

Publication: Cook County Jury Verdict Reporter Published: 5/6/2016

(HHH 29/2) CIVIL RIGHTS--NIGHT-TIME AFTER-HOURS LAKEFRONT VISITOR BEATEN BY POLICE (14)

Dennis Dixon, Jr. v City of Chicago, Officer Michael Butler, Officer Collis Underwood 10C-5897 Tried Feb. 29-Mar. 2, 2016

- Verdict: \$201,000: \$200,000 compensatory damages and \$1,000 punitive damages v Officer Underwood on excessive force claim; Not Guilty v Officer Butler.
- Judge: [Samuel Der-Yeghiayan](#) (USDC IL NE)
- Pltf Atty(s): [Basileios J. Foutris](#) of Foutris Law Office (Chicago, IL) DEMAND: none
- Deft Atty(s): [Caroline J. Fronczak](#), [Julian M. Johnson](#), [Victoria R. Benson](#) of Chicago Corporation Counsel (Chicago, IL) for all defts (Self-Insured) OFFER: none
- Pltf Expert(s): Dr. [Barry Bast](#) (Orthopedist)

Facts:

On September 18, 2008, deft Chicago police officers approached pltf who was on lakefront park property near 65th St. after the park's closing time. Pltf contended the officers ordered him to leave in a verbally abusive manner, and he objected to Officer Underwood's profanity and rudeness, at which time Underwood responded by slamming his head against the squad car and both officers began beating him. Pltf maintained Underwood then choked him by holding him in a chokehold, and he bit Underwood's arm to make him release the chokehold, after which both officers beat him and struck him with their metal batons until he lost consciousness. Pltf M-30, a former Marine, sustained a broken left hand and a torn wrist ligament, requiring hospitalization, open reduction internal fixation surgery, and physical therapy, with permanent injury to the hand; he also suffered multiple bruises and contusions. Pltf was arrested and charged with battery of a police officer; he reportedly pled guilty to misdemeanor battery and was sentenced to probation. He asserted the officers used excessive force without provocation or justification. The defense argued pltf aggressively fought the officers while resisting arrest, therefore necessitating their use of force. Both officers testified pltf violently fought, punched and kicked them. However, Officer Butler reported no injuries and Officer Underwood's only injury was the bite mark on his arm. The jury reportedly deliberated less than 1.5 hours.

© 2025 by Law Bulletin Media. Content on this site is protected by the copyright laws of the United States. The copyright laws prohibit any copying, redistributing, or retransmitting of any copyright-protected material. The content is NOT WARRANTED as to quality, accuracy or completeness, but is believed to be accurate at the time of compilation. Websites for other organizations are referenced on this site; however, Law Bulletin Media does not endorse or imply endorsement as to the content of these websites. By using this site you agree to the [Terms, Conditions and Disclaimer](#). Law Bulletin Media values its customers and has a [Privacy Policy](#) for users of this website.

Publication: Cook County Jury Verdict Reporter Published: 3/11/2016

(HHH 21/3) CIVIL RIGHTS--COUPLE CLAIMS EXCESSIVE FORCE BY COPS, MALICIOUS PROSECUTION (14)

Eligio Torres, Jr., Irene Correa v City of Chicago, Henry Pena, Hector Romero, Andrew Rowe 12C-7844 Tried Dec. 14-18, 2015

- Verdict: \$175,000: \$40,000 compensatory damages plus \$60,000 punitive damages to Eligio Torres v Henry Pena on malicious prosecution claim; \$30,000 compensatory and \$45,000 punitive to Irene Correa v Henry Pena on malicious prosecution claim; Not Guilty on Torres' unreasonable seizure claim v Pena and Romero; Not Guilty on Torres' excessive force claim v Pena and Rowe; Not Guilty on Correa's excessive force claim v Pena.
- Judge: Joan B. Gottschall (USDC IL NE)
- Pltf Atty(s): Lawrence V. Jackowiak, Amanda S. Yarusso of Jackowiak Law Offices (Chicago, IL) for both pltfs DEMAND: \$200,000 total
- Deft Atty(s): Anthony L. Schumann, Kenneth M. Battle of Quintairos, Prieto, Wood & Boyer (Chicago, IL) for all defts (Self-Insured) OFFER: \$10,000 total

Facts:

Pltf Eligio Torres and his girlfriend Irene Correa were visiting their neighbors' house in the Humboldt Park neighborhood on the evening of October 1, 2010. Torres left around 10 pm to go pick up his son from a high school football game, but when he got into his car parked behind his apartment building at 3227 W. Pierce Ave., an unmarked police vehicle pulled up in the alley and blocked his vehicle from moving. Deft plainclothes officers Pena and Romero were looking for a suspect in a shooting that took place about 1.5 miles away, and had obtained a name and last known address for the suspect but no physical description or other identifying information. Torres was not the suspect, but his car was parked next to the last known address. Based on this minimal information, the officers allegedly trapped Torres in his vehicle, approached the car, opened his door, said "Don't move mother f*****!", and began striking him on the side of his head. Torres maintained he thought he was being carjacked or attacked by criminals, so he began yelling for help and grabbed his cell phone to call for help, at which time Pena continued hitting him and told him to "shut the f*** up" and Romero knocked the phone out of his hand. The two officers handcuffed Torres to his steering wheel, but he continued to shout for help and honk his horn. Correa ran out from the neighbors' home in response, and she also believed he was being attacked by criminals, so she yelled and tried to push Pena away. Pena then allegedly punched Correa in the mouth, causing a split lip with bleeding and swelling. Meanwhile, additional officers had arrived at the scene and were in the process of removing Torres from his car and cuffing his hands behind his back. Torres contended he was complying with the officers and was handcuffed behind his back when he saw his girlfriend get punched in the face, so he instinctively stepped towards her and was immediately Tased by deft Officer Rowe, causing him to fall to the ground where he was Tased again several times. Pltfs argued that the officers attempted to cover up their misconduct by falsifying their police reports regarding the incident, accusing Torres of being the aggressor in fighting the officers and accusing Correa of attacking a known officer. Pena had both pltfs charged with felony aggravated battery to a police officer. The charges were pending for two years until a jury acquitted them both in a criminal trial. Pltfs claimed emotional distress from being falsely charged with felonies; they both received ER treatment after the incident but did not suffer any permanent physical injuries. Defts claimed Torres was moving in an irate and furtive manner inside his car before the officers approached, he continued to do so when they were next to the car, he flailed his arms and punched Pena in the chest, and they then cuffed him to the steering wheel for their own safety. The defense further contended the use of the Taser was justified because Torres kicked Pena as he got out of the car and resisted efforts to handcuff him behind his back, he repeatedly tried to get up so Rowe continued to Tase him, the Taser did not appear to be working initially based on Torres' body movements, and Torres was not fully handcuffed until after they Tased him multiple times. Pena reportedly admitted striking Torres in the head and claimed he only slapped Correa after she pushed him. The defense called CPD Officer George Cancel to testify regarding Taser procedures and functioning. The defense has filed post-trial motions.

EXHIBIT C

© 2025 by Law Bulletin Media. Content on this site is protected by the copyright laws of the United States. The copyright laws prohibit any copying, redistributing, or retransmitting of any copyright-protected material. The content is NOT WARRANTED as to quality, accuracy or completeness, but is believed to be accurate at the time of compilation. Websites for other organizations are referenced on this site; however, Law Bulletin Media does not endorse or imply endorsement as to the content of these websites. By using this site you agree to the [Terms, Conditions and Disclaimer](#). Law Bulletin Media values its customers and has a [Privacy Policy](#) for users of this website.