news/local/Chicago-Man-Who-Claimed-He-Was-Set-Up-By-Corrupt-Cops-to-Be-Released-From-Prison-365301721.html>

¹⁴ Press Release, Cook County State's Attorney's Office, State's Attorney Dismisses Charges In Drug Case Involving Convicted Police Officer Following Conviction Integrity Review (Jan. 14, 2016), available at http://www.statesattorney.org/press_ConvictedOfficerDrugCaseDismissed.html.

Watts and his tactical team fabricated a crime against Baker; and (2) Officers Watts, Jones, Nichols, and Gonzalez committed perjury when they testified at Baker's trial to the contrary.

93. On March 17, 2016, Baker and Glenn sought to vacate their convictions and guilty pleas in Case No. 06 CR 810. Baker and Glenn relied upon the identical evidence they put forth in the December 2015 filing in Case No. 05 CR 8982, as well as the statements from Judge Toomin that he could not imagine "a judge in this building" denying this type of relief were Watts "tagged" or proven corrupt at a later date.

94. And indeed, just six days later, on March 23, 2016—and again, without objection from the State—Chief Judge Martin vacated Baker and Glenn's guilty pleas and convictions. The State immediately dropped all charges, exonerating Glenn and Baker (a second time). (Ex. ZZ). On April 5, 2016, again, based on the identical evidence, Baker was awarded his second certificate of innocence. Chief Judge Martin also found Glenn factually innocent.¹⁵ (Ex. FFF).

95. Based on these findings, there can be no other conclusion other than this Court again found, by a preponderance of the evidence, that (1) Sgt. Watts and his tactical team fabricated Class X drug cases against Baker and Glenn, and (2) Officers Jones, Mohammed, Elsworth Smith, Robert Gonzalez, Manual Leano, and Watts conspired to fabricate and falsify police reports that led to Class X drug charges against Baker and Glenn.

Lionel White

96. The allegations of Lionel White essentially mirror those of Baker, Glenn, Cartwright, and the police informant (Mr. Hopkins) identified by the U.S. Attorney at Watts' sentencing hearing. White, whose post-conviction case remains pending in this Court, alleges

¹⁵ Glenn was denied a certificate of innocence solely on the ground that she was not sentenced to a term of imprisonment because, in this Court's view, probation does not encompass imprisonment.

that on April 24, 2006, Officer Jones and Sgt. Watts knocked on his door at the Ida B. Wells housing projects. Upon entering, Officer Jones beat him severely. Watts and Jones then planted a Class X amount of narcotics (100 bags) on him. Members of Sgt. Watts's tactical team, including Officers Jones, Smith, Mohammed, Leano, Brian Bolton, Gonzalez, and Nichols—along with Watts himself—then fabricated police reports. White believes he was targeted because, in previous encounters with these officers, White refused to bribe them. White's allegations are corroborated by three affiant witnesses, as well as complaints he made to the Office of Professional Standards. (Exs. CCC-DDD, LLL-OOO); *see also People v. White*, 06 CR 12092, Motion to Vacate Conviction Pursuant to 735 ILCS 5/2-1401, Sept. 2, 2016.

Other Citizen Allegations of Being Victimized by Watts and His Team

97. On two consecutive days in October 2009, two individuals reported separate, unrelated incidents where members of Watts' tactical team crashed their police cars into them and then covered up their misconduct, initiated false charges, or both.

Leroy McCambray

98. Leroy McCambray filed a federal civil rights suit against, *inter alia*, Sergeant Watts and his tactical team officers—Douglas Nichols and Manual Leano. (Ex. AA). McCambray alleged that on October 21, 2009, Officer Melvin Bailey "ran down McCambray with his motor vehicle," breaking McCambray's hip and causing extreme physical pain. (*Id.* at 9, 11). McCambray then alleged that Officers Nichols and Leano arrived, but they ignored McCambray's pleas for medical care and claims that Bailey hit him with his car. (*Id.* at 11). After being "dragged" by Officers Nichols and Leano to the 2nd District, McCambray told Sergeant Watts what happened and that he needed to go to the hospital. "Watts informed McCambray that if McCambray went to the hospital, the police officers would put a gun case on him and put cases on him." (*Id.* at 13-

14). McCambry then alleged that “Nichols falsified his police report omitting the fact that McCambry was struck by the police car.” (*Id.* at 17). Nichols also falsely testified in front of the grand jury that during Officer Bailey’s pursuit, McCambry “fell between a fence and Bailey’s car.” (*Id.* at 18).

Charles Rogers

99. According to a December 1, 2009 recorded statement given to the Independent Police Review Authority (IPRA), Charles Rogers explained that a similar thing happened to him on October 20, 2009, or one day before the McCambry incident. (Ex. CC). Rogers explained that after he purchased a bag of heroin, he saw a detective car “barreling through the alley.” (*Id.* at 7). Rogers started to run, and the police car, driven by Officer Alvin Jones, crashed into him. (*Id.* at 7-8). Two contemporaneous “event queries”—or calls to the Chicago police—report that a man had been “struck by an auto.” (*Id.* at 29-30). Hospital records, moreover confirm that Rogers had a serious leg injury from blunt force trauma. (*Id.* at 21-28).

100. After Officer Jones struck Rogers with his vehicle, individuals in the neighborhood began recording the incident. (*Id.* at 9). At that time, officers on the scene decided to call an ambulance. As they were doing so, “one police officer in charge of all these police officers, Jones and all of them. And he came over to me and he said, ‘Look man, you gotta take this one bad case and don’t go to the hospital or if you do, we got you when you come back.’” (*Id.* at 10). Rogers did go to the hospital. He then explained, as punishment, the police falsely planted 7 live 9-mm bullets on him. (*Id.* at 10-13). They also fabricated a claim that Rogers simply fell while running and Officer Jones denied hitting him with a car. (*Id.* at 13).

101. The arriving officer who threatened to (and did) frame Rogers, described as “the one in charge,” clearly appears to be Sergeant Watts. This is corroborated by the fact that

Sergeant Watts immediately took a statement from a supposed eyewitness, Derrick Collins. (*Id.* at 19-20). In this brief handwritten statement taken by Sergeant Watts, Collins says Rogers “was resisting police,” took off running and fell, and was never hit with the police car. (*Id.* at 20). In light of this statement—and despite the fact that the “event queries” indicated a man was “struck by an auto”—the Cook County State’s Attorney’s Office declined prosecution of Officer Jones.

102. Needless to say, knowing what we now know about Sergeant Watts—both from his federal criminal case, the FBI investigation, the sworn deposition testimony of other Chicago police officers, and everything else alleged in this petition—these allegations take on a new level of credibility. Taken together, these lawsuits provide yet more examples of individuals who can corroborate that Watts, together with key members of his tactical team framed individuals and fabricated cases to further their own criminal acts.

Informants Wrongfully Convicted as Reported by Petitioner Kalven

103. Petitioner Kalven’s recently-published *Intercept* piece documents Officers Spalding and Echeverria’s investigation in their own words. Part II of Kalven’s piece, entitled *Operation Brass Tax: Corrupt Chicago Police Were Taxing Drug Dealers and Targeting Their Rivals*, documents Spalding and Echeverria’s use of two informants, both of whom relayed to the whistleblowing officers their own stories of Watts framing them. (Ex. QQQ).

104. The first informant is referred to as “Chewbacca;” he is the same informant framed by Watts repeatedly referenced by the U.S. Attorney’s Office during the sentencing proceedings in the federal criminal case against Watts. *See supra ¶¶ 47-49, n. 9.* Kalven, however, reports additional details. He notes that when Spalding and Echeverria started working for the FBI in 2007, they went looking for “Chewbacca”—an informant they had worked with, on other matters, for many years. When they found him, “Chewbacca” informed the undercover

officers that he had been in prison because “Watts had put a case on him.” “Chewbacca” reported this occurred after Watts “pressed him for information about where some drugs were stashed.” When “Chewbacca” did not provide the information, Watts retaliated against him by putting a case on him. “Knowing he wouldn’t be believed over Watts, he pleaded guilty,” and got a two-year prison sentence. (Ex. QQQ).

105. When Spalding and Echeverria approached “Chewbacca,” he had just gotten out of prison for the crime in which Watts framed them. The undercover officers asked him about Watts, and, according to Spalding and Echeverria, “Chewbacca started talking and it was a long time before he stopped. He was an avalanche of information, confirming the scope of the protection racket Watts was running.” (Ex. QQQ).

106. “Chewbacca” reported that he had seen Watts pay off drug dealers “hundreds of times. . . . The boys call him Thirsty Bird. You have to pay taxes to sell dope.” (Ex. QQQ).

107. “Chewbacca” told the whistleblowing officers that he had seen Watts take drugs off one person and put them on another “[o]n many occasions over the years.” (Ex. QQQ).

108. One such person was another informant, unnamed in Kalven’s article. This individual was a drug dealer from the Harold Ickes Homes on South State Street from whom Watts had routinely taken protection payments through the years. However, on one occasion, Watts was unsatisfied with the amount of the bribe, and in retaliation, “Watts put someone else’s package on him and arrested him.” Once again, this resulted in two years of prison (from 2007-2009) for this unnamed informant. (Ex. QQQ).

109. Kalven goes on to report that because of these experiences, “Chewbacca” and this unnamed individual agreed to work as informants for Spalding, Echeverria, and the FBI

investigation. This included a March 31, 2010 “sting”—caught on wiretap—that involved Watts, Mohammed, and Officer Alvin Jones, another member of the Watts tactical team. (Ex. QQQ).

ARGUMENT

Request of Appointment of Special Master and Proposed Duties of the Appointed Master

110. In considering the request made in this petition, it makes sense to clarify briefly what Petitioner is **not** requesting. For one, Petitioner is not asking that this Court certify or rule upon a class action post-conviction petition. Chief Judge Biebel, in *People v. Plummer & Wade*, has already ruled that there is no means to allow this type of class certification under Illinois law. (Ex. RRR).

111. At the same time, Petitioner also is **not** requesting an appointment of a special prosecutor pursuant to 55 ILCS 5/3-9008 at this time. To undersigned counsel’s current understanding, senior personnel within the Cook County State’s Attorney’s Office (CCSAO) first truly learned of the full scope of Watts’ reign of corruption on or about December 15, 2015, or when Petitioner Ben Baker filed an extensive pleading and two large volumes of exhibits in Case No. 05 CR 8982 that documented the scandal. The CCSAO voluntarily dismissed the charges against Baker—agreeing to his release from prison—less than one month later. And in the subsequent case of Baker and his wife Clarissa Glenn in Case No. 06 CR 810, the CCSAO voluntarily agreed to dismissal of those charges a mere six days after the filing, or at the very first court date. The fact that the CCSAO acted both quickly and decisively in handling these matters suggests there is not an inherent conflict of interest in relation to cases involving “Watts victims.” At this time, Petitioner maintains the belief that the CCSAO is capable of performing its duties in relation to any subsequent post-conviction proceedings of alleged, individual “Watts

victims.” *See* Cook County State’s Attorney’s Office: Press Releases, January 14, 2016¹⁶ (announcing the exoneration of Ben Baker after ten years of wrongful imprisonment while noting that the conviction “can no longer stand,” in light of Watts and Officer Kallatt Mohammed’s federal criminal convictions).

112. At the same time, however, there is no indication that the CCSAO—or any other government entity—has proactively attempted to locate and/or audit past cases of potential injustice caused by Watts and his team. The CCSAO is responsible for handling 30,000 felony cases and several hundred thousand misdemeanor cases annually.¹⁷ Although the Office has a small, dedicated *Conviction Integrity Unit* established in 2012 with the purpose of reviewing potential wrongful convictions, this unit has traditionally focused only on re-investigating murders or other serious violent crimes. As far as Petitioner and undersigned counsel are aware, moreover, the Unit has never conducted an investigation into a matter that might involve widespread wrongful convictions or that sought to identify unidentified individuals who may be wrongfully convicted; its work, rather, has focused on re-investigating individual cases one-by-one. *Compare* Curtis Black, *Convictions tied to disgraced detective demand closer look*, Chicago Reporter, Oct. 22, 2015¹⁸ (explaining how the City of Chicago retained former U.S. Attorney Scott Lassar and the Sidley Austin Law Firm to do an extensive, widespread re-investigation of any cases involving alleged corrupt police officer Reynaldo Guevara). The request in this petition is to identify the unknown number of individuals who were framed and convicted by Sgt. Watts and his team in furtherance of those officers’ own corrupt, decade-long criminal

¹⁶ http://www.statesattorney.org/press_ConvictedOfficerDrugCaseDismissed.html

¹⁷ Cook County State’s Attorney’s Office, Criminal Prosecutions Bureau, <http://www.statesattorney.org/criminalprosecutions.html>.

¹⁸ <http://chicagoreporter.com/convictions-tied-to-disgraced-detective-demand-closer-look/>

enterprise. This is either outside the scope of the duties of the CCSAO, or not within its current capacity.

113. At the same time, individual post-conviction litigators, like undersigned counsel, are not equipped to identify all of the “Watts victims” and/or independently address the enormous scope of the decade-long corrupt practices of Watts and his tactical team without court or government intervention. Private post-conviction attorneys simply lack the necessary law enforcement tools that would enable them to comprehensively identify “Watts victims,” especially due to the limited ability to seek discovery post conviction, let alone without a case pending. *See People ex rel Daley v. Fitzgerald*, 123 Ill. 2d 175 (1988). At the same time, any efforts of counsel to so identify a class of “Watts victims,” without court authority, would likely run afoul of Illinois Rules of Professional Conduct prohibiting the solicitation of clients. *See* Ill. R. Prof. Cond. 7.3.

114. In very similar circumstances, former Chief Judge Paul Biebel “fashioned” the same remedy proposed here. In *Plummer & Wade*, this Court appointed a special master to address the “unchallenged fact” that “Chicago Police Commander Jon Burge and those under his command” coerced confessions from “an unknown number of individuals.” Ex. RRR, at 1, 4. A Special Master was appointed because “it is of highest importance that these remaining possible Burge-related cases be given resolution.” *Id.* at 6. The Special Master was tasked to identify all individuals with a “valid claim” of a Burge-related coerced confession. *Id.* at 6. The court went on to define the elements of a “valid claim,” as well as dictate a procedure where the Special Master would forward the identified individuals with a valid claim to the Court, who would, in turn appoint private *pro bono* counsel to represent each identified litigant. *Id.* at 7. Chief Judge

Biebel explained that “[t]here must be a vehicle to address these painful issues stemming from the Burge-related misconduct.” *Id.* at 8.

115. Petitioner requests a similar process. Petitioner proposes that the following criteria be used by the Special Master to establish that an alleged “Watts victim” has a “valid claim”:

- a. The individual was arrested by Sgt. Ronald Watts, or an officer under his chain of command or direct supervision.
- b. The arrest led to the individual’s conviction of a felony offense.
- c. The individual alleges that he is innocent of the charged offense, and that he was framed or the crime was fabricated by Sgt. Watts or an officer under his chain of command or direct supervision.
- d. The individual has never had the opportunity to present his claim with the benefit of the substantial evidence now available to implicate Watts and those who worked under him.

116. Petitioner proposes that the Special Master prioritize examining cases of individuals that remain incarcerated, but does not so limit the Special Master’s jurisdiction. The Special Master may consider whether the individual made allegations that they were framed to any law enforcement entity (including Chicago Police Internal Affairs, the Office of Professional Standards, the Independent Police Review Authority, an Internal Affairs unit of the Illinois Department of Corrections, etc.), other entities, or even other individuals prior to their conviction. The Special Master may also consider whether the allegations involve officers known to have been complicit with Sgt. Watts in his misconduct, including Officer Kallatt

Mehammed and other officers identified in redacted FBI documents, sworn statements of whistleblowing police officers, or other documents or exhibits in support of this petition.

117. To allow the Special Master to effectively identify those with “valid claims,” the Special Master should be given power to issue appropriate *subpoena duces tecum* to the Chicago Police Department, the Independent Police Review Authority, the Cook County State’s Attorney’s Office, the Illinois Department of Corrections, or other relevant agencies. The Special Master should be permitted to use any other means to identify those with “valid claims” that the Master deems appropriate, including, where necessary and with permission of the court, the taking of sworn testimony.

Legal Authority and Argument

118. Although Chief Judge Biebel did not cite any particular Illinois rule or statute in *Plummer & Wade* when he appointed Special Master Yellen therein, Illinois law provides the legal basis for the remedy suggested here and utilized therein.

119. In *Walker v. McGuire*, 2015 IL 117138, the Illinois Supreme Court recently traced the use of “masters in chancery.” The *Walker* court, citing Black’s Law Dictionary, first defined a master in chancery as “[a]n officer appointed by a court of equity to assist the court.” *Id.* at ¶ 20 (citing Black’s Law Dictionary 1065 (9th ed. 2009); *see also* Black’s Law Dictionary (10th ed. 2014) (defining “master” as “a parajudicial officer (such as a referee, an auditor, an examiner, or an assessor) specially appointed to help a court with its proceedings. . . . – Also termed *special master*,” which is defined therein as “[a] master appointed to assist the court with a particular matter or case”). The *Walker* court noted that the use of masters in chancery in Illinois courts dates back to at least 1835. *Id.* (citing James R. Bryant, *The Officer of Master in*

Chancery—Development and Use in Illinois, 49 Nw. L. Rev. 453, 455 (1954) (citing 1835 Ill. Laws 32)).

120. *Walker* explained that “masters in chancery” were abolished as part of the new judicial article to the 1870 Illinois Constitution adopted in 1962 and made effective January 1, 1964, but ultimately concluded that the clear motivation of that prohibition were the fees associated with the masters. *Id.* at ¶¶ 18, 23-24; *see also* Bryant, 49 Nw. L. Rev. at 470-79 (cited repeatedly in *Walker*). Prior to the constitutional prohibition, Illinois had a Masters in Chancery Act, Ill. Rev. Stat. 1961, ch. 90, ¶¶ 1-2. *Walker*, 2015 IL 117138, at ¶ 21. The Act specifically allocated authority to masters to, *inter alia*, take depositions, compel attendance of witnesses, and make proposed findings of fact and conclusions of law. *Id.* at ¶ 21-22. Essentially, as stated in *Ellwood v. Walter*, 103 Ill. App. 219, 222 (1902), a master “is also called the arm of the court, and he is generally held to have such powers as a court of equity may confer upon him, provided they are left subject to review by the court.” *See also* Fed. R. Civ. Pr. 53(a)(1)(B)(i) (providing for the appointment of masters in federal court to “recommend findings of fact on issues to be decided without a jury if appointment is warranted by [] some exceptional condition”); Arthur Miller, *Federal Practice & Procedure*, Ch. 7, Rule 53—Masters, April 2016 Update, 9C Fed. Prac. & Proc. Civ. § 2602.1 (3d ed.) (noting that “judicial discretion and flexibility of use remain the hallmarks of practice under Rule 53”).

121. It appears evident that, when Chief Judge Biebel fashioned the special master remedy in *Plummer & Wade* proposed here, he relied on the established history of the use of masters in Illinois for equitable purpose. By ensuring the master was unpaid, Chief Judge Biebel circumvented the constitutional prohibition against masters, or “fee officers.” Ill. Const. 1970, Art. 6, § 14; *Walker*, 2015 IL 117138, ¶ 18. His order, therefore, was established in firmly

grounded principles of Illinois law and equity, and was necessary to “finally resolve” the “painful issues stemming from the Burge-related misconduct” that has lingered in this county for many years. (Ex. RRR).

122. Other jurisdictions, when faced with situations involving systemic corruption, abuse, or error, have similarly taken steps to identify those victimized and potentially wrongfully convicted. A sampling of those instances from across the country, including some that continue to be ongoing, are as follows:

a. West Virginia State Police Crime Laboratory

Upon a motion of a county prosecutor, a retired West Virginia circuit court judge was ordered “to supervise an investigation” of the Serology Division and the acts of misconduct of its Director, Fred Zain. The investigation included the taking of sworn testimony and culminated in a report that identified at least 133 cases where Trooper Zain made relevant identifications that may have been based on “scientifically inaccurate, invalid, or false testimony” and “raise[d] the distinct possibility” that Zain’s pattern of misconduct may have resulted in serious miscarriages of justice.” Citing *Giglio v. United States*, 405 U.S. 150 (1972), and the Illinois Supreme Court case of *People v. Cornille*, 95 Ill. 2d 497 (1983), the West Virginia Supreme Court ultimately adopted the Report’s recommendation and held that all cases in which Trooper Zain participated by offering “testimonial or documentary” evidence should be vacated unless the evidence independent of it was sufficient to convict.

In the Matter of an Investigation of the West Virginia State Police Crime Laboratory, Serology Division, 190 W. Va. 321 (1993).

b. Philadelphia’s 39th District Corruption Scandal

In what the 3rd Circuit federal court called the “infamous 5 Squad of the 39th District,” corrupt officers—“in instances too numerous to chronicle”—“executed illegal searches, detained individuals without legal cause, employed excessive force against detainees, caused the false prosecution of numerous individuals, and stole money and property from persons they were investigating.” In response to this scandal, the court appointed Common Pleas Court Judge Legrome Davis to preside over all the cases involving the 39th District. With the help of the public defender’s office, cases and individuals were identified, and ultimately, and at least 293 individuals had their cases dismissed, including the release of a number of individuals still wrongfully

imprisoned as a result of the corrupt officers. The District Attorney's Office seemingly agreed in most, if not all, cases to dismiss the charges in the "interests of justice."

U.S. v. Baird, 109 F.3d 856 (3rd Cir. 1997);
Mark Fazlollah, *13 More Cases Head for Reversal / They Would Bring to 39 the Number of Overturned Drug Convictions in the Police Corruption Scandal*, Philadelphia Inquirer, July 11, 1995;
Mark Fazlollah, *11 More Cleared Due to Scandal / A Judge Threw Out the Convictions from the 29th District. Misconduct Has Caused 293 Cases to be Dropped in Two Years*, Philadelphia Inquirer, March 25, 1997.

c. Los Angeles Police Department Rampart District Scandal

On September 8, 1999, Los Angeles police officer Rafael Perez signed a plea bargain agreeing to help uncover corruption with the LAPD, which included bogus arrests, perjured testimony, and falsifying arrests and convictions of innocent people. A joint investigation of the District Attorney's and Public Defender's Office eventually led to more than a hundred convictions being thrown out because the D.A. had "lost confidence in the conviction[s]." According to multiple sources, "thousands" more were still being investigated. Convictions were thrown out even where individuals had already completed their sentences. District Attorney Gil Garcetti dedicated at least ten full-time lawyers to address the widespread scandal involving years-long systemic police corruption.

Peter J. Boyer, *Bad Cops*, New Yorker, May 21, 2001;¹⁹
Peter J. Boyer, *Bad Cops*, PBS Frontline, 2001;²⁰
Matt Lait Scott Glover & Tina Daunt, *Scandal Could Taint Hundreds of Convictions*, L.A. Times, Feb. 17, 2000.²¹
Report of the Rampart Independent Review Panel, at p. 5²²

d. New York 30th Precinct Corruption Case

From 1994-1997, thirty-three officers from New York's 30th Precinct were convicted of drug dealing, robbery, and perjury. At least a dozen officers acknowledged they "routinely" lied under oath against criminal defendants. In response, the Manhattan District Attorney's office assembled a team of prosecutors to review every case in which the corrupt officers had ever testified – 2,000 in all – leading to 125 overturned convictions against 98 defendants.

¹⁹ <http://www.newyorker.com/magazine/2001/05/21/bad-cops>

²⁰ <http://www.pbs.org/wgbh/pages/frontline/shows/lapd/later/outcome.html#civil>

²¹ <http://articles.latimes.com/2000/feb/17/news/mn-65387>

²² <http://www.clearinghouse.net/chDocs/public/PN-CA-0002-0008.pdf>

David Kocieniewski, *New York Pays a High Price for Police Lies*, N.Y. Times, Jan. 5, 1997.²³

e. Annie Dookhan and the William A. Hinton State Laboratory Institute Scandal in Boston, Massachusetts

In 2012, lab chemist Annie Dookhan admitted to an array of misconduct and falsification of drug testing results during her work with the Massachusetts state lab. As a result, Governor Deval Patrick established a Task Force to identify all of the individuals potentially affected by the misconduct of Dookhan. The Task Force generated a list of over 40,000 individuals potentially affected. Subsequent Massachusetts Supreme Judicial Court decisions presumptively ordered that convictions obtained via both trial and guilty plea involving Dookhan should be vacated due to “egregious government misconduct.”

David E. Meier, Special Counsel to the Governor’s Office, *The Identification of Individuals Potentially Affected by the Alleged Conduct of Chemist Annie Dookhan at the Hinton Drug Laboratory: Final Report to Governor Deval Patrick* (August 2013);²⁴

Com v. Scott, 467 Mass. 336 (2014)

Com v. Francis, 474 Mass. 816 (2016)

123. Needless to say, appointing an unpaid special master to identify cases of injustice is not something that can, or should, be done routinely in this country. It is a “fashioned” remedy that must be used sparingly and only in exceptional circumstances. A court should not order it based on *allegations* of official misconduct alone, or even based upon a single, proven incident of official misconduct.

124. The Watts-led corruption detailed herein, however, is exceptional. Mountains of *law enforcement* documents and sworn statements uncovered in the last year demonstrate without any shadow of a doubt that a supervising officer in the Chicago Police Department was utilizing his own tactical team to routinely frame individuals for crimes they did not commit, as

²³ <http://www.nytimes.com/1997/01/05/nyregion/new-york-pays-a-high-price-for-police-lies.html>

²⁴ <https://www.massbar.org/media/1409565/demreporttogovernor.pdf>

well as committing a host of other crimes. And these were not low-level crimes: The three cases already identified as wrongful convictions all involved Sgt. Watts and his team planting Class X amounts of drugs on the subsequently wrongfully convicted. *See People v. Ben Baker*, No. 05 CR 8982; *People v. Ben Baker & Clarissa Glenn*, No. CR 810; Ex. PPP. A fourth allegation currently pending in this Court—*People v. Lionel White*, No. 06 CR 12092, also involved a Class X crime, with the allegation that Watts and his team planted 100 bags of narcotics when framing Mr. White. (Exs. CCC-DDD). To the extent it matters, Watts and his team's victims included individuals who were not involved in criminal activity. *See e.g.* Ex. RR, at ¶ 17 (Affidavit of Clarissa Glenn – explaining that she had “not been charged or convicted of any crimes either before or since this case. This is my sole arrest in life.”).

CONCLUSION

125. In a new era of police accountability in this City, it is paramount that that our courts take appropriate remedial actions to repair damage done to citizens by police corruption. There can be no serious challenge to the claim that Sgt. Watts and his tactical team were responsible for an unknown number of false charges and wrongful convictions. Those individuals must be identified, and they must be given an opportunity to seek justice.

WHEREFORE, Petitioner respectfully requests that this Court appoint a special master to identify individuals who have “valid claims” of being a “Watts victim” as defined in this petition.

Respectfully Submitted,



Joshua Tepfer
Counsel for Petitioner Jamie Kalven

Joshua Tepfer
Tara Thompson
THE EXONERATION PROJECT
at the University of Chicago Law School
311 N. Aberdeen St., Ste 2E
Chicago, IL 60607
(312) 789-4955
josh@exonerationproject.org
ID: 44407

Counsel for Petitioner Jamie Kalven