

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Germin Sims and Robert Lindsey,)

Plaintiffs,)

v.)

City of Chicago, Ronald Watts,)
Phillip Cline, Debra Kirby, Brian)
Bolton, Robert Gonzalez, Alvin)
Jones, Manuel Leano,)
Kallatt Mohammed,)
Douglas Nichols Jr., and Elsworth)
Smith Jr.,)

Defendants.

Case No. 19-cv-2347

Judge Rebecca R. Pallmeyer

Jury Demanded

DEFENDANT OFFICERS' STATEMENT OF UNDISPUTED FACTS

Defendants Brian Bolton, Robert Gonzalez, Alvin Jones, Manuel Leano, Kallatt Mohammed, Douglas Nichols Jr., and Elsworth Smith Jr., (collectively "Defendants" or "Defendant Officers"), by their respective attorneys, submit the following statement of undisputed facts pursuant to Local Rule 56.1(a)(3).

PARTIES

1. Plaintiffs Germin Sims and Robert Lindsey are residents of the Northern District of Illinois. (Complaint, Dkt. No. 1, at ¶¶ 2-3.)
2. Defendants Ronald Watts, Brian Bolton, Robert Gonzalez, Alvin Jones, Manuel Leano, Kallatt Mohammed, Douglas Nichols Jr., and Elsworth

Smith Jr. were at all relevant times Chicago police officers. (Dkt. No. 1, at ¶5.)

3. Defendant City of Chicago (“City”) is an Illinois municipal corporation. (Dkt. No. 1, ¶4.)

JURISDICTION AND VENUE

4. This court has original jurisdiction over Plaintiff’s federal claims, *see* 28 U.S.C. §§ 1331, 1343, and supplemental jurisdiction over his state law claims, *see* 28 U.S.C. § 1367. Venue in this judicial district is proper. *See* 28 U.S.C. § 1391(b).
5. The arrests that give rise to this action occurred at 4120 S. Prairie in the City of Chicago, Illinois, on October 15, 2009. (Dkt. No. 1, at ¶ 18.)
6. Per the contemporaneous report, Defendants Jones and Mohammed were the arresting officers. (October 15, 2009 Arrest Reports (attached hereto as Ex. 1) at 1, 5; Case Incident Report (attached hereto as Ex. 2) at 3.) Defendants Smith, Gonzalez, Nichols, Bolton and Leano were listed as assisting in the arrest. (Ex. 2 at 3.) The arresting officers observed Plaintiffs seated in a car and apparently conducting hand-to-hand drug transactions with certain pedestrians. (*Id.*)
7. Jones authored the arrest reports and the case reports. (Exs. 1, 2; April 7, 2010 Suppression Hearing Transcript (attached hereto as Ex. 3) at 25.) Jones also authored complaints for preliminary examination charging the men with possession of heroin bearing an approximate weight of 6.5 grams.

(Complaints for Preliminary Examination for Sims and Lindsey (attached hereto as Exs. 4, 5).)

8. On November 4, 2009, Jones testified under oath at a preliminary hearing. (Preliminary Hearing Transcript (attached hereto as Ex. 6).) He testified that Mohammed was performing surveillance a distance from the point of the arrest and observed Sims in the passenger seat apparently conducting narcotics transactions with passers-by. Upon receiving this report, Jones headed to the location and approached the car. (*Id.* at 7, 18.) As Jones approached the vehicle, he saw that Sims was trying to place suspected narcotics under the car seat. (*Id.* at 8.) Jones then opened the car door, took Sims out, and placed him into custody. Jones then recovered narcotics from the floor, under the seat. (*Id.* at 11.)
9. Jones testified that Officers Bolton and Gonzalez approached Lindsey in the driver's seat. As he exited the vehicle, Jones saw Lindsey drop bags of suspect heroin on the floor of his car. (*Id.* at 5.)
10. At the conclusion of the preliminary hearing, Cook County Circuit Judge Jim Ryan found probable cause and ordered Sims and Lindsey to be arraigned before the presiding judge on November 25, 2009. (*Id.* at 9.)
11. Plaintiffs, through their respective counsel, moved on April 7, 2010 to suppress evidence of the recovered narcotics. (Ex. 3 at 31, 32.) Jones testified consistent with his prior testimony at the preliminary hearing.

Cook County Circuit Judge Lawrence E. Flood denied the motions to suppress. (*Id.* at 36.)

SIMS PLEADS GUILTY

12. On July 12, 2010, Sims entered into a plea agreement with the State's Attorney's Office by which he withdrew his plea of not guilty and entered a guilty plea to possession of a controlled substance, a class 1 felony. In return, he was sentenced to four years' incarceration in IDOC, the minimum sentence. (Sims Report of Proceedings (attached hereto as Ex. 7) at 2.)
13. Prior to his plea, the court properly admonished him. (*Id.* at 2-7.) He was also advised of his right to appeal. (*Id.* at 7,8.)
14. There is no evidence that Sims was coerced, under duress, or suffering from mental illness at the time he pled guilty to the drug crimes for which he was convicted. In fact, Sims, while represented by counsel, affirmed to the court that his plea of guilty was freely given. (*Id.* at 4.) In addition, the court on that same day made a finding that Sims's plea was voluntary. (*Id.* at 6.)
15. Sims was admitted to prison on July 16, 2010, paroled out on September 8, 2011 and discharged on September 8, 2013. *See* Illinois Department of Corrections Offender Custody History (attached hereto as Ex. 8).
16. At his deposition, Sims testified that he and Lindsey were double parked, sitting in Lindsey's car, when police pulled up, ordered him out of the car,

searched him and searched the car. (*Id.* at 129:18-130:13; 131:14-16; 132:8-13; 134:4-6; 135:11-16; 163:20-23.) Sims testified that he does not know which officer searched the car and that Defendant Officer Jones was the officer who searched his person. (*Id.* 134:14-21; 162:20-23.)

17. Sims testified that at the police station, Watts, Mohammed and Jones went into a room with another arrestee and came out with a bag that Sims believed contained drugs which they claimed belong to him and Lindsey. Germin Sims Deposition, April 25, 2025 (attached hereto as Ex. 13 at 41:3-42:3, 13-19; 69:22-70:1; 141:10-22; 145:13-146:12; 157:16-158:9; 163:15-20.) Sims could not see what was in the bag. (*Id.* at 203:10-22.)

18. Sims also testified that he pleaded guilty because he was facing 30 years due to his criminal record and under the plea deal he would get only 4 years. (*Id.* at 80:16-1991:6-92:3.) Sims testified that he thought he would lose a credibility contest with the police and receive a harsher sentence. (*Id.* at 91:6-13; 183:5-184:8.)

LINDSEY PLEADS GUILTY

19. On September 22, 2010, Lindsey entered into a plea agreement with the State's Attorney's Office by which he withdrew his plea of not guilty and entered a guilty plea to possession of a controlled substance, a class 4 felony. In return, he was sentenced to two years incarceration in IDOC, the minimum sentence. (Lindsey Report of Proceedings (attached hereto as Ex 9) at 2.) At the time of his sentence, he was incarcerated in IDOC as

a result of a parole violation on a prior drug charge and received 342 days credit on the subject sentence. (*Id.*)

20. Prior to his plea, the court properly admonished him. (*Id.* at 2-5.) He was also advised of his right to appeal. (*Id.* at 10.)

21. There is no evidence that Lindsey was coerced, under duress, or suffering from mental illness at the time he pled guilty to the drug crimes for which he was convicted. In fact, Lindsey, while represented by counsel, affirmed to the court that his plea of guilty was freely given. (*Id.* at 5.) In addition, the court on that same day made a finding that Lindsey's plea was voluntary. (*Id.* at 6.)

22. Lindsey testified at his deposition that his public defender told him he should plead guilty because of his criminal record and because he would be released from prison the next morning without parole because his time in prison for violation of parole in a prior case was credited to the subject sentence. (Transcript of Lindsey Deposition on May 5, 2025 (attached hereto as Ex 11) at 53:18-55:3; see also Ex. 10 (Illinois Department of Corrections Offender Custody History).)

23. Lindsey also testified that the 2 months he served after he pleaded guilty was time he was serving for the parole violation in the prior case. (Ex. 11 at 49:13-16.)

24. Lindsey decided to seek post-conviction relief from his sentence after his conviction after seeing on TV that Watts and Mohammed had been arrested on various charges. (*Id.* at 57:10 - 57:21.)
25. In support of his petition for post-conviction relief, Lindsey signed a September 18, 2018 affidavit. (Lindsey Affidavit (attached hereto as Ex. 12).) Lindsey stated that he and Sims were at 42nd and Prairie, talking to a man about fixing Lindsey's car when he was surrounded by police cars and ordered out of his vehicle. He claims that a search of his person and of his car revealed nothing illegal but that an officer named "Brown" told him that he and Sims would be taken to the station and strip-searched. (*Id.* at 2, ¶8.)
26. At the station, Lindsey states that he saw some police officers bring Willie Martin into the station and take him into a back room. About 15 or 20 minutes later, some of the officers came out of the room and showed Plaintiffs bags of drugs that Lindsey believed they found on Martin's person and told Plaintiffs that they were going to be charged for possessing those drugs. His deposition testimony and that of Sims are to the same effect. (See Ex.11; see also Ex. 13 at 41:17- 42:4.)
27. Plaintiffs subsequently learned that the individual they identified as Willie Martin was, in fact, Willie Brownlee. (*Id.*) Brownlee has since died. (Ex. 11 at 34:17 -23.)
28. Lindsey has become aware that "Brown" is Alvin Jones. (Ex. 12 at 2, ¶9.)

29. Robert Lindsey agrees that his rap sheet shows 50 arrests, 25 of which are misdemeanors (Ex. 11 at 73:2 - 74:12), and that he has been convicted five times. (*Id.*) Lindsey admitted to selling crack cocaine, heroin and cannabis at the Ida B. Wells housing complex. (*Id.* at 67:8-15; see also Lindsey Deposition of April 8, 2025 (attached hereto as Ex. 14) at 116:9-118:13.)
30. At his deposition, Sims stated that he did not know Brian Bolton. (Ex. 13 at 76:10-11.) Neither did Lindsey, unless Bolton is a “bald-headed black guy.” Brian Bolton is Caucasian. (Ex. 14 at 75:4-9.)
31. At his deposition, Sims stated that he did not know Douglas Nichols. (Ex. 13 at 76:22.) Neither did Lindsey, adding, “I ain’t got nothing to talk about that one.” (Ex. 14 at 76:4-5.)
32. Similarly, Sims stated that he did not know Manuel Leano. (Ex. 13 at 76:17.) Lindsey wasn’t sure, adding, “I think I do know him but I’m just after Watts and Brown and Mohammed. I don’t want nobody else.” (Ex. 14 at 75:20-23.)
33. Nor did Sims know Elsworth Smith. (Ex. 13 at 76: 20.) And Lindsey had “nothing to talk about that one.” (Ex. 14 at 76: 7-9.)
34. Lindsey testified that Kallatt Mohammed never “hit him up” for money or threatened or harassed him.” (Ex. 14 at 82:14-22.)
35. During his May 7, 2025 deposition, Defendant Alvin Jones testified that an “assisting officer” is one who assisted the arrest in “some way.” (Ex. 15 at 27:3.)

36. In the Coordinated Proceedings, Lt. Michael Fitzgerald testified that tactical team officers listed in a vice case report should have played some role in the arrest or participated in the process, whether it was being at the scene, assisting in some other fashion, processing the arrestee, bringing the person to the station, performing a search of the suspect, or preparing inventory forms. (Deposition of Michael Fitzgerald, March 6, 2024, (Ex. 16) at 215:12-217:13.)

37. In their answers to interrogatories, Plaintiffs responded with identical answers to Interrogatory No. 17.

17. With respect to Defendants Bolton, Gonzalez, Leano, Nichols, Jr. and Smith, Jr., please state with specificity what wrongful action each defendant took in relation to your October 15, 2009 arrest and the facts upon which you assert the wrongful actions.

ANSWER: Those officers are on the reports of my arrest. They helped write the reports or they knew the reports were false and didn't do anything about it.

(See, e.g., Robert Lindsey's June 23, 2022 Answers to Interrogatories, (Ex. 17) at ¶ 17.)

Dated: June 2, 2025

Respectfully submitted,

/s/ Amy Hijjawi
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