

UNITED STATES DISTRICT COURT OF NORTHERN DISTRICT OF ILLINOIS

Jaime Hernandez
Plaintiff

2010 JAN 27 AM 8:58

CLERK
U.S. DISTRICT COURT

v.

Cook County Sheriff Tom Dart, Cook County)
Sheriff Investigator Robert Anderson, Cook)
County Sheriff Deputies' Christopher Olejarz)
#4525, Johnson #5079, Sgt. James Morrissey)
#____ (then #4283), Christopher Dangles #5257,)
Sgt. Thomas Boyd #301, Greg Gayden #2432,)
Chad A. Harris #____, Sgt. Randy Rodriguez #267,)
Phillip D. Mackey #____, Christine Migleri #3220,)
Eric Gross #4043, Jason Reynolds #3403, Atty.)
David Wessel, Atty. Russell Stewart, Cook County)
Circuit Court Judge Maria Kuriakos-Ciesil, Cook)
County Circuit Judge Thomas More Donnelly, Cook)
County Assistant State's Attorney's Andrea Kirsten,)
Sara Karr, Patrick Kelly, Peter Kramer (Cook County)
Sheriffs Office) AND UNKNOWN OTHERS)
DEFENDANTS)

Case No. 09 C 661

Hon. Getteman

VERIFIED COMPLAINT (Amended)

PART I: SUMMARY OF THE CASE

1. This is a suit in law and equity against Defendants in Their official and/or personal capacities for-- without legal authority or just cause-- violating Plaintiff's inalienable rights, which at all times relevant to the matters in regard to which Plaintiff herein complains were protected by the provision of the common law, state administrative and statutory, federal statutory, and/or provisions of the state and federal constitutions applicable at the time of the developments described herein, *inter alia* by falsely imprisoning and arresting Plaintiff in the Richard J. Daley Center in Chicago, Illinois (henceforth "the Daley Center") and for falsely prosecuting Him without probable cause, and especially for doing so as part of a pattern of retaliation against many citizens, including Plaintiff, who have and has exercised Their and His constitutional rights to expose the misdeeds of Their and His public servants, including some of the employees of the one of the most powerful occupants of the Daley Center-- the Sheriff of Cook County (henceforth "the Sheriff"), Whose office is a political subdivision of the State of Illinois. Plaintiff thus alleges illegal actions committed by Defendants that exceeded the scope of Their authority, constituting an exception to the normal policy that claims against State actors in the performance of their duties are precluded by qualified immunity. Primarily, the relief sought by Plaintiff in this suit is a preliminary and then a permanent injunction ordering the Sheriff to cease and desist from persecuting Plaintiff and from preventing Him from using and enjoying the all courthouses in Cook County as He hitherto has done and has a right or privilege to do in any and all lawful ways. Secondly, Plaintiff seeks all other relief to which He is entitled, including compensatory, and, if available, punitive damages.

PART II: JURISDICTION AND VENUE

2. This Court, being a court of general jurisdiction, has-- per § 9 of Art. VI of the Illinois Constitution, the Declaratory Action Act 735 ILCS 5/2-701, and the R.I.C.O. Act 18 USC 1964(c)-- subject matter jurisdiction to entertain and to decide Plaintiff's justiciable claims of a common law, statutory law, constitutional law, and equitable nature, whose claims include but are not limited to claims brought pursuant to the right of citizens to sue for constitutional violations 42 USC 1983, conspiracy violations 42 USC 1985(2) and (3) and 42 USC 1986, violations of the First and Fourth Articles of the U.S. Bill of Rights, violations of § 1(b) and (e) the 14th Amendment to the U.S. Constitution, R.I.C.O. Act violations 18 USC 1962(c). B) Moreover, since all Parties were and are located-- and the action in this case took place-- in Cook County, Illinois, the venue of this lawsuit also is proper.

PART III: THE FACTS AND PLAINTIFF'S ALLEGATIONS THEREABOUT

Part IIIA: Introduction

3. Ever since the 1980s Plaintiff has discovered that He has involuntarily become a member of that small but growing class of American and Illinois citizens who feel compelled to exercise their rights *inter alia* to free speech and to petition their government for redress of grievances in order to expose and to seek a remedy for their collective and individual mistreatment by their public servants, including Defendants, as manifested by Their incompetence, arbitrarily authoritarian and anti-democratic attitudes, and Their resentment and mistreatment of those vocal minority (as well as non-minority) citizens who demand from Them the same respect and good customer service that they expect and normally receive from private persons in commerce.

4. Plaintiff tends to believe that the USA and Illinois have become increasingly communistic polities, and He has sought to counter said trend, to help stem the rising tide of communism, and to support a more classically and naturally republican nation and State, and He has done so by publicly advocating against public and private collectivism and corruption and for more transparency and accountability in government. Specifically, Plaintiff has sought to interview His errant public servants; has written them letters; has published same on His website,

www.injusticexposed.org; has demonstrated outside of governmental buildings by dressing as Uncle Sam, carrying signs, and passing out leaflets; has filed several previous actions Himself in state and federal courts; and has served as a bystander witness for acquaintances in their own state and federal court actions.

5. § 23 of the Illinois Bill of Rights guarantees to all Illinoisans the right to "frequent recurrence to the fundamental principles of civil government" without governmental harassment in the fulfillment of their "individual obligations and responsibilities" to "preserve the blessings of liberty." One of the important ways that Illinoisans can fulfill, have fulfilled, and still fulfill their "individual obligations and responsibilities" to "preserve the blessings of liberty" is by serving as court-watchers in Illinois courtrooms.

6. This important role was once performed in Cook County by trained court-watchers of the Better Government Association in downtown Chicago, who would complete written reports on their pre-printed forms and send them to the Chief Judge of the County. But that program, tragically for Cook County justice, died for lack of funding. When it was functioning, however, many court personnel, including private attorneys, public defenders, and even occasional prosecutors would privately tell the BGA court-watchers that what transpired in courtrooms was very different when the BGA court-watchers were present from what transpired there when they were absent. Judicial, law enforcement, and clerical conduct in Cook County courtrooms was usually on its best behavior when BGA court-watchers were present, because they knew that they were being watched, by name, and that their individual and collective conduct would be reported to and read by the Chief Judge. Since the death of the BGA program, court proceedings have become noticeably less courteous and more lawless, so that private-- and in some instances, admittedly untrained-- court-watchers have felt compelled to "stand in the gap." Despite the absence of badges and pre-printed forms, such private court-watchers still perform a useful service insofar as they can and often do send their private reports to the Chief Judge, and they can and do also write affidavits for indigent litigants who cannot afford court-reporters about what they observed in the courtroom that they observed. Such bystander reports and affidavits are frequently the only source of 'objective' information about what takes place in Cook County courtrooms, now that official court-reporters have been removed from almost all Cook County civil courtrooms and now that official court-reporters in Cook County criminal courtrooms are increasingly subject to corrupt judicial influence to alter their transcripts.

Part IIIB: Harassment by Sheriff's Personnel While Serving as Court watcher

7. On the day in question in this lawsuit, 2/2/07, Plaintiff was invited to attend a court hearing for Sheila Mannix (Case No. 93 D 2984) in courtroom 1506 of the Daley Center, Judge James G. Donegan. At the time of the court hearing, Plaintiff had never met Mannix. As court was getting ready to begin, Plaintiff and others in the courtroom, including a woman, Marie Szczypka, Abdon Pallasch, the Chicago Sun Times reporter and two other gentlemen who were there as court watchers also, Andrew Nelson and Mark Michalski took their seats. As court got underway, Mannix was before Judge Donegan pleading her case; Plaintiff witnessed a lawyer, now known to him as David J. Wessel, walk over to the bailiff, Cook County Sheriff Deputy Eric Gross, whisper something to him, then turns in the direction of where Plaintiff and the other court watchers were sitting and points Plaintiff and the others out.

8. Shortly after Wessel pointed Plaintiff and the others out, Judge Donegan ordered Sheila Mannix out of the courtroom. After Mannix is being escorted out of the courtroom, Deputy Gross is seen talking on his radio, stating that he had a disturbance **in the courtroom**. At this time the Plaintiff, and the others had followed Mannix out into the hallway. As Plaintiff was talking to and trying to console Mannix, as she was clearly upset, multiple Cook County Sheriff Deputies who were called by Deputy Gross, descended upon Plaintiff and the others. The deputies told us that we had to leave the building or that the Plaintiff and the others would be arrested. Suddenly Plaintiff found himself surrounded by uniformed and armed Cook County Sheriff officers, Defendants, who informed Plaintiff that He had to leave. Because Plaintiff knew that he was doing nothing illegal, but was, in fact, and despite performance of an important public service that day by serving- in the absence of official court watchers, who no longer exist in Cook County—as an unofficial court-watcher, He asked the Cook County Sheriff officers, Defendants, why they were demanding his departure that day.

9. Because of the inability of the Deputies to articulate to Him a single reason for Their **unconstitutional demand** that He leave but just kept repeating it, Plaintiff kept demanding a reason for Their (Defendant's) demand.

10. Some time around the time when Plaintiff asked the Cook County Sheriff officers, Defendants, again why did he have to leave, Plaintiff hears Cook County Sheriff Sergeant Tho-

mas Boyd yell, "Get them out of here", Plaintiff was then grabbed in a headlock position and his arms were twisted behind his back, resulting in scarring and injury to his arms. Plaintiff was arrested for "trespass to state supported land," 720 ILCS 5/21-5. Said statute, however, requires any such alleged trespass "interfere with another person's lawful use or enjoyment of such building or land," which "other person" neither said Deputies nor the State, in Plaintiff's subsequent criminal prosecution, were able to identify, resulting in the withdrawal of said charge.

11. Regrettably, Plaintiff's false imprisonment and false arrest by His Sheriff Deputy persecutors (actually, the orders for Plaintiff's persecutory arrest undoubtedly came from an unknown person much higher up in the law enforcement and/or political chain of command, as usually happens in these cases of unlawful penalty for the exercise of constitutional rights) while He was performing a patriotic service to an acquaintance and to His County, State, and Country, both so emotionally upset and disturbed Him, which, in turn, so antagonized His Sheriff Deputy persecutors that what happened next that day remains very much disputed. Plaintiff was subsequently re-arrested several times, while in the custody of said Deputies on the day of His initial arrest, for such alleged "crimes" as "resisting arrest, continuing to interfere with Their performance of Their official duties, and battery." Plaintiff claims that all such subsequent "crimes" that He was alleged to have committed were manufactured out of whole cloth as 'added insurance' that one or more of them would stick in criminal court, which, of course, is precisely what the homage jury that had been purged of all citizens skeptical of law enforcement decided, causing it to convict Plaintiff, which resulted in a judicially imposed sentence of 30 days in jail, because said jury was so greatly brainwashed by unconscionable and lawless prosecutors and not helped to understand the political harassment in this case by an establishmentarian and incompetent defense attorney who was compelled against his will to defend Plaintiff.

**PART IV: COUNT ONE:
COMMON LAW FALSE IMPRISONMENT
UNCONSTITUTIONAL UNREASONABLE SEIZURE
ART. IV U.S. BILL OF RIGHTS
VIA 14TH AMENDMENT U.S. CONSTITUTION AND 42 USC 1983**

12. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

13. False imprisonment has traditionally been defined as any unlawful, intentional show of force by which a person is compelled to remain where he or she does not wish to and has no duty to remain, thus depriving him or her of his or her liberty and property interests therein.

14. At all times relevant Plaintiff had a common law and Article IV of the U.S. Bill of Rights right to be free from being falsely imprisoned by His public servants, the herein named Defendants.

15. At all times relevant Defendants Cook County Sheriffs Deputies, Sergeants and unknown others had a common law and Article IV of the U.S. Bill of Rights, and Official Misconduct 720 ILCS 5/33-3 duty to refrain from falsely imprisoning Plaintiff.

16. At all times relevant the Defendants named in this Count had the above said duties, notwithstanding the fact that They may not be "amenable to justice," according to the general principle of law articulated in 720 ILCS 5/8-2.1(b)(3).

17. On 2/2/07 in the Daley Center and on various dates enumerated herein in the courthouse at 555 W. Harrison St., without lawful authority or just cause, the Defendants named in this Count breached said duties and deprived Plaintiff of His protected liberty and property interests to be free from false imprisonment when They compelled Him-- both before and after His arrest--to stay put and later to go with Them to jail for allegedly "interfere[ing] with another person's lawful use or enjoyment of such building or land," when, in fact, there was no such "other person" who was only a figment of Their imagination.

18. The Defendants named in this Count were at all times acting under the color of State law but when they committed the tort against Plaintiff that is herein alleged.

19. Plaintiff was injured by the actions of the Defendants named in this Count in that He was prevented from returning to a public area, a public courtroom, a public building, and a public forum, by said Defendants, Plaintiff's public servants, who committed said deeds without lawful authority or just cause, thus preventing His performance of His own public service as a court-watcher, and Plaintiff was injured in that Plaintiff lost time (which is money that He could have been earning) when He was forced into custody and when He was then compelled to spend money unnecessarily in order to defend Himself in criminal court by an incompetent lawyer, Russell Stewart, who Plaintiff was not allowed to fire, despite several pleas to Cook County Cir-

cuit Court Judge Thomas More Donnelly. Plaintiff lost his business; he had been in business over 30 years. Going back and forth to court, Plaintiff cannot even secure a job. Finally, Plaintiff was and is injured in that He was and is compelled to endure the on-going private humiliation and emotional distress of the previously mentioned indignities.

20. The Defendants named in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct result of Their personal words and/or deeds, which words and deeds, on information and belief, They would not today deny.

21. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Count for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

PART V: COUNT TWO
COMMON LAW FALSE ARREST
UNCONSTITUTIONAL UNREASONABLE SEIZURE
ART. IV U.S. BILL OF RIGHTS
VIA 14TH AMENDMENT U.S. CONSTITUTION AND 42 USC 1983

22. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

23. False arrest has traditionally been defined as the assertion of lawful authority to arrest with intention to effect an arrest that restrains (whether tangibly or intangibly) the person arrested, who reasonably believes that he or she has been arrested and who, therefore, does not attempt to escape from the restraint exerted for fear of being found guilty of resisting arrest.

24. At all times relevant Plaintiff had a common law and Article IV of the U.S. Bill of Rights right to be free from being falsely arrested by His public servants, the herein named Defendants.

25. At all times relevant Defendants Cook County Sheriff Deputies, Sergeants and unknown others had a common law and Article IV of the U.S. Bill of Rights, and Illinois statutory, Official Misconduct 720 ILCS 5/33-3, duty to refrain from falsely arresting Plaintiff.

26. At all times relevant the Defendants named in this Count had the above said duties, notwithstanding the fact that They may not be "amenable to justice," according to the general principle of law articulated in 720 ILCS 5/8-2.1(b)(3).

27. On 2/2/07 in the Daley Center, without lawful authority or just cause, the Defendants named in this Count breached said duties and deprived Plaintiff of His protected liberty and property interests to be free of false arrest when They arrested Him for allegedly "interfere[ing] with another person's lawful use or enjoyment of such building or land," when, in fact, there was no such "other person" who was only a figment of Their imagination.

28. The Defendants named in this Count were at all times acting under the color of State law but when they committed the tort against Plaintiff that is herein alleged.

29. Plaintiff was injured by the actions of the Defendants named in this Count in that He was prevented from returning to a public area, a public courtroom, a public building, and a public forum, by said Defendants, Plaintiff's public servants, who committed said deeds without lawful authority or just cause, thus preventing His performance of His own public service as a court-watcher, and Plaintiff was injured in that Plaintiff lost time (which is money that He could have been earning) (**See Part IV: Count One #19**) when He was forced into custody and when He was then compelled to spend money unnecessarily in order to defend Himself in criminal court. Finally, Plaintiff was and is injured in that He was and is compelled to endure the ongoing private humiliation and emotional distress of the previously mentioned indignities.

30. The Defendants named in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct result of Their personal words and/or deeds, which words and deeds, on information and belief, They would not today deny.

31. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Count for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

PART VI: COUNT THREE: COMMON LAW MALICIOUS PROSECUTION

32. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

33. Malicious prosecution has traditionally been defined as the initiation and/or continuation of a prosecution without lawful authority or just cause for doing so.

34. At all times relevant Plaintiff had a common law right to be free from being maliciously prosecuted by His public servants, the herein named Defendants.

35. At all times relevant Defendants, Cook County Assistant States' Attorney's Sara Karr, Andrea Kersten and unknown others had a common law and Illinois statutory duty, Official Misconduct 720 ILCS 5/33-3, to refrain from maliciously prosecuting Plaintiff.

36. At all times relevant the Defendants named in this Count had the above said duties, notwithstanding the fact that They may not be "amenable to justice," according to the general principle of law articulated in 720 ILCS 5/8-2.1(b)(3).

37. On 2/2/07 in the Daley Center and on various dates enumerated herein at the courthouse at 555 W. Harrison St., without lawful authority or just cause, the Defendants named in this Count breached said duties and deprived Plaintiff of His protected liberty and property interests to be free from malicious prosecution when They maliciously prosecuted Him for allegedly "interfere[ing] with another person's lawful use or enjoyment of such building or land," when, in fact, there was no such "other person" who was only a figment of Their imagination.

38. On 9/4/08, during a sidebar in Defendant Cook County Court Judge Thomas More Donnelly's chambers, Defendant Patrick Kelly of the Cook County State's Attorneys office made a comment to the effect of, "I love corruption!" It is unknown by the Plaintiff why Patrick Kelly was in the sidebar along with the rest of the attorneys (named Defendants) in the case. The Defendants named in this Count were at all times acting under the color of State law but when they committed the tort against Plaintiff that is herein alleged.

39. Plaintiff was injured by the actions of the Defendants named in this Count in that He was prevented from returning to a public area, a public courtroom, a public building, and a public forum, by said Defendants, Plaintiff's public servants, who committed said deeds without lawful authority or just cause, thus preventing His performance of His own public service as a court-watcher, and Plaintiff was injured in that Plaintiff lost time (which is money that He could

have been earning) (**See Part IV: Count One #19**) when He was forced into custody and when He was then compelled to spend money unnecessarily in order to defend Himself in criminal court. Finally, Plaintiff was and is injured in that He was and is compelled to endure the on-going private humiliation and emotional distress of the previously mentioned indignities.

40. The Defendants named in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct result of Their personal words and/or deeds, which words and deeds, on information and belief, they would not today deny.

41. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Count for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

**PART VII: COUNT FOUR: VIOLATION OF
RIGHT TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES
ART. I(f) U.S. BILL OF RIGHTS
VIA 14TH AMENDMENT U.S. CONSTITUTION AND 42 USC 1983**

42. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

43. Art. I(f) of the U.S. Bill of Rights via the 14th Amendment to the U.S. Constitution and 42 USC 1983 protect the people's, including Plaintiff's, right to "petition their government" for a "redress of grievances," which litigation and its attendant need for court-watchers represents.

44. At all times relevant Defendants, the Cook County Sheriff Deputies, Sergeants and unknown others had a U.S. constitutional and statutory, and Illinois statutory duties, Official Misconduct 720 ILCS 5/33-3, to refrain from interfering with Plaintiff's exercise of His right to petition his government for redress of grievances.

45. At all times relevant the Defendants named in this Count had the above said duties, notwithstanding the fact that They may not be "amenable to justice," according to the general principle of law articulated in 720 ILCS 5/8-2.1(b)(3).

46. On 2/2/07 in the Daley Center, without lawful authority or just cause, the Defendants named in this Count breached said duties and deprived Plaintiff of His protected liberty and property interests to seek redress of grievances when They prevented Plaintiff from returning to the courtroom in which He was serving as an unofficial court-watcher for an acquaintance and for the public weal,

47. The Defendants named in this Count were at all times relevant acting under the color of State law when they committed the tort against Plaintiff that is herein alleged.

48. Plaintiff was injured by the actions of the Defendants named in this Count in that He was prevented from returning to a public area, a public courtroom, a public building, and a public forum, by said Defendants, Plaintiff's public servants, who committed said deeds without lawful authority or just cause, thus preventing His performance of His own public service as a court-watcher, and Plaintiff was injured in that Plaintiff lost time (which is money that He could have been earning) (**See Part IV: Count One #19**) when He was forced into custody and when He was then compelled to spend money unnecessarily in order to defend Himself in criminal court. Finally, Plaintiff was and is injured in that He was and is compelled to endure the ongoing private humiliation and emotional distress of the previously mentioned indignities.

49. The named Defendants in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct or indirect result of Their personal words and deeds, which words and deeds, on information and belief, They would not today deny.

50. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Count for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

**PART VIII: COUNT FIVE: VIOLATION OF RIGHT TO DUE PROCESS OF LAW
§1(b) 14th AMENDMENT U.S. CONSTITUTION AND 42 U.S.C. 1983**

51. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

52. § 2 of the Illinois Bill of Rights and §1(b) of the 14th Amendment to the U.S. Constitution via 42 U.S.C. 1983 both protect Plaintiff against deprivation of His liberty and property interests without due process of law, which means in a manner that is not arbitrary, *ad hoc*, unreasonable, unduly financially burdensome, and unnecessarily inconvenient and that is not without pre- or post-deprivation notice and an opportunity to defend.

53. At all times relevant Defendants enumerated in the caption of this Complaint and unknown others had U.S. constitutional and statutory and Illinois statutory, Official Misconduct 720 ILCS 5/33-3, duties not to deprive Plaintiff of His protected liberty and property interests without due process of law, which means in a manner that is not arbitrary, *ad hoc*, unreasonable, unduly financially burdensome, and unnecessarily inconvenient.

54. At all times relevant the Defendants named in this Count had the above said duty, notwithstanding the fact that They may not be "amenable to justice," according to the general principle of law articulated in 720 ILCS 5/8-2.1(b)(3).

55. On 2/2/07 in the Daley Center and on various dates enumerated herein at the courthouse at 555. W. Harrison St., without lawful authority or just cause, the Defendants named in this Count breached said duties and deprived Plaintiff of His protected liberty and property interests to due process of law when They imprisoned Him, arrested Him, maliciously prosecuted Him, and deprived Him of His right to seek redress of grievances in a manner that was arbitrary, *ad hoc*, unreasonable, unduly financially burdensome, and unnecessarily inconvenient.

56. The named Defendants in this Count were at all times relevant acting under the color of State law when they committed the tort against Plaintiff that is herein alleged.

57. Plaintiff was injured by the actions of the Defendants named in this Count in that He was prevented from returning to a public area, a public courtroom, a public building, and a public forum, by said Defendants, Plaintiff's public servants, who committed said deeds without lawful authority or just cause, thus preventing His performance of His own public service as a court-watcher, and Plaintiff was injured in that Plaintiff lost time (which is money that He could have been earning) (**See Part IV: Count One #19**) when He was forced into custody and when He was then compelled to spend money unnecessarily in order to defend Himself in criminal court. Finally, Plaintiff was and is injured in that He was and is compelled to endure the ongoing private humiliation and emotional distress of the previously mentioned indignities.

58. The Defendants named in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct result of Their personal words and/or deeds, which words and deeds, on information and belief, They would not today deny.

59. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Count for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

PART IX: COUNT SIX: COMMON LAW ALIENATION OF SPOUSAL AFFECTIONS

60. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

61. At all times relevant Plaintiff had a reasonable, common law-based expectation of not having His decades-long marriage interfered with by Defendants.

62. At all times relevant Defendants enumerated in the caption of this Complaint and unknown others knew or may reasonably be deemed to have known of Plaintiff's marriage and of its frailty as a result of His many confrontations with powerful but errant public servants like Defendants.

63. At all times relevant the Defendants named in this Count had a common law and Illinois, Alienation of Affections, 740 ILCS 5/2, and Official Misconduct 720 ILCS 5/33-3 statutory duties not to tortiously interfere with the spousal affection of Plaintiff's wife.

64. At all times relevant the above named Defendants in this Count had the above said duties, notwithstanding the fact that They may not be "amenable to justice," according to the general principle of law articulated in 720 ILCS 5/8-2.1(b)(3).

65. On 2/2/07 in the Daley Center, without lawful authority or just cause, the Defendants named in this Count breached said duties and deprived Plaintiff of His protected liberty and property interests in the continuation of His spouse's affections when They imprisoned Him, arrested Him, and maliciously prosecuted Him, which resulted in His (wrongful) conviction and (wrongful) sentence of 30 days in jail, which in turn resulted in the alienation of His wife's affections and her desertion of Him and her subsequent filing for a divorce.

66. The Defendants named in this Count were at all times relevant acting under the color of State law when they committed the tort against Plaintiff that is herein alleged.

67. Plaintiff was injured by the actions of the Defendants named in this Count in that the suffering of His wife was keenly felt by Him and so became His own suffering to the extent that when He was sent to jail His wife had a terrible time adjusting to His absence and to the shame of His incarceration, and when He returned from jail she blamed Him for His own injured psyche, because she blamed Him for His incarceration, claiming that she could no longer cope with the all changes that He was putting her through, and then she left Him in January 2009; Plaintiff has also been injured by His loss of His wife's society and affection as well as her lack of performance of her usual spousal duties and domestic chores, including food preparation, most of which duties and chores now remain unperformed, resulting in a much lower emotional and economic standard of living and of mental wellbeing for Plaintiff.

68. The Defendants named in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct result of Their personal words and/or deeds, which words and deeds, on information and belief, They would not today deny.

69. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Count for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

**PART X: COUNT SEVEN: RETALIATION FOR PLAINTIFF'S EXERCISE OF HIS
CONSTITUTIONAL AND OTHER PROTECTED RIGHTS AND PRIVILEGES
42 USC 1983**

70. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

71. At all times relevant Plaintiff had a federal statutory, 42 USC 1983, privilege to exercise His constitutional and other protected rights and privileges without being retaliated against by His public servants, Defendants.

72. At all times relevant Defendants enumerated in the caption of this Complaint and unknown others, as public servants, had federal statutory and Illinois Official Misconduct, 720

ILCS 5/33-3, duties not to retaliate against Plaintiff for His exercise of His constitutional and other protected rights and privileges.

73. At all times relevant the Defendants named in this Count had the above said duties, notwithstanding the fact that They may not be "amenable to justice," according to the general principle of law articulated in 720 ILCS 5/8-2.1(b)(3).

74. On 2/2/07 in the Daley Center and on various dates enumerated herein in criminal court in the courthouse at 555 W. Harrison St., without lawful authority or just cause, the Defendants named in this Count breached said duties and deprived Plaintiff of His protected liberty and property interests in being free from retaliation for His exercise of His constitutional rights when They imprisoned Him, arrested Him, maliciously prosecuted Him, and deprived Him of His right to seek redress of grievances.

75. The Defendants named in this Count were at all times relevant acting under the color of State law when they committed the tort against Plaintiff that is herein alleged.

76. Plaintiff was injured by the actions of the Defendants named in this Count in that He was prevented from returning to a public area, a public courtroom, a public building, and a public forum, by said Defendants, Plaintiff's public servants, who committed said deeds without lawful authority or just cause, thus preventing His performance of His own public service as a court-watcher, and Plaintiff was injured in that Plaintiff lost time (which is money that He could have been earning) (**See Part IV: Count One #19**) when He was forced into custody and when He was then compelled to spend money unnecessarily in order to defend Himself in criminal court. Finally, Plaintiff was and is injured in that He was and is compelled to endure the ongoing private humiliation and emotional distress of the previously mentioned indignities.

77. The Defendants named in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct or indirect result of Their personal words and deeds, which words and deeds, on information and belief, They would not today deny.

78. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Count for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

**PART XI: COUNT EIGHT: VIOLATION OF RIGHT TO EQUAL PROTECTION
§1(e) OF THE XIVTH AMENDMENT U. S. CONSTITUTION, 42 USC 1983**

79. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

80. At all times relevant Plaintiff had a U.S. constitutional, 16th Amendment, and statutory, 42 USC 1983, right to equal protection of the laws by His public servants, Defendants.

81. At all times relevant Defendants enumerated in the caption of Complaint and unknown others, as public servants, had federal constitutional and statutory and Illinois Official Misconduct, 720 ILCS 5/33-3, duties not to deny equal protection of the laws to Plaintiff.

82. At all times relevant the Defendants named in this Count others had the above said duties, notwithstanding the fact that They may not be "amenable to justice," according to the general principle of law articulated in 720 ILCS 5/8-2.1(b)(3).

83. On 2/2/07 in the Daley Center and on various dates enumerated herein in the courthouse at 555 W. Harrison St., without lawful authority or just cause, the Defendants named in this Count breached said duties and deprived Plaintiff of His protected liberty and property interests in equal protection of the law when they singled Him out as an ethnic minority-- a Mexican-American with less than perfect English communication skills-- whom, They believed, They could readily but inequitably persecute with minimal consequences to Themselves.

84. The Defendants named in this Count were at all times relevant acting under the color of State law when they committed the tort against Plaintiff that is herein alleged.

85. Plaintiff was injured by the actions of the Defendants named in this Count in that He was prevented from returning to a public area, a public courtroom, a public building, and a public forum, by said Defendants, Plaintiff's public servants, who committed said deeds without lawful authority or just cause, thus preventing His performance of His own public service as a court-watcher, and Plaintiff was injured in that Plaintiff lost time (which is money that He could have been earning) (**See Part IV: Count One #19**) when He was forced into custody and when He was then compelled to spend money unnecessarily in order to defend Himself in criminal court. Finally, Plaintiff was and is injured in that He was and is compelled to endure the ongoing private humiliation and emotional distress of the previously mentioned indignities.

86. Plaintiff filed a Freedom of Information Act (FOIA) on 10/26/07 with the Sheriff's Office of Cook County, seeking the record of complaints and investigations into misconduct of any sort performed by the Cook County Sheriff officers listed in this captioned case. Plaintiff's request for what should be public record was denied by Peter Kramer (Defendant), of the Sheriff's Office of Cook County. The Defendants named in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct or indirect result of Their personal words and deeds, which words and deeds, on information and belief, They would not today deny.

87. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Count for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

**PART XII: COUNT NINE:
COMMON LAW CIVIL CONSPIRACY and
FEDERAL CIVIL CONSPIRACY, 42 USC 1985(2) AND (3),
AGAINST PLAINTIFF'S RIGHTS TO FREE SPEECH AND TO
PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES
ART. I U.S. BILL OF RIGHTS, § 4**

88. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

89. "If two or more persons in any State... conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified,...; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State..., with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws." 42 USC 1985(2)

90. "If two or more persons in any State... conspire... for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State... from giving or securing to all persons within such State... the equal pro-

tection of the laws;...; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators." 42 USC 1985(3)

91. At all times relevant Defendants enumerated in the caption of this complaint and unknown others had a common law duty not to civilly conspire against Plaintiff to deprive Him of His U.S. constitutional and common law rights and privileges.

92. At all times relevant the above named Defendants in this Count had a federal statutory and Illinois Official Misconduct, 720 ILCS 5/33-3, duty not to civilly conspire with personal bias against Plaintiff for the purpose of depriving Him of "the equal protection of the laws" on account of His Hispanic ethnicity and of His membership in that class of (Hispanic) persons who choose to exercise their right to free speech and seeking redress of grievances by employing various lawful methods of exposing their mistreatment at the hands of the incompetence and anti-Hispanic attitudes of white public servants and by the latter's white enablers and protectors, including those employed by or contracted with the Sheriff of Cook County.

93. At all times relevant the Defendants named in this Count had the above such duties, notwithstanding the fact that They may not be "amenable to justice," according to the general principle of law articulated in 720 ILCS 5/8-2.1(b)(3).

94. The Defendants in this Count are whites or the white supervisors, enablers, and protectors of said whites, who knew or reasonably may be deemed to have known that Plaintiff is Hispanic and is pursuing administrative and/or legal actions against white public servants with allegations of racially discriminatory motivation on behalf of said whites and/or their white supervisors, enablers, and protectors, which resentment played a material role in the herein named Defendants' agreed actions against Plaintiff.

95. On 2/2/07 in the Daley Center and on various dates enumerated herein in the courthouse at 555 W. Harrison St., without lawful authority or just cause, the Defendants named in this Count breached said duties and deprived Plaintiff of His protected liberty and property interests in being free from conspiracies by His public servants against Him when They conspired with certain unknown politicians to persecute Him because He was exposing Their wrong-doing.

96. The Defendants named in this Count were at all times relevant acting under the color of State law when they committed the tort against Plaintiff that is herein alleged.

97. Plaintiff was injured by the actions of the Defendants named in this Count in that He was prevented from returning to a public area, a public courtroom, a public building, and a public forum, by said Defendants, Plaintiff's public servants, who committed said deeds without lawful authority or just cause, thus preventing His performance of His own public service as a court-watcher, and Plaintiff was injured in that Plaintiff lost time (which is money that He could have been earning) (**See Part IV: Count One #19**) when He was forced into custody and when He was then compelled to spend money unnecessarily in order to defend Himself in criminal court. Finally, Plaintiff was and is injured in that He was and is compelled to endure the ongoing private humiliation and emotional distress of the previously mentioned indignities.

98. The Defendants named in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct or indirect result of Their personal words and deeds, which words and deeds, on information and belief, They would not today deny.

99. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Count for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

**PART XIII: COUNT TEN: NEGLIGENCE OR REFUSAL, 42 USC 1986,
TO PREVENT FEDERAL CIVIL CONSPIRACY, 42 USC 1985(2) AND (3),
AGAINST PLAINTIFF'S RIGHTS TO FREE SPEECH AND TO
PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES
ART. I U.S. BILL OF RIGHTS**

100. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

101. "Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any

number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action..." 42 USC 1986

102. At all times relevant Defendants enumerated in the caption of this complaint and unknown others had a common law and/or federal statutory and Illinois Official Misconduct, 720 ILCS 5/33-3, duty not to neglect or to refuse to prevent civil conspiracies against Plaintiff to deprive Him of His constitutional rights to free speech and petition of the government for redress of grievances, when they had opportunity to do so.

103. The Defendants named in this Count had opportunity to prevent the conspiracies in which They participated or of which They had knowledge, as set forth in the preceding Count; They chose, however, not only not to prevent said conspiracies, but to perpetrate and/or to participate in them.

104. At all times relevant the Defendants named in this Count had the above such duties, notwithstanding the fact that They may not be "amenable to justice," according to the general principle of law articulated in 720 ILCS 5/8-2.1(b)(3).

105. On 2/2/07 in the Daley Center and on various dates enumerated herein in the courthouse at 555 W. Harrison St., without lawful authority or just cause, the Defendants named in this Count breached said duties and deprived Plaintiff of His protected liberty and property interests in being free from conspiracies by His public servants against Him when They conspired with certain unknown politicians to persecute Him because He was exposing Their wrong-doing.

106. The Defendants named in this Count were at all times relevant acting under the color of State law when they committed the tort against Plaintiff that is herein alleged.

107. Plaintiff was injured by the actions of the Defendants named in this Count in that He was prevented from returning to a public area, a public courtroom, a public building, and a public forum, by said Defendants, Plaintiff's public servants, who committed said deeds without lawful authority or just cause, thus preventing His performance of His own public service as a court-watcher, and Plaintiff was injured in that Plaintiff lost time (which is money that He could have been earning) when He was forced into custody and when He was then compelled to spend money unnecessarily in order to defend Himself in criminal court. **(See Part IV: Count One #19)** Finally, Plaintiff was and is injured in that He was and is compelled to endure the ongoing private humiliation and emotional distress of the previously mentioned indignities.

108. The Defendants named in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct or indirect result of Their personal words and deeds, which words and deeds, on information and belief, They would not today deny.

109. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Count for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

**PART XIV: COUNT ELEVEN: VIOLATIONS OF
THE RACKETEERING INFLUENCED AND CORRUPT ORGANIZATIONS ACT
18 USC 1962(c), 1964(c)**

110. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

111. 18 USC 1962(c) provides: "It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt."

112. 18 USC 1961(4) provides: "'enterprise' includes any individual...or legal entity..."

113. 18 USC 1961(1) provides: "racketeering activity" means: A) any act or threat involving...mail fraud [or] wire fraud..."

114. 18 USC 1341 provides "whoever, having devised or intending to devise any scheme or artifice to defraud...[and] places in any post office or authorized depository for mail...any such matter or thing, shall be fined...or imprisoned...or both."

115. 18 USC 1343 provides "whoever, having devised or intended to devise any scheme or artifice to defraud...[and] transmits or causes to be transmitted by means of wire...in interstate...commerce, any writings,...[or] pictures...for the purpose of executing such scheme or artifice, shall be fined...or imprisoned...or both."

116. 18 USC 1961(5) provides: "'a pattern of racketeering activity' requires at least two acts of racketeering activity...the last of which occurred within ten years...after the commission of a prior act of racketeering activity."

117. 18 USC 1964(c) provides: "Any person injured in his...property by reason of a violation of § 1962...may sue therefore...and shall recover threefold the damages he sustains and the cost of the suit..."

118. At all times relevant Plaintiff had a federal statutory right to be free from violations of the federal R.I.C.O. Act committed against Him by His public servants.

119. At all times relevant Defendants enumerated in the caption of this Complaint and unknown others had a federal statutory duty to refrain from committing violations of the federal R.I.C.O. Act against Plaintiff.

120. On 2/2/07 in the Daley Center and on various dates enumerated herein in the courthouse at 555 W. Harrison St., without lawful authority or just cause, the Defendants named in this Count breached said duties and deprived Plaintiff of His protected liberty and property interests against becoming a racketeering victim of His public servants when, with actual malice, They committed violations of the federal R.I.C.O. Act against Plaintiff by causing letters, memos, etc. to be mailed, emailed, and/or faxed, and/or their content to be telephoned to each other (at least some of which was therefore between two 'enterprises'—politicians who ordered the persecution and the Sheriff-- in interstate commerce) in a manner that expressed Their intent to deprive (or Their *fait accompli* that deprived) Plaintiff of His constitutional rights, in violation of 18 USC 242 and 241, by:

121. All of the above acts were and are part of a grand conspiracy and fraudulent scheme to abuse all whistleblowers, including Plaintiff, who dares to speak up and out against perceived abuses of their and His constitutional rights, especially if such expose's point out wrongdoing by highly placed politicians or their favored agencies and persons. All such schemes were fraudulent in that they constituted violations of constitutional, statutory, and/or common law, but they were disguised as law enforcement actions taken pursuant to the legitimate authority of the Sheriff and/or other governmental agencies under its control and/or influence. The Sheriff took over and usurped a legitimate enterprise, the Office of the Sheriff, corrupted it, and uses it to derive false credibility with the People therefrom, hence also money (at least his salary if not also many kickbacks) and power therefrom.

122. The Defendants named in this Count were at all times relevant acting under the color of State law when they committed the crimes and torts against Plaintiff that are herein alleged.

123. Plaintiff was injured by the actions of the Defendants named in this Count in that He was prevented from returning to a public area, a public courtroom, a public building, and a public forum, by said Defendants, Plaintiff's public servants, who committed said deeds without lawful authority or just cause, thus preventing His performance of His own public service as a court-watcher, and Plaintiff was injured in that Plaintiff lost time (which is money that He could have been earning) (**See Part IV: Count One #19**) when He was forced into custody and when He was then compelled to spend money unnecessarily in order to defend Himself in criminal court. Finally, Plaintiff was and is injured in that He was and is compelled to endure the on-going private humiliation and emotional distress of the previously mentioned indignities.

124. The Defendants named in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct result of Their personal words and/or deeds, which words and deeds, on information and belief, they would not today deny.

125. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Count for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

PART XV: COUNT TWELVE: EQUITABLE RELIEF REQUESTED

Part XVA: Introduction

126. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

127. Plaintiff possesses a clearly ascertainable need and right that requires—and therefore He requests court protection— of His right to enter all courtrooms of all Cook County courthouses for the purpose of: A) litigating His own lawsuits, B) attending litigations of others of interest to Him; C) conducting research in the Cook County Law Library, and E) attending occasional public events and visiting occasional exhibits in the lobbies of Cook County courthouses.

Part XV B: Preliminary and Permanent Injunctions Requested

128. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

129. Plaintiff will suffer irreparable harm without preliminary injunctions, ordering the relief sought in the previous ¶.

130. There is no adequate remedy at law for those of Plaintiff's injuries that would now make Him afraid to enter Cook County courthouses in order to accomplish His legitimate and lawful purposes.

131. Plaintiff is likely to be successful on the merits of this action, since this Court is lawfully bound to uphold Plaintiff's due process and other constitutional rights and to hold as void all orders that do not conform thereto.

132. There is urgency about Plaintiff's petition for injunctive relief, as He has immediate and on-going needs, as alluded to above.

133. Therefore, Plaintiff requests that this Court issue a preliminary injunction granting the relief sought in Part XXA above.

134. Should Plaintiff prevail on some or all of His claims, He also requests a permanent injunction similar to the preliminary injunction requested above.

COMMON LAW NEGLIGENCE AS FAILURE TO TRAIN AND SUPERVISE

135. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

136. At all times relevant Defendants enumerated in the caption of this complaint and unknown others had a common law and Illinois Official Misconduct, 720 ILCS 5/33-3, duty to adequately train and supervise Their employees in a manner so that Their employees would not abuse the People's, including Plaintiff's, rights by committing crimes and torts against Them and Him.

137. At all times relevant the Defendants named in this Count had the above said duty, notwithstanding the fact that They may not be "amenable to justice," according to the general principle of law articulated in 720 ILCS 5/8-2.1(b)(3).

138. On 2/2/07 in the Daley Center and on various dates enumerated herein in the courthouse at 555 W. Harrison St., without lawful authority or just cause, the Defendants named in this Count breached said duties and deprived Plaintiff of His protected liberty and property interests when They negligently failed to properly train and/or supervise Their subordinates named as Defendants in other Counts in this Complaint.

139. On 5/16/07, Plaintiff had an interview with Cook County Sheriff Department's Internal Affairs Division after filing a written complaint against the Cook County Sheriff Department officers named in the caption of this complaint. Plaintiff's interview was with Defendant, Cook County Sheriff Investigator Robert Allen, # 42. The first thing that Defendant states before beginning the interview is, "First of all, we're not firing anybody." This was said before the recording device was started. Plaintiff has transcript of interview. The Defendants named in this Count were at all times relevant acting under the color of State law when they committed the tort against Plaintiff that is herein alleged.

140. All Defendant subordinates referred to above were trained to obey the Constitution and laws, to protect the People's, including Plaintiff's rights, and to refuse to obey all orders for which there is no lawful authority or just cause, per the principle established at the Nuremberg Nazi trials, conducted primarily by the USA, that blindly obeying orders is not exculpatory.

141. The Defendants named in this Count were at all times relevant acting under the color of State law when they committed the crimes and torts against Plaintiff that are herein alleged.

142. Plaintiff was injured by the actions of the Defendants named in this Count in that He was prevented from returning to a public area, a public courtroom, a public building, and a public forum, by said Defendants, Plaintiff's public servants, who committed said deeds without lawful authority or just cause, thus preventing His performance of His own public service as a court-watcher, and Plaintiff was injured in that Plaintiff lost time (which is money that He could have been earning) (**See Part IV: Count One #19**) when He was forced into custody and when He was then compelled to spend money unnecessarily in order to defend Himself in criminal court. Finally, Plaintiff was and is injured in that He was and is compelled to endure the ongoing private humiliation and emotional distress of the previously mentioned indignities.

143. The Defendants named in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct result of Their personal words and/or deeds, which words and deeds, on information and belief, they would not today deny.

144. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Court for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

145. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

146. At all times relevant Plaintiff had a common law right to be free the intentional infliction of emotional distress by His public servants.

147. At all times relevant all Defendants named in this Complaint and unknown others had a common law duty and Illinois Official Misconduct, 720 ILCS 5/33-3, duty not to intentionally inflict emotional distress upon Plaintiff.

148. The Defendants named in this Court breached said duties and intentionally, with actual malice, inflicted emotional distress upon Plaintiff when they committed the various torts against Plaintiff complained of in the preceding counts, the commission of which was not only unconstitutional or otherwise unlawful, but also extreme and outrageous, since the actors were Plaintiff's trusted public servants, elected and/or hired by the State of Illinois or agencies thereof, for the purpose of effecting the constitutional purposes thereof, but instead, They betrayed that trust and committed unconstitutionals and/or other unlawfulness against Plaintiff.

149. The Defendants named in this Court breached said duties and intentionally, with malice, inflicted emotional distress upon Plaintiff when they committed various crimes against Plaintiff complained of implicitly in the preceding counts: violation of constitutional rights 18 USC 242, conspiracy against civil rights 720 ILCS 5/8-2.1, conspiracy against constitutional rights 18 USC 241, unlawful restraint 720 ILCS 5/10-3, official misconduct 720 ILCS 5/33, obstruction of justice 720 ILCS 5/31-4(a), disorderly conduct 720 ILCS 5/26-1(a)(4), and perhaps most egregiously of all intimidation 720 ILCS 5/12-6(a)(1), (2), (4), (5), and (6)-- the commission of which crimes was extreme and outrageous, because it constituted a violation of their public trust.

150. Plaintiff, as the direct victim of said crimes, personally experienced same, feared for His safety, and was traumatized by same, thus suffering severe emotional distress thereby, which distress the Defendants named in this Count intended to cause in Plaintiff or recklessly could not have helped causing in Plaintiff because of the high probability of said result following from Their actions, which was entirely foreseeable, because, in the alternative, their acts were the result of conspiracy.

151. The Defendants named in this Count were at all times relevant acting under the color of State law when they committed the crimes and torts against Plaintiff that are herein alleged.

152. Plaintiff was injured by the actions of the Defendants named in this Count in that He was prevented from returning to a public area, a public courtroom, a public building, and a public forum, by said Defendants, Plaintiff's public servants, who committed said deeds without lawful authority or just cause, thus preventing His performance of His own public service as a court-watcher, and Plaintiff was injured in that Plaintiff lost time (which is money that He could have been earning) (**See Part IV: Count One #19**) when He was forced into custody and when He was then compelled to spend money unnecessarily in order to defend Himself in criminal court. Finally, Plaintiff was and is injured in that He was and is compelled to endure the ongoing private humiliation and emotional distress of the previously mentioned indignities.

153. Plaintiff was and is specifically injured by the humiliation and emotional distress of the preceding mentioned indignities that He was compelled to endure by the Defendants named in this Count, in that on account thereof He suffered ulcer-like pains, nausea, and insomnia-- primarily when the incidents complained of first happened and immediately thereafter-- but also secondarily, in slowly declining degrees, whenever Plaintiff thinks thereon. Plaintiff sustained physical, emotional and psychological abuse while incarcerated in the Cook County Jail (2600 S. California). Plaintiff and others inmates were subjected to overcrowded cells, sleeping on the floor, the lights being on 24 hours a day, air conditioning on all day and night, sleep deprivation, unsanitary conditions in the kitchen area (rodent droppings near food), gangs controlling the food; feeding inmates for about \$2.00 a day which is malnutrition. Defendant Cook County Sheriff Tom Dart is aware of the conditions in his jail.

154. The Defendants named in this Count were the proximate causes of Plaintiff's injuries, because those injuries were a direct result of Their personal words and/or deeds, which words and deeds, on information and belief, they would not today deny.

155. Plaintiff prays for a jury trial on all matters triable by jury, declaratory judgment against the above named Defendants in this Court for the causes brought herein, compensatory damages in excess of \$50,000 from each Defendant, punitive damages if available, injunctions as requested below, and any other relief that this Court and/or His jury finds just and equitable.

Part XVI: COUNT THIRTEEN: OTHER RELIEF REQUESTED

156. Parts I-III of this Complaint are incorporated in their entirety, as though fully set forth herein.

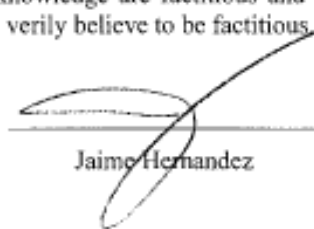
157. By way of additional relief Plaintiff seeks:

- A) An order of the Court, after Defendants have filed Their Response, explaining wherein this Complaint is deficient and extending leave to amend same.
- B) Trial by jury on all issues triable by jury.
- C) Exemplary damages an amount that this Court finds just and equitable.
- D) Any and all other relief that this Court finds just and equitable.
- E) An order by the Court allowing the Plaintiff time to obtain all of the transcripts in his criminal trial. Plaintiff has not received all of the transcripts from his criminal trial, which include testimony and statements from witnesses and relevant Defendants, which are pertinent to this captioned case and cannot proceed without them. Plaintiff had requested audiotapes of the proceeding, to compare to the transcripts, to ensure that they were not altered in any way, however Plaintiff was denied this request by the judge, stating that the court reporters are not required to maintain copies of the audiotapes once the transcripts have been made. (Note: Plaintiff was granted the transcripts of 2/2/07 in the Sheila Mannix case by Judge O'Brien-proving that there was no disturbance in the late Judge Donegan's courtroom)- However Plaintiff's lawyer at the time Russell Stewart refused to put it into evidence along with other evidence which would have proved Plaintiff's innocence.

2010 JAN 27 AM 8:58
CLERK
U.S. DISTRICT COURT

PART XVII: VERIFICATION

I, Jaime Hernandez, being over the age of 18 and of (relatively) sound mind, do hereby certify, pursuant to 735 ILCS 5/1-109 and subject to the penalty of perjury, that all factual allegations made herein on personal knowledge are factitious and that all factual allegations herein made on information and belief I verily believe to be factitious.



Jaime Hernandez

Respectfully submitted,

Jaime Hernandez

AFFIDAVIT OF SHEILA A. MANNIX REGARDING
CONTACT WITH COOK COUNTY ASSISTANT STATE'S ATTORNEY
MICHAEL JACOBS

2010 JAN 27 AM 8:59
CLERK
U.S. DISTRICT COURT

I, Sheila A. Mannix, being first duly sworn, on oath, states as follows:

1. I am 49-years-old and am competent. I am an Illinois-licensed Clinical Psychologist and PhD-level trained research neuroscientist. This affidavit is made on my personal knowledge of all matters set forth herein. If sworn and called as a witness in this matter, I could, and I would, testify competently as to each fact set forth herein.
2. The first time I met Cook County Assistant State's Attorney Michael Jacobs was prior to the November 2008 election in which he was running for Lake County State's Attorney. Denise Rotheimer, who was running for a spot on the Lake County Board, organized a political gathering at a house in Barrington where we both rented rooms from another single mom with children.
3. At the gathering were several other mothers who are also the victims of Illinois' "Pay-to-Play Parenthood" Family Court Racket being perpetrated in the Cook and Lake County Circuit Courts. All of us described the patterns of practice of the racket including harassment of, tampering with, and retaliation against victims and witnesses of the felony state crimes and federal predicate acts by the "state court agent-participants" in bed with the "domestic violence perpetrator-participants."
4. We described how on August 12, 2008, the homeowner, Ms. Rothiemer, my adult son, my 15-year-old son, and myself, were victims of threats of false prosecution, harassment, and defamation by the Barrington Police and my ex-husband, a domestic violence perpetrator, when my 15-year-old fled his abuser-father after my adult son turned 18-years-old on August 11, 2008. My son was held in unlawful detainment in the back of the Barrington Police Department squad car and coerced under duress to reveal whether his little brother and his mom were hiding from our abuser. Mr. Jacobs was made aware that some of the criminal activity was recorded on video surveillance tape including the Barrington Detective's statement that I "have no rights." Mr. Jacobs gave me the name and number of a civil rights attorney that day.
5. I helped campaign for Mr. Jacobs and put up signs at intersections and along roadways prior to the November 2008 election.
6. On March 18, 2009, I met with Mr. Jacobs for almost two hours on the 5th Floor of the Daley Center in the Offices of the Cook County State's Attorney. The purpose of the meeting was my direct request to him to help me initiate the prosecution of the state felony crimes that had been committed against me and were being committed against me by the "state court agent-participants" and my ex-husband, the "domestic violence perpetrator-participant" in my case. I detailed the crimes and presented irrefutable material evidence in support of the prosecution of the state felony crimes

by the Cook County State's Attorney's Office. I also detailed the federal crimes including irrefutable evidence of extortion under color of official right over state lines and federal funding fraud, specifically, fraud by State of Illinois agencies and the Circuit Court of Cook County involving domestic violence federal funding, child support enforcement federal funding, and "Responsible Fatherhood Initiative" federal funding. He did nothing to help me and the crimes continue to this very day about which I continue to compile material evidence.

7. In Cook County and the State of Illinois, the law is not upheld for victims of Illinois' "Pay-to-Play Parenthood" Family Court Racket. Court records prove that the victims and witnesses of Illinois' "Pay-to-Play Parenthood" Family Court Racket are falsely prosecuted if they try to stand up for their rights.
8. On March 18, 2009, I detailed for Mr. Jacobs the framing, false arrest, and false prosecution of my Court Watcher Jaime Hernandez, who attended and directly witnessed state and federal crimes being perpetrated against me on February 2, 2007 by attorney David Wessel, the late Judge Donegan, my ex-husband's two attorneys, my ex-husband, and several employees of the Cook County Sheriff's Office. I showed him other Court Watch witness affidavits and gave him my direct witness testimony. I showed him my three-volume civil RICO complaint, USDC Case No. 09 C 103, Mannix v Madigan et al., filed January 8, 2009. I showed him my motion for a Sec. 3332 grand jury which federal Judge Shadur sent to Chief Judge Holderman. I detailed for him the events of February 19, 2009 in my proceeding in front of Judge Holderman during which he roped in a U.S. Attorney and that I was directed to go to the FBI to initiate the investigation into the racketeering activity in the family court in my case. I detailed for him the patterns of practice of the racket participants of defamation, criminalization, threats of false arrest, false arrest, and false prosecution of victims who stand up to the crimes being committed against them and their children. I showed him a dozen or so false "incident reports" against me by Cook County deputies. I detailed for him that Federal Judge Shadur taught me that if state prosecutors do not prosecute the state felony crimes being committed in racketeering activity, the state felony crimes become RICO predicate crimes and the state prosecutors become principals to the federal RICO crimes.
9. I detailed for him the fact that on October 13, 2006, I had given direct testimony regarding the alleged Sucato mob involvement with state and federal officials in Chicago about which I had learned from a Family informant and from whom I had an affidavit. I detailed that Judges Donegan and Shields were named during my testimony. I detailed that my associate, Michael Lynch, was falsely incarcerated after the proceeding. I detailed the fact that within four months of my testimony, Judge Donegan, David Wessel, Jonathan Gamze, MD, Mitchell Asher, Steven Rizzman and my domestic violence perpetrator participated in sham proceedings on February 2 and 23, 2007, during which felony perjury, felony subornation of perjury, felony harassment of a witness, and conspiracy to commit same were committed. I showed him irrefutable material evidence of these crimes with transcripts, court documents, and affidavits.

10. I detailed for Mr. Jacobs that Judge Donegan and the other state court agents attempted to falsely arrest me on February 2 and 23, 2007, pursuant to court transcripts. I detailed for him that the same Cook County Sheriff's Police Detective who harassed another Court Watch witness and associate of mine, Karyn Mehringer, at her home on the evening of August 17, 2006 (the same day mob documents allegedly associated with ex-judge Karen Shields were to be presented in court), showed up at the February 27, 2007 proceedings evincing that the frame up and false arrest were already in place. I detailed that Judge Donegan failed to falsely arrest me and within the week he was found dead of an alleged accident at the bottom of his basement stairs with a "severely broken neck."
11. That the First District Appellate Court of Chicago, Illinois issued an opinion on February 27, 2008; withdrawn, corrected, and reissued on April 2, 2008; which stated in pertinent part based on my one-hour of credible testimony [*D'Agostino v. Lynch*, 382 Ill. App. 3d 960, 887 N.E.2d 590, 320 Ill. Dec. 446.]:

"Dr. Sheila Mannix of the IFCAA¹ assisted Lynch in bringing charges and filing complaints against the corrupt judges. Although Mannix did not provide Lynch with any information regarding Judge White, she produced direct evidence regarding several other judges' involvement in the bribery scheme."

12. That I subsequently compiled material evidence of the aiding and abetting of Illinois' "Pay-to-Play Parenthood" Family Court Racket on the federal taxpayers' tab by federal officials in Chicago. Said evidence apparently provoked a call within two days of receipt, on November 18, 2009, on my cell phone at 14:53:18, from the Office of Brigadier General Rodney L. Johnson, U.S. Provost Marshal General, Pentagon, Washington, D.C., informing me that my two submissions had been received and that direction is being sought from his General Counsel on the next steps regarding the alleged offenses against the criminal laws of the United States by state and federal officials in Illinois backed with material evidence and witness testimony about which direction I was told I will receive a follow-up call.
[Submissions also confirmed received on August 24, 2009 and November 16, 2009 by the United States Postal Service internet tracking service.]

¹ IFCAA is Illinois Family Court Accountability Advocates, a lawful, volunteer, non-profit organization co-founded in 2005 by Karyn Mehringer and myself and operating under said assumed name for the non-profit organization I incorporated in 1995 called, *In All Our Best Interest*.

Further, I did not disclose information about Judge White because the allegedly involved state court judge presiding over the hearing, who quit the bench within weeks of the proceeding, would not provide protection for the mob family informant from whom information regarding the alleged involvement of state and federal officials in Chicago in an illicit interstate criminal racket was obtained.

13. That I have persuasively argued my belief that only men and women with the dedication to duty and sense of honor that matches that of our courageous military will stop the depraved, sociopathic, "passing-the-buck" behaviors and will stop the inhuman crimes against the children and their protective parents in the nation's family court rackets being perpetrated by corrupt public officials in league with domestic violence perpetrators and mob elements for personal gain on the taxpayers' tab constituting massive theft of honest services and fraud against the government.
14. That I have argued with confidence, **backed by material evidence**, that no Illinois litigant will get ever justice in Illinois regarding any case that has to do with Illinois' Family Court Racket up through the federal courts and including all agencies in Illinois that are mandated to stop the racket from developing in the first place **unless** (a) Illinois' public officials' alleged **mob-involvement** is exposed and prosecuted **AND** (b) Illinois' **fraud against the federal government** is exposed and prosecuted. That nationally-networked organizations indicate the same racketeering activities among state and federal public officials in their respective states.
15. That I have given testimony to FBI-Chicago at their Roosevelt Road facility on February 25, 2009 (with one of my sons), March 3, 2009, April 20, 2009 (with another IFCAA co-member), and June 9, 2009 (with IFCAA co-member Dr. Bowman) upon the direction of the U.S. Attorney's Office after Chief Judge Holderman got them involved on February 19, 2009 during the presentation of my **Motion for Order Under 18 U.S.C. § 3332 to Inform a Special Grand Jury of RICO Offenses in Illinois' Family Courts and Motion for Order to File Mob Family Informant's Affidavit Under Seal** in USDC Case No. 09 C 103, *Mannix v. Madigan, et al.*, and which criminal matters, include (1) extortion under color of official right and induced with the wrongful use of actual or threatened force, violence, or fear, (2) wire and mail fraud, (3) tampering with and retaliation against victims and witnesses, and (4) theft of honest State services and fraud against the State and Federal governments, and about which criminal matters, on April 20, 2009, I was told that an investigation has been opened in the White Collar Crime Division.
16. That my June 9th, 2009 interview with FBI-Chicago was provoked by an alleged criminal retaliatory false arrest attempt earlier that day by the Illinois Attorney General's Office, Cook County Sheriff's Office, and Presiding Judge of the Cook County Family Court; all defendants in USDC Case No. 09 C 103, *Mannix v. Madigan, et al.*, which was on remand to the Northern District of Illinois federal trial court from the Seventh Circuit on June 9, 2009 pursuant to Judge Posner's May 11, 2009 remand order.
17. In the June 9th interview, I put the day's events into context for the FBI agent. I stated that the behavior repertoire of sociopaths is very limited and that one can predict their behavior with a high level of accuracy similar to that which is depicted by the FBI Behavioral Analysis Unit on the TV show, **Criminal Minds**, regarding profiling serial killers. Specifically, that I had anticipated that my lawful filings

would provoke the illegal retaliatory actions of Lisa Madigan, Thomas Dart, and Moshe Jacobius through their underlings acting on their behalf, in the clear absence of all jurisdiction and in abject violation of my equal civil rights, such that I had fully noticed all involved public officials in my "Courtesy Copies Communication for the Record" to **prove opportunity, motive, and intent** to perpetrate ongoing criminal RICO acts against me and I made sure that she had at least two Court Watchers with me at all times; one of whom was Dr. Bowman. That I have offered to the FBI my professional services and have provided them with a list of Illinois state court agents who I have observed with especially weak characters indicating that they would "turn state's evidence in a heart-beat for immunity."

18. That with the inadvertent assistance of federal Judge Milton Shadur, I learned that a defining element of a criminal racketeering enterprise is the perversion, the manipulation, and the corruption of the legitimate operations of a legitimate business enterprise and legal entity for criminal ends that adversely affect the interstate commerce of the legal entity and the racket victims, namely, the People of the United States, thereby engaging federal jurisdiction.
19. Then, in researching the "RICO Checklist" that Judge Shadur gave me in April 2008 in USDC Case No. 08 C 1883, I learned that Illinois' Family Court Racket provides fertile soil for continuing legal education regarding the concealment of judicial corruption by sociopathic behaviors of illegitimate authority, thereby only a **judicial finding of the corruption** can reveal the concealed cause of action. In other words, if **fraudulent concealment of a racketeering enterprise** is being carried out by public officials, then only a finding by public officials can expose the criminal activity because the nature of the fraudulent concealment in a racket involving public officials is the shared misrepresentation that they are engaged in the legitimate activities of the lawful business enterprise that they have, in fact, corrupted. That I obtained such a judicial finding as a result of my one hour of credible testimony on October 13, 2006 which resulted the First District Appellate Court's finding, "(S)he produced direct evidence regarding several other judges' involvement in the bribery scheme." *D'Agostino v. Lynch*, 382 Ill. App. 3d 960, 887 N.E.2d 590, 320 Ill. Dec. 446. **That I can give further credible direct testimony about sociopathic behaviors in illegitimate authority, especially regarding recent acts by federal trial and appellate court officials.**
20. That one of the patterns of practice of the inherent fraudulent concealment by Illinois Family Court Racket "public official-participants" and those public officials aiding and abetting the racket, thereby becoming principals to the crimes, is to blatantly ignore facts and binding law by acting as if "black is white," "2+2=5," and "when released, the object will go up instead of down," for example. (1) that well-pled pleadings that are solid in law and fact are frivolous and without merit when the case involves the Family Court Racket, (2) that void orders are not void even prior to reversal and jurisdiction can be retroactively conferred when it involves the Family Court Racket, and (3) that lawyers and judges are not mandated to report the misconduct of each other when it involves the Family Court Racket.

- 21. In other words, the aforementioned examples of sociopathic behaviors extend to public officials acting as if the fraudulent concealment of the family court racket does not involve irrefutable evidence of spoliation of evidence and fraud upon the court evinced by the creation of false records involving suppression of critical evidence and fabrication of false evidence to support void proceedings and judgments, which evidence is found in insurmountable case records in Illinois' trial and reviewing courts as well as the records of the Illinois Supreme Court Judicial Inquiry Board, Illinois Supreme Court Attorney Registration and Disciplinary Commission, Illinois Department of Financial and Professional Responsibility, and most definitively, in the financial records of federal funding coming into the State of Illinois involving Responsible Fatherhood Initiative, child support enforcement, domestic violence, supervised visitation, and other DHHS federal funds which are being illegally used to fuel and/or subsidize Illinois' Family Court Racket constituting theft of honest State services and fraud against the Federal government, above and beyond extortion of private funds.
- 22. Based on my contact with Cook County State's Attorney Michael Jacobs, as a citizen of the State of Illinois, I seriously question his fitness to be a practicing attorney, let alone an attorney who has a mandatory fiduciary duty to represent the interests of Illinois citizens.
- 23. Further sayeth naught.


 SHEILA A. MANNIX

SUBSCRIBED and SWORN to before me on
 this 22nd day of January, 2010.


 NOTARY PUBLIC

