

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Dennis Jackson,)
)
 Plaintiff,) No. 22-cv-4337
)
 -vs-) (Judge Alonso)
)
 City of Chicago, et al.)
)
 Defendants.)

**PLAINTIFF'S LOCAL RULE 56.1(b)(3)
STATEMENT OF ADDITIONAL FACTS**

Plaintiff, by counsel, submits the following pursuant to Local Rule 56.1(b)(3):¹

1. In the evening of November 6, 2017, plaintiff and James McIntyre were seated in a car parked in the 300 block of East 120th Place in Chicago, Illinois. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 24:14-20, 25:11-24.)

2. Plaintiff was texting with his girlfriend; McIntyre had requested that plaintiff give him a ride home. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 24:14-20. 25:11-19; Plaintiff's Exhibit 1, McIntyre Deposition 9:11-16.)

¹ Plaintiff files the exhibits cited below as attachments to a separate document titled “Plaintiff’s Summary Judgment Exhibits.”

3. Before plaintiff could drive McIntyre home, police arrived and arrested the two men. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 25:11-19; Plaintiff's Exhibit 1, McIntyre Deposition 9:20-24.)

4. While plaintiff and McIntyre sat in the car, no one approached the vehicle, and no one handed plaintiff anything through the car window. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 41:11-23, 184:4-7.)

5. It would have been impossible for anyone to have handed anything to plaintiff through the window of the vehicle because the window would not roll down. (Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 184:8-13.)

6. McIntyre never left the car between the time he entered it and the time he was arrested. (Plaintiff's Exhibit 1, McIntyre Deposition 11:10-12; 11:19-21.)

7. McIntyre never went behind the building on the night of the arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 11:19-21.)

8. McIntyre was suffering from a recent back injury on the night of the arrest. (Plaintiff's Exhibit 1, McIntyre Deposition 70:16-25.) McIntyre had requested that plaintiff drive him home because he was unable to walk

the few blocks to his home. (Plaintiff's Exhibit 1, McIntyre Deposition 70:6-13, 72:13-19.)

9. Defendant Carreno prepared the Original Case Incident Report, Plaintiff's Exhibit 2. (Defendants' Exhibit 4, ECF No. 66-4, Carreno Deposition 18:2-10.)

10. Defendant Garcia prepared and electronically signed the Arrest Report, Plaintiff's Exhibit 3, swearing that the facts in the report were true. (Defendants' Exhibit 10, ECF No. 66-10, Garcia Deposition 45:19-46:2, 46:23-47:4.)

11. The Original Case Incident Report and the Arrest Report both state that defendants Carreno and Garcia observed plaintiff and McIntyre engage in multiple drug transactions while the two sat in a car. (Plaintiff's Exhibit 2, Original Case Incident Report; Plaintiff's Exhibit 3, Arrest Report.)

12. The Original Case Incident Report and the Arrest Report both state that buyers approached the vehicle, handed money to plaintiff through the car window, and McIntyre would then hand drugs to the each buyer. (Plaintiff's Exhibit 2, Original Case Incident Report; Plaintiff's Exhibit 3, Arrest Report.)

13. The Original Case Incident Report and the Arrest Report both state that defendants Carreno and Garcia observed McIntyre walk from the street to a back alley to retrieve drugs from another car during each transaction. (Plaintiff's Exhibit 2, Original Case Incident Report; Plaintiff's Exhibit 3, Arrest Report.)

14. The Original Case Incident Report and the Arrest Report both state that defendants Carreno and Garcia gave other officers a description of an alleged buyer who was arrested. (Plaintiff's Exhibit 2, Original Case Incident Report; Plaintiff's Exhibit 3, Arrest Report.)

15. The alleged buyer was Nathaniel Johnson. (Defendants' Exhibit 7, ECF No. 66-7, Evans Deposition 14:5-15.)

16. Nathaniel Johnson did not buy drugs from plaintiff. (Defendants' Exhibit 11, ECF No. 66-11, Johnson Deposition 22:20-23; 57:18-25.)

17. Defendants Carreno and Garcia claim that plaintiff sold crack cocaine to Johnson on November 6, 2017. (Defendants' Exhibit 4, ECF No. 66-4, Carreno Deposition 69:5-13; Defendants' Exhibit 10, ECF No. 66-10, Garcia Deposition 38:10-15.)

18. Nathaniel Johnson was arrested when officers found heroin on his person on November 6, 2017. (Defendants' Exhibit 4, ECF No. 66-4, Carreno Deposition 67:19-22; Defendants' Exhibit 10, ECF No. 66-10, Garcia Deposition 38:-39:4; Defendants' Exhibit 11, ECF No. 66-11, Johnson Deposition 6:25-7:4.)

19. Police officers prepared an inventory sheet listing personal property taken from James McIntyre as part of the arrest, Plaintiff's Exhibit 4. One of the items listed was a back brace. (Defendants' Exhibit 4, ECF No. 66-4, Carreno Deposition 59:6-14; Plaintiff's Exhibit 4, Inventory Sheet.)

20. Defendant Garcia completed and signed the Complaint for Preliminary Examination, Plaintiff's Exhibit 5, swearing that it was accurate. (Defendants' Exhibit 10, ECF No. 66-10, Garcia Deposition 50:16-51:6.)

21. Completing the criminal complaint started the prosecution of plaintiff. (Defendants' Exhibit 4, ECF No. 66-4, Carreno Deposition 64:23-65:2; Defendants' Exhibit 10, ECF No. 66-10, Garcia Deposition 52:3-6.)

22. Carreno and Garcia were not required to and did not request a prosecutor to review a drug case such as the case against plaintiff before

charging. (Defendants' Exhibit 4, ECF No. 66-4, Carreno Deposition 64:23-65:2.)

23. Plaintiff spent the night in the lockup at the police station following his arrest on November 6, 2017. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 3.)

24. Plaintiff was transported to the courthouse at 26th and California in the early morning hours on November 7, 2017. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 4.)

25. Plaintiff remained in custody while he waited in a lockup at the courthouse for several hours before his bond hearing. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 5.)

26. Plaintiff saw the judge in the afternoon of November 7, 2017 and received an I-Bond; the Bond Order states that it was entered at 3:10 p.m. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 5; Plaintiff's Exhibit 7, Bond Order.)

27. Plaintiff remained in custody until he was released at about 9:00 p.m. on November 7, 2017. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 7.)

28. Plaintiff was falsely arrested for possession of a stolen vehicle on April 14, 2018. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 12.)

29. Because of the pending drug charge that is the subject of this lawsuit, plaintiff was not allowed to bond out on the stolen vehicle charge, and plaintiff entered the Cook County Jail on April 15, 2018. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 13.)

30. Plaintiff's bond in the criminal case that is the subject of this lawsuit was revoked on April 16, 2018, because he had been falsely arrested for possession of a stolen vehicle. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 14.)

31. Because plaintiff's bond was revoked, he remained in custody at the Cook County Jail. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 15.)

32. The charges for possession of a stolen vehicle were dismissed on April 20, 2018, on a finding of no probable cause. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 16; Plaintiff's Exhibit 8, Orders in *People v. Jackson*, 18110885001, April 20, 2018.)

33. After the court hearing at which the stolen vehicle charges were dismissed, plaintiff was held at the Cook County Jail until April 23,

2018, when he appeared before the judge presiding in the criminal case that is the subject of this lawsuit. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 17.)

34. The judge reinstated plaintiff's bond and he was released from the Jail later that day. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 17; Plaintiff's Exhibit 9, Orders in *People v. Jackson*, 17-CR-17475, April 23, 2018.)

35. The drug charge that is the subject of this lawsuit was the only charge holding plaintiff in the Cook County Jail from April 20, 2018 and April 23, 2018. (Plaintiff's Exhibit 6, Declaration of Dennis Jackson ¶ 18.)

36. While he was on bond, plaintiff was required to report to pretrial services, he was not allowed to leave the State, he was required to make regular court appearances, and he was subject to incarceration if he violated any of the conditions of his bond. (Defendants' Exhibit 13, ECF No. 66-13, Order for Special Conditions of Bail; Defendants' Exhibit 3, ECF No. 66-3, Plaintiff Deposition 113:13-114:1.)

37. At plaintiff's trial on September 2, 2021, defendant Carreno testified to the false police story. (Plaintiff's Exhibit 10, Report of Proceedings in *People v. Jackson*, 17-CR-17475, September 2, 2021, at 6-40.)

38. After the state rested its case, Judge Adrienne E. Davis granted plaintiff's motion for a directed finding of not guilty. (Plaintiff's Exhibit 10, Report of Proceedings in *People v. Jackson*, 17-CR-17475, September 2, 2021, at 48.)

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