



**ILLINOIS STATE  
BAR ASSOCIATION**

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# Illinois State Bar Association High School Mock Trial Invitational

## Mock Trial Case

*Addison Grant*

*v.*

*Sam Smith*

None of the characters in this case are real. Any similarity between these characters and living people is coincidental and unintentional.

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Special thanks to ISBA staff personnel, the members and associate members of the ISBA's Standing Committee on Law-Related Education for the Public, the Mock Trial Coordinator, Katy Karayannis, and Deputy Coordinator, Kelsey Chetosky for their assistance in preparing the problem.

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## STATEMENT OF THE CASE

This case involves a lawsuit filed by the Plaintiff, Addison Grant, alleging that Officer Sam Smith used excessive force on July 20, 2017. Grant was a homeless 20-year-old sitting on a park bench in Lakeview, when Officer Smith approached. Smith contends that s/he had reason to believe that Grant had committed a crime and might be armed. Grant, who has suffered from a seizure disorder since s/he was three years old, alleges that s/he intended to cooperate with Smith, but began having a seizure, at which point Smith began striking Grant. Grant alleges that s/he suffered serious injuries as a result of Smith's actions.

While typically a plaintiff has to prove both liability and damages at trial, in this case the parties have agreed to bifurcate the trial. The only issue that will be tried in this case is whether Officer Smith should be held liable for the alleged excessive use of force against Grant and the alleged false arrest of Grant, or whether Smith was acting reasonably.

### WITNESS LISTS

#### Plaintiff Witnesses

Addison Grant  
Bailey Wilson  
Peyton Gilbert

#### Defense Witnesses

Sam Smith  
Blake Quinn  
Cameron Rodriguez

### EXHIBIT LIST

- |                                       |                                     |
|---------------------------------------|-------------------------------------|
| 1. Peyton Gilbert Curriculum Vitae    | 9. LPD Incident Report              |
| 2. Cameron Rodriguez Curriculum Vitae | 10. LPD Incident Report             |
| 3. Transcript of Phone Recording      | 11. Map of Washington Park          |
| 4. LFD Patient Care Report            | 12. Smith Medical Letter            |
| 5. Lakeview Hospital Patient Report   | 13. Dispatch Report                 |
| 6. Lakeview Medical Group Report      | 14. Picture of Grant's Handkerchief |
| 7. LPD Standard Operating Procedures  |                                     |
| 8. LPD Incident Report                |                                     |

\*\*\*Please note that exhibits, including affidavits, are pre-marked. The pre-marking of exhibits is solely a convenience. It is not intended to suggest the order in which exhibits should be used nor is it intended to suggest anything about their admissibility. In addition, the pre-marking of exhibits is not intended to suggest that all exhibits must or should be used.\*\*\*

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT  
LINCOLN COUNTY, ILLINOIS

|  |   |                                 |
|--|---|---------------------------------|
| ADDISON GRANT,                           | ) |                                 |
| Plaintiff,                               | ) |                                 |
|  | ) |                                 |
| v.                                       | ) | Case No. 17-L-1178              |
|  | ) |                                 |
| SAM SMITH in his/her individual capacity | ) | Plaintiff Demands Trial By Jury |
|  | ) | On All Counts                   |
| Defendant.                               | ) |                                 |

**COMPLAINT**

NOW COMES Plaintiff, Addison Grant, by his/her attorney, and for his/her Complaint against Defendants Sam Smith, states as follows:

**Parties And Common Allegations**

1. Plaintiff, Addison Grant (“Grant”), is an adult citizen of the United States. Grant is homeless, but spends the majority of his/her time in Lakeview, Illinois.

2. Grant has a medical condition that can cause him/her to suffer seizures. Grant used to take prescription drugs that mostly controlled his/her condition, but since s/he is currently homeless, s/he cannot afford the medication. Grant’s seizures worsen when s/he is under stress.

3. Usually, Grant can feel a seizure just before it happens, due to unusual tastes and aromas, followed by uncontrollable jerking and stiffening of his/her arms and legs. While Grant can feel a seizure just before it happens, s/he cannot control it or prevent it from happening.

4. Defendant Sam Smith (“Smith”), at all times relevant to this complaint, was employed as a police officer with the City of Lakeview, Illinois police department. Smith is sued in his individual capacity.

5. At all times relevant to this complaint, Smith was acting under color of state law and all of Smith’s acts and conduct, as herein alleged, were within the scope of Smith’s employment as a police officer.

6. At all times relevant to the allegations in this Complaint there was in force and effect Section 1983 of Title 42 of the United States Code, which provided in pertinent part as follows:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, . . . .

7. On July 20, 2017, Grant was sitting on a bench in Washington Park, which is located in Lakeview, Illinois.

8. While Grant was sitting in Washington Park, Smith approached Grant and yelled at him/her.

9. Grant and Smith know each other. Smith has arrested Grant in the past.

10. As Smith yelled at Grant, Grant began to feel a seizure beginning to start.

11. As Smith came closer, Grant tried to tell Smith s/he was having a seizure. Smith did nothing to help Grant. Instead, Smith yelled at Grant to freeze.

12. As Grant began to shake and his/her arms stiffened, Smith threw Grant off the park bench and onto the sidewalk.

13. Smith used his/her taser to administer an electric shock to Grant.

14. Smith placed Grant under arrest. Smith had no warrant to arrest Grant.

15. Once on the ground, Smith hit Grant and slammed his/her head into the sidewalk. These actions worsened Grant's seizure symptoms.

16. Before Smith stopped his attack, Grant lost consciousness.

17. Smith's actions caused Grant significant harm. Grant has lost most of his/her memories and struggles to remember new things. Grant's seizures are more frequent and more violent since July 20, 2017. Grant also suffered bruises and scrapes to his/her entire body.

#### **COUNT I – Excessive Use of Force**

18. Grant re-alleges and incorporates by reference paragraphs 1 through 17, inclusive, as set forth above, as and for paragraphs 1 through 17 of Count I of this Complaint, as though fully set forth herein.

19. At all times relevant to the allegations in this Count, there was in force and effect the Fourth Amendment to the United States Constitution which amendment prohibits the use of unreasonable force in the course of an arrest or other seizure of a person.

20. During his/her arrest of Grant, Smith used unreasonable force towards Grant, as herein alleged, in violation of the Fourth Amendment to the United States Constitution in that Smith used excessive force towards Grant for the purpose of harming Grant, and not in a good faith effort to maintain or restore security of discipline.

21. Smith's use of excess force against Grant as alleged herein constituted a reckless or callous indifference to the Grant's federally protected rights and was motivated by evil motive or intent.

22. As a direct result of Smith's excessive force, Grant suffered and will continue to suffer physical injury, pain, mental anguish, humiliation, and embarrassment.

WHEREFORE, Plaintiff, Addison Grant, prays that this Court enter judgment in favor of Plaintiff and against Defendant, Sam Smith, on Count I of Plaintiff's Complaint, to award Plaintiff compensatory and punitive damages in an amount to be determined at trial, and to further award Plaintiff costs of this action, reasonable attorneys' fees, and such other relief as this Court deems just and equitable.

#### **COUNT II – False Arrest**

23. Grant re-alleges and incorporates by reference paragraphs 1 through 17, inclusive, as set forth above, as and for paragraphs 1 through 17 of Count II of this Complaint, as though fully set forth herein.

24. At all times relevant to the allegations in this Count, there was in force and effect the Fourth Amendment to the United States Constitution which amendment prohibits unreasonable seizures of persons.

25. Smith's seizure and arrest of Grant violated Grant's rights under the Fourth Amendment to the United States Constitution in that Smith had no reasonable suspicion or probable cause to seize or arrest Grant on any charge and Smith's arrest of Grant was an unreasonable seizure.

26. As a direct result of Grant's false arrest by Smith, Grant suffered and will continue to suffer physical injury, pain, mental anguish, humiliation, and embarrassment.

WHEREFORE, Plaintiff, Addison Grant, prays that this Court enter judgment in favor of Plaintiff and against Defendant, Sam Smith, on Count II of Plaintiff's Complaint, to award Plaintiff compensatory and punitive damages in an amount to be determined at trial, and to

further award Plaintiff costs of this action, reasonable attorneys' fees, and such other relief as this Court deems just and equitable.

**PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS**

Dated this 1 day of September, 2017.

*Meridith Craig*

Meridith Craig  
PLAINTIFF'S ATTORNEY

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT  
LINCOLN COUNTY, ILLINOIS

ADDISON GRANT, )  
Plaintiff, )  
v. ) Case No. 17-L-1178  
SAM SMITH in his/her individual capacity, )  
Defendant. )

**RULE 222 AFFIDAVIT**

The undersigned, being duly sworn upon his oath, deposes and says:

1. I am an adult resident of Lincoln County, Illinois, and under no legal disability.
2. I am the attorney for the Plaintiff in the above-captioned lawsuit.
3. That the total money damages sought by Plaintiff in the above-captioned lawsuit

exclusive of interest and costs, is more than \$50,000.00.

Further Affiant sayeth naught.

*Meridith Craig*

Meridith Craig  
PLAINTIFF'S ATTORNEY

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Meridith Craig, on this 1 day of September of, 2017.

Elizabeth Black

Elizabeth Black, Notary Public  
My Commission Expires: 12/31/19

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT  
LINCOLN COUNTY, ILLINOIS

|  |   |                                 |
|--|---|---------------------------------|
| ADDISON GRANT,                           | ) |                                 |
| Plaintiff,                               | ) |                                 |
|  | ) |                                 |
| v.                                       | ) | Case No. 17-L-1178              |
|  | ) |                                 |
| SAM SMITH in his/her individual capacity | ) | Defendant Demands Trial By Jury |
|  | ) | On All Counts                   |
| Defendant.                               | ) |                                 |

**DEFENDANT SMITH'S ANSWER**

NOW COMES Defendant, Sam Smith, by his/her attorney, and for his/her Answer to Plaintiff's Complaint, states as follows:

1. Admits.
2. Defendant lacks sufficient information or knowledge to form a belief as to the truth of this allegation and therefore, denies.
3. Defendant lacks sufficient information or knowledge to form a belief as to the truth of this allegation and therefore, denies.
4. Admits.
5. Admits.
6. This paragraph is an allegation of law to which no answer is required.
7. Admits.
8. Admits that Defendant approached Grant but denies Defendant yelled at Grant.
9. Admits.
10. Denies that Smith yelled at Grant. Defendant lacks sufficient information or knowledge to form a belief as to the truth of the remaining allegations and therefore, denies.
11. Defendant lacks sufficient information or knowledge to form a belief as to the truth of this allegation and therefore, denies except that Defendant admits that he approached Grant but Denies that he told Grant "to freeze".
12. Denies.
13. Denies.
14. Admits.



15. Denies.

16. Denies that Defendant attacked Grant. Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegation that “Grant lost consciousness” and therefore, denies.

17. Denies.

**COUNT I – Unreasonable Seizure of Person – Excessive Use Of Force**

18. Defendant re-alleges and incorporates by reference paragraphs 1 through 17, inclusive, as set forth above, as and for his/her Answer to Paragraphs 1 through 17 of Count I of Plaintiff’s Complaint, as though fully set forth herein.

19. This paragraph is an allegation of law to which no answer is required.

20. Denies.

21. Denies.

22. Denies.

WHEREFORE, Defendant, Sam Smith, prays that this Court enter judgment in favor of Defendant and Against Plaintiff on Count I of Plaintiff’s Complaint, deny Plaintiff any relief, and award Defendant his/her costs of this action and such other relief as this Court deems just and equitable.

**COUNT II – False Arrest**

23. Defendant re-alleges and incorporates by reference paragraphs 1 through 17, inclusive, as set forth above, as and for his/her Answer to Paragraphs 1 through 17 of Count II of Plaintiff’s Complaint, as though fully set forth herein.

24. This paragraph is an allegation of law to which no answer is required.

25. Denies the allegation that Defendant “had no reasonable suspicion or probable cause to seize or arrest Grant”. Otherwise the allegations in this paragraph are allegations of law to which no answer is required.

26. Denies.

WHEREFORE, Defendant, Sam Smith, prays that this Court enter judgment in favor of Defendant and against Plaintiff on Count II of Plaintiff’s Complaint, deny Plaintiff any relief,

and award Defendant his/her costs of this action and such other relief as this Court deems just and equitable

**DEFENDANT DEMANDS JURY TRIAL ON ALL COUNTS**

Dated this 1<sup>st</sup> day of October, 2017.

*Haylie Jones*

Haylie Jones  
DEFENDANT'S ATTORNEY

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT  
LINCOLN COUNTY, ILLINOIS

ADDISON GRANT, )  
Plaintiff, )  
v. ) Case No. 17-L-1178  
SAM SMITH in his/her individual capacity, )  
Defendant. )

**ORDER ON DEFENDANT’S MOTION TO DISMISS**

This matter comes before the court on Defendant’s motion to dismiss for improper venue and lack of subject matter jurisdiction. Defendant’s motion to dismiss for improper venue is DENIED because it is untimely. Defendant’s motion to dismiss for lack of subject matter jurisdiction is also DENIED.

A motion to dismiss or transfer due to Plaintiff’s filing in an improper venue must be filed in Defendant’s first responsive pleading to Plaintiff’s complaint or it is waived. *See* 735 ILCS 5/2-104(b). Defendants first filed separate answers in this case on October 1, 2017 and made no motion to dismiss due to improper venue in their complaint. Therefore their objection to the venue being improper was waived and their motion was untimely.

Defendant’s motion to dismiss for lack of subject matter jurisdiction is also denied. Plaintiff chose to file his/her excessive use of force claim under 42 U.S.C. §1983, which is a federal statute designed to protect individual’s civil rights. Both state courts and federal courts have jurisdiction over suits brought pursuant to §1983. *See Howlett v. Rose*, 496 U.S. 356 (1990). Thus this court has jurisdiction over Plaintiff’s §1983 claim and Defendant’s motion to dismiss must be denied.

Therefore, it is ORDERED that Defendant’s Motion to dismiss is DENIED.

*Judge Catherine Meyer*

ENTERED: October 13, 2017

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT  
LINCOLN COUNTY, ILLINOIS

ADDISON GRANT, )  
Plaintiff, )  
 )  
v. ) Case No. 17-L-1178  
 )  
SAM SMITH in his/her individual capacity, )  
Defendant. )

**ORDER ON MOTIONS IN LIMINE**

This Court, having read the motions of counsel, the relevant law, and having heard the arguments of counsel finds and orders as follows:

1. The Plaintiff has brought a motion seeking to bar the testimony of the potential Defense expert witness, Cameron Rodriguez. The Defendant has brought a similar motion seeking to bar the testimony of Plaintiff's potential expert witness, Peyton Gilbert. The Defense has further sought to bar evidence of its policies regarding the use of force by officers employed with the Lakeview Police Department. Both parties cite *Thompson v. City of Chicago*, 472 F.3d 444 (7th Cir. 2006) and Illinois Rule of Evidence 403 in support of their arguments.

2. This Court finds that both Peyton Gilbert and Cameron Rodriguez shall be allowed to testify at trial regarding their expert opinions should the parties choose to call them as witnesses. The Court finds that the expert testimony of both experts may be helpful to a lay juror and the danger of unfair prejudice does not substantially outweigh the probative value of the testimony.

3. This Court further finds that Illinois Rule of Evidence 403 does not bar the Lakeview Police Department Policies. As the pattern jury instructions note, the evidence of a policy is not decisive in a case such as the one presented before the court. But the instructions explicitly allow for a jury to consider such evidence when reaching a verdict. Further, the danger of unfair prejudice does not substantially outweigh the probative value of the use of the policies.

Therefore, it is ORDERED that both parties' motions to bar the testimony of expert witnesses be DENIED. It is further ordered that the Defendant's motion to bar the use of Exhibit 7, the Lakeview Police Department Standard Operating Procedures, is DENIED.

*Judge Catherine Meyer*

ENTERED: November 1, 2017

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT  
LINCOLN COUNTY, ILLINOIS

ADDISON GRANT, )  
Plaintiff, )  
 )  
v. ) Case No. 17-L-1178  
 )  
SAM SMITH in his/her individual capacity, )  
Defendant. )

**PRE-TRIAL ORDER**

On this the 1st day of November, 2017, the above-captioned matter came before the undersigned judge for pretrial conference. The parties, appearing through their counsel, indicated their agreement to, and approval of, the stipulations outlined below, and requested that they be made the Order of this Court. The terms of this order, accordingly, shall not be altered, except upon a showing of good cause.

The parties have entered into the following stipulations, which shall not be contradicted or challenged:

1. All of the exhibits are authentic and the parties waive all objections to the authenticity of all exhibits. The parties do not waive their objections to the admissibility of the exhibits at trial, unless otherwise stated below in the stipulations.
2. All documents and exhibits in the case packet are true and accurate copies of the exhibit. The parties waive all objections to the use of a black and white copy of any exhibit during trial.
3. All witness affidavits are true and correct copies of the witness affidavits. The signatures on the witness statements and reports are authentic and have been properly notarized.
4. Addison Grant has a twitch to his/her left side. No person portraying Addison Grant may act out this twitch or twitch in any manner during the trial.
5. The reports of Peyton Gilbert and Cameron Rodriguez are true and correct copies of the witness's reports. In addition, Peyton Gilbert and Cameron Rodriguez's Curriculum Vitae (CVs) are attached as exhibits and the CVs fully and accurately

provide the witnesses training, education and experience. Peyton Gilbert and Cameron Rodriguez do not have affidavits independent of their reports and CVs.

6. Peyton Gilbert and Cameron Rodriguez are stipulated to be experts.
7. This case is bifurcated as to liability and damages. The only issue in this case is the liability of the Defendant; if Grant is successful, damages will be tried on a later date.
8. The parties agree that Exhibit 11, the Washington Park Map, is drawn to scale and accurately depicts Washington Park as it was on July 20, 2017. The parties waive all objections to the admissibility of Exhibit 11. The parties agree however that the map must be introduced through a proper witness during the course of the trial.
9. The parties agree that Exhibit 13, the Lakeview Police and Fire Dispatch Report, is a business record, and therefore the parties waive all hearsay objections to Exhibit 13.
10. Exhibit 14 is an accurate photograph of the handkerchief that was found on Addison Grant on July 20, 2017.
11. While certification pages were not provided, both sides agree that Exhibit 4 (LFD Patient Care Report), Exhibit 5 (Lakeview Hospital Patient Report), and Exhibit 6 (Lakeview Medical Group Report) were properly certified. Additionally, both parties provided proper pretrial notification regarding the use of Exhibits D, E, and F under Rule 803(6).
12. The parties agree that Sam Smith was acting under the color of law at the time of the encounter with Addison Grant and that Smith was acting within the scope of his employment with the Lakeview police department.

*Judge Catherine Meyer*

ENTERED: November 1, 2017

**Plaintiff Witness: Affidavit of Addison Grant**

1 Addison Grant, being first duly sworn upon oath, states as follows:

2 My name is Addison Grant. I am twenty years old and live in Lakeview, Illinois. I do not have a  
3 current permanent address. I used to live with my parents, Pat and Jo Grant, at 811 Pine Street  
4 here in Lakeview, but my mom kicked me out of the house when I turned eighteen. I have been  
5 living on the streets, in shelters, and occasionally in the homes of friends, ever since. I have to  
6 rely on the kindness of strangers a lot to survive.

7 I don't work and have never really been able to hold down a job. I think I have a learning  
8 disability, but I'm not sure, and no doctor has ever said I do. Some of my teachers thought I  
9 might have one, but my parents never wanted to have me tested, so I just struggled on my own.  
10 It was tough sometimes. Things got messed up when I was young. I was about six when my  
11 older brother Lee was killed under strange circumstances. Lee was the oldest and I was the  
12 youngest of the four kids. Lee and I were really close and I never really knew what happened to  
13 him. Some said that he died playing Russian roulette with friends, but others said he intentionally  
14 shot himself. I still can't believe he would have shot himself and left me and our family. We  
15 were a happy family, but after Lee died, our family fell apart. My dad blamed my mom and  
16 there was a lot of yelling. Eventually, Dad left home and I rarely see him anymore. My brothers,  
17 Johnny and Joey, also started arguing with each other all the time. So much for the happy family.

18 I think Mom got some money for Lee's death, but she spent most of it on alcohol and drugs. My  
19 dad also said she was doing drugs when she was pregnant with me. Johnny and Joey seemed to  
20 manage okay after Lee's death, maybe because they were older or maybe because they had more  
21 friends. As for me, I looked up to Lee and had no one to help me out after Lee died and Dad left.  
22 I struggled through school, barely passing classes, and dropped out of high school at seventeen.  
23 I got crosswise with the law just because I dressed funny, dyed my hair, and did the same drugs  
24 my mom did. I always wore the same pair of red shorts and they seemed to attract the attention  
25 of the police all the time. My mom kicked me out a year later.

26 I also have had a seizure disorder since I was young. It is worse when I'm under stress. It started  
27 to occur a lot after Lee's death, but the doctors gave me medicine that mostly controlled it. But  
28 since I've been homeless, I haven't been able to afford the medication. It's really expensive and  
29 without a job or health insurance, I don't have the money for it. The seizures make it even harder  
30 to keep a job since I could have a seizure without any notice and, therefore, I also cannot drive.  
31 When I can get some weed, it helps the seizures by calming me down, but I usually don't have  
32 money for that either. Sometimes the seizures make me have a twitch on my left side but before  
33 this whole incident the twitch was never that bad.

34 Usually when I get a seizure, I can feel it coming on shortly before it happens. It's so scary  
35 having that feeling and not being able to do anything about it. Oddly, one of the early signs is  
36 that I get this strange taste in my mouth, sort of like sucking on a penny, and I can smell a sweet  
37 smell. I have tried to place the smell, walking around candle shops and incense shops, before the  
38 clerks kick me out, smelling everything to see if it is familiar. Although the smell sometimes  
39 changes, it's often like lilacs, sage, or cinnamon. After the smell my body starts to jerk

40 uncontrollably and then my arms and legs get really stiff. Then I lose consciousness. Sometimes  
41 I cry out; other times I don't. As if the rest wasn't bad enough, the most embarrassing thing is  
42 that I sometimes wet myself. My friends know about it and they try to help me out when it  
43 occurs. I don't know what I'd do without them, especially my friend, Bailey Wilson. Bailey and  
44 I are really tight. We always help each other out.

45 Anyway, for the last couple of years, I've been living in parks, going to shelters, begging for  
46 food, whatever it takes. The business owners and police don't like me or any of my friends  
47 hanging around, but where are we going to go? We need somewhere to sleep, shower, and keep  
48 the little that we own safe. In this town, there is no place to really go. Wherever you go, you get  
49 hassled by someone and occasionally beat up by others. I try to help everyone out, but the police  
50 think I'm trouble because business owners and the "normal" people are always complaining that  
51 I smell, that I am begging, that I am too loud, etc. They always seem to be busting me for one  
52 trumped up charge or another. Disorderly conduct is an easy bust—you don't have to be doing  
53 anything and they can arrest you for it. I also have been arrested for loitering, littering, underage  
54 drinking, and resisting arrest (just for asking the officer why he was hassling me). And, don't  
55 forget the arrests for smoking a joint—what a joke! The police will use anything as an excuse to  
56 hassle us.

57 I also have been busted a couple of times for allegedly stealing purses or wallets, but I tried to  
58 explain to the police that I found the one purse on a park bench and was looking through it for  
59 identification. If there was no identification I was going to use any money for food for me and  
60 others. I always share whatever I find with the rest of the homeless people I know. We have to  
61 help each other out to survive, because other than a few kind souls, no one will help us. If the  
62 city and the rich would help us, we wouldn't have to scrounge around looking for money, scrap  
63 metal to sell, going through the trash for cans and food, or begging for handouts.

64 We're not bad people, just people who haven't been able to make it in society for one reason or  
65 another. Some of us have mental health problems, but the hospitals won't take us. Others have  
66 addictions and can't get help. Others are just down on their luck. Everyone has a different story,  
67 but most people don't want to hear it. To most people, we are either scary or in the way, and  
68 they wish we weren't around.

69 On July 20, 2017, I was sitting on a park bench in Washington Park soaking up the sun and  
70 minding my own business. The bench I was sitting on was in the Northwest corner of the park  
71 near the lake in the middle of the park. It was a splendid summer day—sunny, warm, and a light  
72 breeze. As the day went on it started to get hot so I took some of the change I had been working  
73 to save up and I bought myself a bottle of water. I was wearing my usual red shorts and a t-shirt.  
74 I can't recall what t-shirt it was, but I know I had on red shorts. I also had a red and white  
75 handkerchief I had found in the garbage a few weeks before in my pocket. I saw a person walk  
76 by with a puppy I smiled and said hello, but s/he didn't say anything—just walked on by  
77 ignoring me, like usual. I was taking a sip of my water when suddenly, I saw Officer Smith  
78 approaching me. S/he started yelling something that I couldn't quite understand. Officer Smith  
79 is always harassing me and making me nervous. S/he has busted me a few times before. As  
80 Officer Smith got closer, I started to feel stressed, and could feel myself losing control and a  
81 possible seizure coming on. I think Officer Smith said something and I said "whatever, I got



82 nothing to hide.” I was just trying to hold it together, but like sometimes has happened in the  
83 past, I smelled an odd smell like sage and cinnamon, and I got a strange metallic taste in my  
84 mouth. My stomach started tightening into knots and I could feel my bowels and bladder start to  
85 loosen.

86 As Officer Smith got closer, it got worse. I tried to yell to him/her that I was having a seizure,  
87 but s/he kept on coming and coming and coming. Suddenly Officer Smith was on top of me,  
88 screaming at me to freeze. How was I supposed to freeze with a seizure starting? That’s when  
89 the seizure really started. My whole body started twitching, spasming, and jerking and my arms  
90 got really stiff. I was shaking like a leaf on a tree. Officer Smith, however, kept coming at me  
91 and grabbed me. S/he threw me off of the bench onto the sidewalk without reading me my  
92 Miranda rights or telling me why I was being arrested. Officer Smith kept hitting me and my  
93 head hit the sidewalk really hard. The twitching got worse. I don’t really know what happened  
94 after that. Everything went black and cold and silent.

95 The next thing I remember is waking up in the hospital. My head was bandaged. I had bruises  
96 and scrapes all over. I couldn’t remember anything that happened for a couple of days, but then  
97 things came back to me. The worst thing is, I can’t remember lots of things as well as I used to. I  
98 can’t really remember things like a lot of the happy times that I had as a kid before my brother  
99 died, or the names of my friends as easily as before. My seizures are worse now, too, and more  
100 frequent. I suppose that I should be happy that I wasn’t killed or seriously hurt, but there was no  
101 reason for Officer Smith to attack me. S/he knew who I was and that I’ve never hurt anybody.  
102 Sure I’ve given him/her a hard time before once or twice, but nothing that should have brought  
103 that kind of attack on. I think s/he just wanted an excuse to beat me up. I heard that they were  
104 looking for a purse-snatcher and Officer Smith knows that I never steal from anyone. If Officer  
105 Smith thought I had someone’s lost purse, s/he could have just asked me nicely and I would have  
106 answered him/her.

107 It was bad enough before not being able to work a steady job and trying to get by. Now, I am  
108 even worse off than I was before Officer Smith went all nuts on me. I had to struggle to survive  
109 back then, but now there is no way that I can survive on my own, even with a little help from my  
110 friends. I’d be a burden even to kindhearted people like Bailey Wilson. If Lakeview supervised  
111 and trained its officers better, I wouldn’t be like this. Now, I’d be better off dead, just like Lee.

Addison Grant

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Addison Grant, on this 1 day of  
November of, 2017.

Elizabeth Black

Elizabeth Black, Notary Public

My Commission Expires: 12/31/19

**Plaintiff Witness: Affidavit of Bailey Wilson**

112 Bailey Wilson, being first duly sworn upon oath, states as follows:

113 My name is Bailey Wilson. I am twenty-one years old, but I'm told I have an old soul. I am a  
114 good friend of Addison Grant. Addie is good people! I don't know how I'd keep up my good  
115 attitude without Addie setting such a good example.

116 My mom re-married when I was a junior in high school, and I did not get along with my  
117 stepfather at all. He moved in and set all of these new rules, and I just wouldn't stand for it!  
118 Dishes, mowing the lawn, doing the family laundry (even his—gross!).

119 I am really into my music. It has always been my passion and my way of life. The worst part  
120 was that my stepdad was ignorant about really good music and had no appreciation for what it  
121 meant to me. He didn't get my music at all, so I wasn't allowed to practice at home. My mom  
122 was such a pushover and even enforced that stupid rule.

123 I couldn't be parted from my music and the stifling of my creative process for long. I moved out  
124 right after high school graduation. It started out great. I was independent, got my own place and  
125 played or listened to music whenever I wasn't working the hot dog stand.

126 But the good times didn't last too long. My roommate moved out and I got stuck paying the full  
127 rent. My job at the hot dog stand didn't pay well. It would've been great if I got more cash,  
128 instead of all the hot dogs I could eat.

129 Right now, I'm a little down on my luck so I stay at the homeless shelter on the edge of town  
130 most nights. Sometimes I crash with my band mates. To be blunt, I'm homeless, but I prefer to  
131 think of myself as a nomad. It's not too bad. You get to meet a lot of interesting people, like  
132 Addie.

133 I met Addie about a year before this whole thing happened with that awful police officer. I  
134 remember meeting Addie like it was yesterday. I was watching Addie eat a cheeseburger and  
135 fries on a bench in Washington Park. It had been a while since I'd had a cheeseburger and fries,  
136 so I was staring at Addie's food. Addie smiled, came over, and gave me his/her French fries. I  
137 tried to protest but s/he insisted. We got to talking and ended up spending a lot of time together  
138 after that.

139 I know Addie had a hard childhood, and his/her family turned their backs on him/her, too.  
140 Although Addie had a rough start, s/he was really trying to turn things around. S/he was applying  
141 for jobs every day, and even tried to get me to be more proactive in looking for a full-time job.  
142 If s/he was any good at music, I would've found a place for him/her in the band. But Addie has  
143 no musicality.

144 Addie is the nicest person I've ever met. S/he always went out of his/her way to help out others.  
145 One time, our friend, Joe, suddenly collapsed. Addie ran to get help and called 911 because s/he  
146 knew Joe was diabetic and might need immediate medical care. I didn't even know Joe was

147 diabetic and I'd known him a long time. But that was just like Addie—s/he was always taking  
148 the time to talk to the other people at the shelter to see if s/he could help in any way. S/he cared  
149 about people. In fact, after that incident Addie found a program to set Joe up with a constant  
150 supply of insulin.

151 After Joe's medical incident, Addie shared that s/he had a seizure disorder. The worst part is that  
152 s/he can't afford the medication for it. I still don't quite understand what it is exactly, but Addie  
153 told me that s/he gets butterflies in his/her stomach and has weird smells and tastes before the  
154 seizures start. I can't believe having to go through that. I've never had any medical conditions,  
155 so those things really freak me out. I tried to keep a close eye on Addie after s/he shared that  
156 because I didn't want anything bad to happen if one of those seizures came on.

157 Addie also cleans up litter in the parks and on the street. S/he would insist anyone with him/her  
158 should do it, too. S/he says we have the time and owe it to Lakeview. Addie is always doing  
159 things like this for Lakeview but the police always seem like they are harassing him/her and the  
160 rest of the homeless people. I don't think it's right. To me it seems like we get stopped and  
161 questioned for just about everything that we do, and they are always charging the homeless  
162 people with one crime or another. Not all of the homeless people are as nice and good-natured as  
163 Addie and so sometimes the charges might be justified against some people, but I have never  
164 seen Addie do anything bad before. After a while, though, even Addie got fed up and I heard  
165 him/her say some rude comments to the police and specifically Officer Smith before.

166 The Lakeview Police seem even worse towards us if there are two or more of us together. I have  
167 had trouble with them in the past and there was one time there was an issue when I was with  
168 Addie. I sometimes shout insults back at them and tell them to leave me alone. I wouldn't have  
169 to if they weren't always giving Addie and me a hard time when we're in Washington Park with  
170 friends or walking in town. Even when we are cleaning up other people's litter, we get suspicious  
171 looks and questions. And Officer Smith is about the worst. S/he always talks so rudely to us and  
172 assumes we are up to something bad.

173 The day the incident happened was no different. It was July 20, 2017 and it was a nice day. I  
174 was walking toward the park because I was supposed to meet up with Addie that afternoon. I  
175 was humming my favorite song and playing some mean air guitar. Then I saw Addie getting  
176 harassed by Officer Smith and then Officer Smith tased Addie. I was about 200 feet away from  
177 Addie when I first saw them interacting and Officer Smith was kind of blocking Addie from my  
178 view, but I definitely saw him pull out his taser and use it.

179 I ran up to Addie and heard Officer Smith say, "This is ridiculous! I've had enough of you  
180 people!" The next thing I knew, Officer Smith threw Addie to the ground, put a knee on top of  
181 his/her back and started attacking him/her! Addie was shaking like crazy and I figured s/he was  
182 having a seizure. Officer Smith hit Addie in the head, neck and back over and over again.  
183 Officer Smith hit Addie at least ten times.

184 I didn't know what to do. When I ran up, I started screaming at Officer Smith. I shouted, "Hey,  
185 jerk! Get out of here!" But Officer Smith just kept hitting Addie. I stood there shouting and  
186 cursing, but the attack didn't stop. Then Addie went still and stopped moving, and Officer Smith

187 stopped hitting Addie and started to walk away. I told Officer Smith he'd be sorry for this  
188 because I would tell everyone who would listen what I saw. Addie was covered in bruises and  
189 scrapes and had to go to the hospital. S/he was in a coma for three days. It was horrible to see  
190 my friend that way.

191 I heard that Officer Smith was harassing Addie that day because Officer Smith thought Addie  
192 had stolen something. Addie would never do that. S/he didn't have anything illegal or stolen  
193 anywhere near him/her on July 20, 2017. Addie had his/her red and white handkerchief with  
194 him/her, but Addie has had that handkerchief for a while. I'm not sure if Addie has had it with  
195 him/her the other times Officer Smith has bothered us. Addie lets other homeless people borrow  
196 the handkerchief sometimes for different reasons, but it is very possible that Addie has had it  
197 before when Officer Smith was around Addie.

198 Although Addie is doing better now, s/he has suffered brain injuries and isn't the same as s/he  
199 used to be. Addie has a hard time remembering things, and has missed a few of my band's shows  
200 because s/he forgot about them. Sometimes we get halfway through a favorite song at a show  
201 and I can see Addie is fudging the words while singing along in the crowd. It makes me sad and  
202 angry.

203 I still try to follow Addie's example and pick up litter and encourage our friends to do the same.  
204 But it just feels so wrong to help out Lakeview that way when they've done this to Addie.

Bailey Wilson

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Bailey Wilson, on this 1 day of  
November of, 2017.

Elizabeth Black

Elizabeth Black, Notary Public  
My Commission Expires: 12/31/19

**Plaintiff Witness: Report of Peyton Gilbert**

1 My name is Peyton Gilbert. All of my conclusions in this case are set forth in this report and all  
2 of the information I relied on in coming to my conclusions is laid out completely in this report.  
3 My training and experience is outlined in full in my Curriculum Vitae, which is attached as  
4 Exhibit 1.

5 **GENERAL BACKGROUND**

6 I was contacted by the attorneys representing Plaintiff, Addison Grant, and asked to review the  
7 facts surrounding the incident that occurred on July 20, 2017 to determine whether the use of  
8 force employed by Defendant, Sam Smith, under the circumstances was reasonable. I have  
9 testified as an expert on the reasonableness of police force roughly twenty times. While I am  
10 normally paid \$350 an hour for my time, I agreed to do this case pro bono when I read about it in  
11 the newspaper because it immediately sounded like something wrong had happened. In the  
12 twenty cases that I have testified in as an expert, eighteen of them have been for the plaintiff.

13 My opinions herein are based on the following: 1) the affidavits of Sam Smith, Addison Grant,  
14 Blake Quinn, and Bailey Wilson; 2) the audio recording captured by witness Blake Quinn; 3) the  
15 Lakeview Police and Fire Dispatch Report; 4) Incident Reports #2017-153433, Case #2016-  
16 105655, Case #2015-116233; 5) the Complaint filed by Addison Grant in this matter and the  
17 Officer Smith’s Answer to the complaint; 6) an in-person inspection of Washington Park located  
18 in Downtown Lakeview; 7) Lakeview Police Department Standard Operating Procedure Rules  
19 4.0-4.2; 8) Article 1, Section 11 of the Illinois Constitution and the Fourth Amendment of the  
20 United States Constitution; 9) Certified Medical Records of Addison Grant: Lakeview Hospital  
21 07/20/2017-08/11/2017, Lakeview Medical Group 10/30/2017, Lakeview Fire Department  
22 Ambulance Report # 17-0000677 dated 07/20/2017; and 10) Expert Report of Cameron  
23 Rodriguez.

24 **CONCLUSIONS**

25 I was able to come to three conclusions in this case. My conclusions were all reached based on  
26 the documents and exhibits that I reviewed and my training and experience. All of my  
27 conclusions were reached to a reasonable degree of certainty.

28 **FIRST OPINION: UNREASONABLE USE OF FORCE**

29 Under well-established requirements and police procedures, the police in any situation may use  
30 only that level of force that is objectively reasonable to bring an incident under control. The  
31 actions on the part of Smith in this case constituted a failure to observe nationally recognized  
32 standards of police procedure as well as Lakeview Police Department’s own Standard Operating  
33 Procedure, which specifically states that officers should:

34 “[u]se force only when objectively reasonable based upon the circumstances.  
35 Officers should only use the amount of force that is reasonably necessary to  
36 secure control or to gain compliance...” Furthermore, the policy outlines several  
37 factors to be considered in determining whether to use force, including, “[t]he  
38 existence of alternative methods of control, [t]he weapons on the individual as  
39 compared to the officer... [t]he nature of the encounter... [t]he severity of the  
40 offense,” and “[t]he individual’s disabilities, mental condition, or medical  
41 conditions of which the officer is aware or should be aware.”

42 In this case, given the totality of the circumstances, Officer Smith’s use of force on Grant was  
43 unreasonable. I came to this conclusion for three main reasons.

44 First, Officer Smith failed to follow his training and wrongfully escalated rather than defused the  
45 situation. Officers are trained to approach each situation and each individual as neutrally as  
46 possible and with the least amount of force as possible. First, Officer Smith started off the  
47 encounter with Grant by aggressively approaching him/her and commanding him/her to put  
48 his/her hands up when Grant was unarmed. Officer Smith also used prior prejudice he had  
49 against Grant based on prior interactions, which escalated this situation. Further, Officer Smith  
50 failed to take into account his/her knowledge of Grant’s seizure disorder when approaching this  
51 situation. Grant clearly warned the officer of an imminent seizure before it began. Further Smith  
52 had prior warning of the potential seizure disorder because s/he had observed Grant’s  
53 “twitching” prior to July 20, 2017. In this situation Grant unreasonably assumed, without pause,  
54 that Grant was trying to harm him/her during the seizure rather than using Smith’s  
55 training/experience to assess that Grant needed medical attention.

56 Second, Smith needlessly subjected Grant to harmful and excessive levels of force based on an  
57 unreasonable fear of injury. Given Smith’s past experiences with Grant, s/he possessed an  
58 unreasonable fear of injury based on emotion rather than reason. All of the evidence I reviewed  
59 demonstrated that Smith assumed the worst of Grant and that Grant would act violently, when  
60 their past interactions suggest that Grant was usually not violent in any way towards the officer.  
61 This heightened emotional sensitivity caused Smith to misjudge the situation at hand and  
62 overreact to an extraordinary degree, disregarding his training and experience and thus mistaking  
63 a medical emergency for a physical threat. Without asking further questions or conducting any  
64 further investigation into the mental and physical state of the suspect, Smith deployed a stun gun  
65 on Grant while s/he was enduring a mental and physical crisis.

66 Third, Smith resorted to measures that far exceeded any level of resistance offered by Grant.  
67 When Grant’s seizures continued, Smith threw Grant onto the ground and consequently struck  
68 him/her at least three times in the head and back to the point where s/he had to be rushed via

69 ambulance into emergency care. Smith's combined use of force in the form of a stun gun  
70 followed by a takedown, grapples and punches were unjustified and dangerous. Not only do the  
71 medical records document the very specific and life-changing injuries inflicted upon Grant by  
72 Smith, but Smith him/herself understood the damage s/he had done and recognized the need for  
73 emergency care immediately following his actions. To this day, Grant suffers from the  
74 repercussions of the injuries that Smith inflicted on him/her and his/her brain trauma will never  
75 fully heal.

76 It is my professional opinion that Smith failed to properly assess Grant's actions, and knew or  
77 should have known, based upon previous encounters, that Grant was not attempting to harm  
78 Smith when Grant began to seize violently and involuntarily during the stop and search. Grant  
79 was suffering a health crisis and as such needed the help of Smith. Smith acted emotionally and  
80 contrary to his training, using excessive and unnecessary force to subdue a sick individual. It was  
81 neither reasonable nor prudent to use any amount of force in an attempt to control Grant, let  
82 alone the extreme amount that left Grant suffering from permanent physical and mental  
83 disability.

#### 84 **SECOND OPINION: VIOLATIONS OF DEPARTMENT POLICY**

85 Officer Smith ignored established departmental policy in his/her response to the call reporting  
86 the theft of a civilian's purse. The Use of Non-Deadly Force protocol, included in Rules 4.0-4.2  
87 of the Lakeview Police Department Standard Operating Procedure, requires that officers use only  
88 the amount of force that is reasonably necessary to secure control or to gain compliance of an  
89 individual. Rule 4.2 specifically notes that "[c]ontrol of a person through presence and verbal  
90 commands shall *always* be the preferred method of control." (emphasis added). In this case,  
91 Smith used force in a situation where his/her presence and verbal commands would certainly  
92 have been enough to control an individual going through a seizure. His/her choice to use force  
93 was unreasonable.

94 Moreover, an evaluation of the totality of the circumstances necessitates the opinion that Smith's  
95 use of force was unreasonable. First, there were alternative methods of control available,  
96 including verbal commands, calling for back-up, and providing Grant with medical treatment for  
97 his/her seizure rather than force, to name a few. Second, Grant was unarmed. Third, Grant's  
98 actions were that of an individual going through a seizure, so the nature of the encounter and  
99 Grant's actions did not necessitate the use of force. Fourth, this encounter involved only Smith  
100 and Grant—Smith was not outnumbered, because it was a one-on-one encounter. Fifth, the  
101 severity of the offense of which Grant was suspected was minor. Sixth, Smith was either aware  
102 or should have been aware of Grant's seizure condition based upon their previous encounters.  
103 Finally, Grant was neither posing a threat to safety nor resisting arrest or escaping, as s/he was  
104 having a seizure at the time the force was used.

105 It is my professional opinion, based upon a reasonable degree of certainty, that Smith ignored  
106 departmental policy in his/her use of force of Addison Grant and that Grant's traumatic and  
107 permanent injuries could have been avoided.

108 **THIRD OPINION: LACK OF PROBABLE CAUSE**

109 Under well-established United States law, an officer has probable cause to arrest an individual  
110 when, under a totality of the circumstances, a reasonable officer in his or her position would have  
111 reason to believe that the arrestee was committing, had just committed, or was about to commit a  
112 crime. Officer Smith lacked probable cause to begin to arrest Grant in this situation because no  
113 reasonable officer, under the circumstances, would have believed that Grant had committed a  
114 crime.

115 First, Officer Smith decided to stop Grant based on his prejudice and prior contact with Grant  
116 rather than Grant matching the description of the individual involved in the crime. The generic  
117 description of the perpetrator vaguely matched Grant but as s/he was sitting on a park bench  
118 doing nothing unusual, Smith did not have a reason to believe that s/he had committed any  
119 crime.

120 Further, no pink purse was found anywhere near or on Grant at any time before, during or after  
121 his/her arrest. It was not reasonable for Smith to arrest Grant because of the handkerchief  
122 because the red and white handkerchief found on Grant does not match the description of the  
123 purse. Grant was not observed by the officer doing anything but sitting on a bench in the park  
124 when the Officer decided to approach and arrest Grant. Grant was not seen running from the  
125 crime scene, struggling to breath, or with any stolen material in his/her possession. Grant was not  
126 described as making any suspicious or unusual movement/s or actions. Finally, because the  
127 officer found Grant only about three to five minutes after the initial crime, with no indication of  
128 participating in the crime, that tends to indicate that Grant was not involved in the crime and it  
129 was therefore unreasonable for the officer to arrest him/her.

130 ADDENDUM: Following my initial draft of this report, I reviewed the Expert Report of  
131 Cameron Rodriguez. None of my opinions have changed as a result of that report.

Peyton Gilbert

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Peyton Gilbert, on this 1 day of  
November of, 2017.

Elizabeth Black

Elizabeth Black, Notary Public

My Commission Expires: 12/31/19



**Defense Witness: Affidavit of Sam Smith**

1 Sam Smith, being first duly sworn upon oath, states as follows:

2 I am Officer Sam Smith. I am forty-five years old and have been a police officer for almost  
3 twenty-three years. I was born and raised in Lakeview, but moved to Brooklyn, NY in 1989 to  
4 pursue an acting career. Acting didn't quite pay the bills, so I had to look for other work. The  
5 NYPD was heavily recruiting at the time, and offering signing bonuses that covered six months'  
6 rent. Being a strong, Midwestern track and field athlete, I was virtually hired on the spot. It  
7 wasn't quite acting, but our training was fun – it involved a lot of different use of force scenarios  
8 that we had to act out. I was always the star of special training sessions. We had a lot of  
9 specialized training in the Police Academy. Three full weeks of Control and Arrest Tactic  
10 classes. Boy, was I good at taking the other recruits down to the mat. I quickly moved up the  
11 ranks and was training other officers to play out various police tactics 75% of my time. I went to  
12 Control and Arrest Tactics instructor school and aced it too. I was just really good at that stuff  
13 and became the lead instructor for all the recruit control and arrest tactic classes.at the NYPD  
14 Academy.

15 Just before my seven-year anniversary on the force, my life turned upside down. I lost several  
16 close friends and my former fiancée/fiancé (also an NYPD officer) on September 11, 2001 at the  
17 World Trade Center. I wasn't scheduled to work that morning, but after the attacks, I was called  
18 in. I had just entered the lobby of Tower 1 when Tower 2 came down. I was directed to help  
19 people get away from the site. After that day, I tried to go back to work as though nothing had  
20 changed, but I wasn't myself. I used to have frequent flashbacks to that day and the towers  
21 coming down around me. The visions of the smoke and injured police and firemen and my  
22 fiancée/fiancé injured made it hard to concentrate on work. I also sometimes was more sensitive  
23 to dangerous situations because I didn't want myself or my co-workers to get hurt. I was  
24 hospitalized and diagnosed with PTSD. After a few months in the hospital, I decided to return to  
25 Lakeview, Illinois.

26 I spent several months living in my parent's house and helping them with my younger brother,  
27 who suffers from a severe form of autism. Although he has never been verbal, I am his favorite  
28 person. He's always so happy to see me. He hugs me and he doesn't really hug anyone else, not  
29 even our parents. It was my brother who brought me out of my haze and convinced me to join  
30 the Lakeview Police Department, which I did in 2002. I was hailed as a hero for having helped  
31 to evacuate people at the World Trade Center.

32 Then, in early 2003, the Lakeview municipal buildings received a credible bomb threat. I was  
33 one of the first officers on the scene and was charged with evacuating the building. I evacuated  
34 it alright – but there was this woman who refused to leave her desk. She was talking on the  
35 phone. When I ordered her to leave, she just kept talking. I wasn't about to see us both blown to  
36 shreds. All I could think about was all those people getting trapped in the World Trade Center  
37 on 9/11 and my not being able to get them all out before the towers collapsed. I grabbed her by  
38 her arm and her hair. With all her flailing about, that's the only way I could transport her. She  
39 was too big for me to lift so I dragged her out. She wasn't too badly hurt, but she lost a clump of  
40 hair. She filed a complaint against me with the department for excessive use of force. After an  
41 investigation, during which I was on paid leave, I was reassigned to desk duty for two days and

42 was required to undergo therapy, sensitivity training, and fitness for duty exams one time per  
43 year for two years. That was the only disciplinary incident I ever had that involved excessive  
44 force. After that incident, I dove head-first into intensive psycho-therapy, and even did  
45 movement therapy and yoga. According to my medical records, I have not suffered from PTSD  
46 since 2007. While I didn't want to do all that treatment stuff at the time, it was really the best for  
47 me and saved my life. I have had such a better life and have been so much happier after that.

48 In 2009, I was injured in the line of duty when I was attacked with a knife by a person I was  
49 arresting for domestic abuse to a toddler. Ever since the attack, I have had moderate to severe  
50 back pain and I noticed that it triggered my PTSD, but it wasn't as bad as it was right after my  
51 fiancée/fiancé died. However, the injury does not affect my ability to be a great police officer  
52 and do my job. When I find time to practice yoga every day, the back pain subsides.

53 If I had not moved from New York to Illinois, I'd be able to retire in two years with a full  
54 pension. Now, I need 13 more years on the force. I've been trying to transfer to a desk job,  
55 without success. I've been trying to build my resume for higher-ranking positions by serving on  
56 various Lakeview PD initiatives, including the diversity initiative, the Officer-Involved Shooting  
57 task force, and the training committee (that recruits experts from around the country to train our  
58 officers in use of the latest equipment and techniques). I've even served on a committee that  
59 wrote a curriculum for Control and Arrest Tactic classes. In addition, I serve the community. I  
60 work with the Lakeview County's board of supervisors as an advisor on handling community  
61 housing for people with disabilities, and I volunteer once a month at the humane society. I also  
62 volunteer at a school for kids with autism since I know how to interact with those kids. My  
63 brother gave me lots of practice.

64 On July 20<sup>th</sup>, 2017, at approximately 2:13 in the afternoon, I received dispatch that a young  
65 person, about 20 years of age, in a grey shirt and red shorts, stole a flowered pink purse. It was  
66 reported to me that the victim did not see any weapons on the suspect, but that the victim had a  
67 five-inch knife in the stolen purse. She reported that the suspect appeared disheveled, and the  
68 victim reported the suspect as not acting like a typical thief, instead acting weird, and "a little  
69 funk-ed-out and twitchy."

70 I suspected that the person involved in the purse snatching was Addison Grant, based on my  
71 prior contacts with Grant. Grant had never been in serious trouble, but it seemed that every day  
72 there was a new problem: shouting inside business establishments, petty shoplifting, trespassing.  
73 Grant was arrested plenty of times but never charged. It was like the State's Attorney just didn't  
74 want to bother with Grant. But lately, I believe Grant's conduct had escalated. I suspected that  
75 Grant had seriously damaged park property the week before by tearing up playground  
76 equipment. The equipment was specifically for kids with autism related diagnoses. It had special  
77 padding and textures, as well as being in subdued colors. All kids deserve a nice place to play,  
78 but those kids do especially. In all of my previous contacts with Grant, s/he had never made any  
79 mention of any medical conditions or illnesses that would have required my attention. I helped  
80 during booking one of the times I took Grant into custody and s/he told me that s/he did not have  
81 any medical conditions of note during the booking process. I did however notice in the past that  
82 Grant had a twitch to his/her left side that made him/her distinctive from other people I've met.

83 On the 4<sup>th</sup> of July that year, I arrested Grant for public intoxication, petty theft, and disorderly  
84 conduct, but again, the State's Attorney did not press charges. Grant called my supervisor to  
85 complain that the handcuffs I'd used were too tight. I know Grant was lying because I checked  
86 them myself and Grant never once told me to loosen them. The procedure I used was just what I  
87 was taught and how I taught Control and Arrest Tactics. We are trained to place subjects in  
88 handcuffs without hurting them or ourselves. Grant had a small mark on the wrist area, so I  
89 received a written counseling. It was totally unwarranted, particularly because Grant had  
90 resisted arrest by stiffening his arms against his sides and making quick jerking movements. I  
91 didn't hurt Grant. The last thing I want is for anyone to get hurt.

92 At around 3:00 PM on July 20<sup>th</sup>, I spotted Grant sitting on a park bench at Washington Park,  
93 wearing a dirty white tee-shirt and red gym shorts drinking some water. Grant was sitting on a  
94 bench on the Northwest side of the park near the lake located in the park. I said hello but there  
95 was no response. Grant was either totally zoning out or completely ignoring me and s/he looked  
96 like s/he was tired from running or something. I raised my voice and announced myself, stating  
97 that I was a police officer. I had on my full police uniform that says "Lakeview Police  
98 Department" on it and my badge was displayed as was my gun. I saw something that kind of  
99 looked a little pink to me sticking out from behind Grant's back so I asked Grant to stand up  
100 because I thought I'd find the flowered pink purse. Grant said something like, "Sure, I've got  
101 nothing to hide, stupid idiot." Grant got up in my face and nearly spat at me when s/he said  
102 "idiot." Something about the way Grant was acting got me scared, in the way I get scared when  
103 I think I'd better get someone in handcuffs quick or else they'll take me down. I was taught in  
104 the Academy to always trust your gut to protect yourself. Also, calling a cop an "idiot" and  
105 nearly spitting on an officer is disorderly conduct. Based on Grant looking like the suspect from  
106 the theft and the thing I saw sticking out of Grant's pocket, I told Grant that s/he was under  
107 arrest.

108 Grant lifted his/her arms and I started a pat-down, but then, just like the last time, Grant's arms  
109 got real stiff. Grant started shifting a bit and said something about a smell. I said in a loud voice  
110 that I was going to bring him/her in for questioning. Just then Grant yelled, "I'm gonna seize  
111 your..." Grant then said something unintelligible. S/he stiffened up and as I was trying to  
112 handcuff him/her, Grant started flailing his/her arms. It was like I was being battered and clawed  
113 at. I felt Grant scratch me with his/her hands several times and I felt myself losing my balance  
114 and control of him/her.

115 I felt a shooting back pain and knew at that moment I couldn't defend myself against someone  
116 half my age attacking me. I kept yelling at Grant to stop resisting arrest, but I was met with deaf  
117 ears. I warned Grant that if s/he didn't stop resisting that I would deploy my Taser. I reached for  
118 my Taser and on the lowest setting gave Grant a shock. That's how I had been trained in Control  
119 and Arrest Tactics school. You need to get the person to be compliant and then handcuff them.  
120 This did little to subdue Grant, but I thought I'd at least be able to get handcuffs on. After a  
121 second or two Grant kept on attacking me. I didn't want to use the Taser again because multiple  
122 uses of Tasers have been lethal and could cause other serious complications such as cardiac  
123 arrest. I didn't want to hurt Grant. I just wanted the fighting to stop and to talk to him about the  
124 stolen purse. I decided to struggle by hand to get Grant into handcuffs.

125 At some point, as I was still trying to subdue and handcuff Grant, Grant’s friend, Bailey Wilson,  
126 approached and started yelling at me as I was being attacked. I was concerned that it would  
127 become a two against one situation, so I needed to act fast to handcuff and pat Grant down. I had  
128 no back-up and my gut was telling me this situation could turn dangerous fast. Because Grant’s  
129 arms and head movements were erratic, I had to secure him/her on the ground using my knee on  
130 his/her back. When Grant was secured to the ground I tried to do it so that s/he would not hit his  
131 or her head too hard, but some contact between the ground and his or her head was unavoidable.

132 At all times during the confrontation, I used only the level of force necessary to subdue Grant  
133 and protect myself and the public. At some point during the struggle, I remember saying to  
134 Bailey Wilson, “I’ve had enough of you two.” I was really getting tired of dealing with them and  
135 with Grant hitting me.

136 I was placed on administrative leave, with pay, pending a full internal investigation of the  
137 incident. This was a very embarrassing time and stressful time for me. Everybody knew I was  
138 on administrative leave. I was just doing my job and trying to locate the missing purse when  
139 Grant came after me. I was not criminally charged nor disciplined for my actions. I was not  
140 found to have violated any department rules or policy. I was doing my job the way I was taught.  
141 I was cleared to return to work. Two different detectives within the Lakeview police force  
142 conducted the internal investigation. One of those officers is Officer Young. I am now engaged  
143 to marry Officer Young, but we were not engaged or dating during the internal investigation.

Sam Smith

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Sam Smith, on this 1 day of  
November of, 2017.

Elizabeth Black

Elizabeth Black, Notary Public  
My Commission Expires: 12/31/19

**Defense Witness: Affidavit of Blake Quinn**

1 Blake Quinn, being first duly sworn upon oath, states as follows:

2 My name is Blake Quinn. I am 32 years old and I live in Lakeview, Illinois. My spouse and I  
3 moved to Lakeview from Chicago almost two years ago to escape “big city” life and to raise our  
4 future children in what we thought was a safe, clean community. I found a job as a teacher soon  
5 after we moved to town. My spouse has a background in marketing and had a hard time finding  
6 a job for a while. S/he worked from home on freelance projects and wrote a blog before finally  
7 getting a job at the beginning of 2017.

8 In the summer of 2017, I was working at a restaurant while school was out to try to make some  
9 extra money. My spouse and I were trying to save up for a down payment on a house. On July  
10 20, 2017, my shift at the restaurant started at 4:30, but I didn’t expect my spouse to get home  
11 until 6:00 p.m. We had recently become parents to an adorable 6-month-old puppy named  
12 Jasper whom we adopted from a local shelter, and I took him for our afternoon walk so he could  
13 “get his ya-ya’s out” before I had to leave for work. We left our apartment, walked around the  
14 neighborhood a bit, and then walked to Washington Park.

15 At the park, I took Jasper to the splash pad to cool his paws – it was a hot summer day. The  
16 splash pad and playground were pretty busy. Jasper was getting distracted and was forgetting his  
17 leash manners, so I took him over to the other end of the park where it was quieter. We enjoyed a  
18 leisurely walk on the path and the couple of times we encountered other humans and dogs, we  
19 practiced Jasper’s manners. I have to say I was pretty proud of how obedient and polite he was  
20 becoming when there weren’t many distractions around.

21 We came upon a park bench where a young person wearing a stained white shirt and red shorts  
22 was sitting on the Northwest side of the park near the lake. S/he smiled at us and seemed to be  
23 sweating just a bit and was drinking some water like he/she was tired. S/he looked dirty and  
24 potentially homeless, but didn’t appear to have any bags or personal items, so I wasn’t sure. I did  
25 see something that looked kind of pink or red sticking out of his/her pocket, but I couldn’t tell  
26 exactly what color or pattern it had on it with just a quick glance. We didn’t interact beyond that,  
27 and Jasper and I continued to walk on the path near the bench and walked toward a big tree.  
28 Jasper found a giant stick that was bigger than he was, and was dragging it around with a huge  
29 smile on his face and chewing on it. It was just so darn cute; I had to take a picture to post it to  
30 Instagram.

31 A couple of seconds after I snapped the photo, which I was going to call “Jasper and Stick,” my  
32 attention was caught by shouting that came from near that park bench about six feet away from  
33 us. I saw a uniformed police officer speaking to the person in the red shorts. The officer said  
34 something about matching a description, and walked up to the person with handcuffs. The  
35 officer said something about searching the person, who allowed the officer to begin to pat-down  
36 the person. At that moment, the person, who seemed like s/he was on drugs or something—  
37 muttered “seize me,” and some other things I didn’t understand. I am guessing s/he was trying to  
38 say something about the officer arresting him/her. The officer was facing toward us and the  
39 person was standing near the bench with his/her back to us.

40 As the officer was patting the person down, the person seemed to go stiff and then collapse into  
41 the bench. S/he started squirming back and forth on the bench, trying to wriggle free. I heard  
42 the officer yell, "STOP ATTACKING ME," or something like that, but the person continued  
43 moving around. I got really scared for a moment when I thought the officer had grabbed his/her  
44 gun, but then I realized it was just a Taser. The officer tased the person and tried to handcuff  
45 him/her, but s/he seemed to keep wiggling around and trying to prevent the officer from  
46 handcuffing him/her. It looked like the officer was being scratched and hit by the person in the  
47 red shorts during the struggle.

48 At some point another dirty-looking person came up and started talking to the officer. The  
49 officer yelled to this new person that his/her friend was being ridiculous. The new person said  
50 something I couldn't hear while the officer kept trying to handcuff the person in the red shorts.  
51 When the officer came up from behind the person in the red shorts, s/he fell face-first onto the  
52 sidewalk. At this point it became hard to tell what was going on because the bench partially  
53 blocked my view.

54 From what I could see, the officer put his/her knee on the person in the red shorts' back and tried  
55 to pull back the person in the red shorts' arms, and it seemed like the person in the red shorts  
56 kept struggling. Everything was happening so quickly. The officer pushed on the back of the  
57 person in the red shorts' head 3 or 4 times while the person in the red shorts seemed to be trying  
58 to wriggle out of the officer's grasp and move his head around to get free and bite at the officer's  
59 hand. S/he eventually stopped struggling and went still. The officer said something about a  
60 "code" into his/her walkie-talkie.

61 While everything was happening, I just stood there with my puppy in our spot under the tree and  
62 watched while Jasper ate the stick. I didn't want to bring my pup anywhere near the guns and  
63 Tasers. The officer walked away from the person once s/he was handcuffed and still laying on  
64 the ground, and I realized s/he must have been knocked out. I looked down at my phone to text  
65 my manager at the restaurant to say I'd be late, and I realized my phone had been unintentionally  
66 recording video. Sometimes I accidentally press things on my touch screen if I forget to lock my  
67 phone. I was so shocked by what I saw that I didn't think anything of it and just pressed "stop."

68 At that point, the officer came up to me and introduced him/herself as Officer Smith. S/he said  
69 "did you see that?" I said I did. I thanked him/her for his/her hard work in the community. I  
70 said s/he is underappreciated, just like us teachers, but it is people like him/her that make our  
71 community the clean, safe area that made us want to move here in the first place. It didn't seem  
72 like the officer had been hurt badly, but I saw him/her wincing a little bit when s/he was talking  
73 to me and he had his/her hand on his/her back. I also noticed a few scrapes and small cuts on  
74 his/her arms and hands from the struggle. Within a couple of minutes, another police officer  
75 arrived at the scene and interviewed me about what I saw. His/her name was Officer Young I  
76 think, and I told Officer Young everything.

77 By that time, I was *really* going to be late for work, and the puppy was worn out. I gave the  
78 officers my phone number in case they needed anything. I texted my manager to let him know  
79 I'd be late, and I started home. As I was walking, I went to my phone to post that cute picture of

80 Jasper to Instagram and realized I hadn't taken a picture of him. It finally clicked in my head that  
81 when I went to take a picture of him, my phone's camera was set to "video" instead of "photo,"  
82 and I accidentally started taking a video from the moment I thought I was snapping that photo.

83 The video was almost five minutes long. It started with Jasper and the stick, and then all you see  
84 is grass and then my pant leg, then the grass and my feet. I was going to hit "delete," but it  
85 dawned on me that I should turn up the sound and see it picked up anything that might help the  
86 officers. In fact, it did pick up some parts of the altercation. I walked back toward the officers  
87 and they used a cable to transfer the video to one of their computers. They thanked me for my  
88 help and I headed home. I later listened to the video and found it to be a pretty fair and accurate  
89 representation of what I was able to hear while I was watching the altercation take place.

## Blake Quinn

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by Blake Quinn, on this 1 day of  
November of, 2017.

Elizabeth Black

Elizabeth Black, *Notary* Public

My Commission Expires: 12/31/19

**Defense Witness: Report of Cameron Rodriguez**

1 My name is Cameron Rodriguez. All of my conclusions in this case are set forth in this report  
2 and all of the information I relied on in coming to my conclusions is laid out completely in this  
3 report. My training and experience is outlined in full in my Curriculum Vitae, which is attached  
4 as Exhibit 2.

5 **GENERAL BACKGROUND AND QUALIFICATIONS**

6 I was contacted by counsel for Sam Smith to assess whether the force that Officer Smith used on  
7 July 20, 2017, at approximately 3:00 p.m. at Washington Park, located in Lakeview, Illinois, was  
8 reasonable. I am being compensated for the time I spent on this matter at a rate of \$300 an hour.  
9 I have served as an expert on the reasonableness of police force in approximately ten other cases.  
10 In the past I have usually testified for the Plaintiff and I had kind of started to get a reputation as  
11 being a Plaintiff’s expert. This will actually be my first case testifying for the Defense.

12 To conduct my assessment, I reviewed the following information: 1) the affidavits of Sam Smith,  
13 Addison Grant, Blake Quinn, and Bailey Wilson; 2) the audio recording captured by witness  
14 Blake Quinn; 3) the Lakeview Police and Fire Dispatch Report; 4) Incident Reports #2017-  
15 153433, Case #2016-105655, Case #2015-116233; 5) the Complaint filed by Addison Grant in  
16 this matter and Officer Smith’s Answer to the complaint; 6) Lakeview Police Department  
17 Standard Operating Procedure Rules 4.0-4.2; 7) Article 1, Section 11 of the Illinois Constitution  
18 and the Fourth Amendment of the United States Constitution; 8) Certified Medical Records of  
19 Addison Grant: Lakeview Hospital 07/20/2017-08/11/2017, Lakeview Medical Group  
20 10/30/2017, Lakeview Fire Department Ambulance Report # 17-0000677 dated 07/20/2017; and  
21 10) Expert Report of Peyton Gilbert.

22 I also personally interviewed Officer Smith and visited Washington Park, where the interaction  
23 occurred. I reserve the right to review further materials and to modify, expand, or otherwise  
24 amend my opinion based on any additional materials or reports.

25  
26 I am qualified to assess whether the use of force was appropriate in this matter based on my  
27 decades of experience as a police officer, training officer, supervisor, and Chief of Police. In  
28 these duties, I both received and led training on the governing standard for investigatory stops,  
29 sometimes referred to in my field as “Terry Stops”, and proper arrest techniques. I have also  
30 conducted numerous arrests myself, including many in which the subject was non-compliant. As  
31 Chief of Police, I helped develop our Department’s training techniques for proper arrests. I also  
32 reviewed the records and critiqued the procedures utilized by officers in many high-risk arrests. I  
33 am thus qualified to provide an assessment of Officer Smith’s actions in this matter.



34

## CONCLUSIONS

35 Grant brings this claim, asserting that Officer Smith used excessive force in arresting him/her.  
36 The applicable standard in the United States for determining whether an officer's exercise of  
37 force is excessive is whether the officer's actions are objectively reasonable. Objectively  
38 reasonable means that the subjective motivation or intent of the officer to do harm/cause injury is  
39 not relevant in determining whether the force used was excessive. Further, the applicable  
40 standard makes it clear that the use of force should be analyzed from the viewpoint of a  
41 reasonable officer in the Defendant officer's shoes, with the same information that the officer  
42 knew at the time the force was used, rather than looking at the officer's actions in hindsight.

43

### A. Officer Smith Used Reasonable Force Under the Circumstances

44 The record in this matter reflects that on July 20th, 2017 at approximately 2:15 p.m., Officer  
45 Smith received a dispatch report stating that a theft had occurred; specifically, that a woman's  
46 flowered pink purse had been stolen. The dispatch officer further informed Officer Smith that the  
47 suspect was approximately twenty years of age and wearing a grey shirt and red shorts. The  
48 victim reported that the suspect appeared to be unkempt, and was exhibiting bizarre behavior.  
49 Importantly, the dispatch report also informed Officer Smith that the suspect was believed to be  
50 armed with a knife that was contained within the stolen purse.

51 Officer Smith had prior contacts with Grant and knew that Grant had a history of engaging in  
52 similar petty theft crimes. While this alone certainly did not provide a basis for Officer Smith to  
53 believe that Grant was engaged in criminal activity on this particular occasion, it is relevant to  
54 Officer Smith's interactions with Grant.

55 Approximately three to five minutes after receiving the dispatch report, Officer Smith observed  
56 Grant sitting on a bench, wearing clothing which fairly closely matched the description of the  
57 offender provided by the victim (dirty white t-shirt and red gym shorts). Officer Smith required  
58 neither reasonable suspicion nor probable cause to simply approach and speak with Grant.

59 The record then reflects that Officer Smith asked whether Grant would allow him/her to search  
60 his/her person. Officer Smith required neither reasonable suspicion nor probable cause to ask for  
61 such consent.

62 The record further reflects that Grant was at first cooperative and granted consent to search  
63 his/her person. However, the information presented reflects that Grant's behavior then  
64 completely changed. According to Officer Smith, Grant started yelling and then lunged at the  
65 Officer. At this point, Officer Smith reasonably feared for his/her safety, and had a basis to use  
66 the force necessary to subdue Grant. The information presented reflects that even after Officer  
67 Smith took Grant to the ground, Grant continued to try and struggle. Thus, Officer Smith had to  
68 continue to use force to subdue Grant. While the force used may seem severe in retrospect, an  
69 officer is trained to use the force necessary to subdue an individual who is noncompliant and  
70 poses a physical threat to the officer.

71 To add to the reasonable threat Officer Smith perceived, as this all happened, a third party,  
72 Bailey Wilson, arrived and started making threatening remarks to the Officer. These remarks  
73 included a comment that the Officer would be “sorry for this.”

74 For all of these reasons, I conclude that Officer Smith used a reasonable level of force under the  
75 circumstances. Additionally, once Grant lunged at the Officer and resisted, Officer Smith at that  
76 point had a lawful basis to arrest Grant.

77 It is important to keep in mind that police are often tasked, in situations such as this, to evaluate  
78 risk and make difficult decisions in a split-second timeframe. As the United States Supreme  
79 Court has explained: “[t]he reasonableness of a particular use of force must be judged from the  
80 perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”  
81 *Graham*, 490 U.S. at 396. It is my professional opinion that, given the information Officer Smith  
82 had at the time and given Grant’s behavior, Officer Smith’s actions were reasonable and the  
83 force used was appropriate to subdue the threat and was not excessive.

#### 84 B. Officer Smith Did Not Violate Department Policy

85 As I have concluded that Officer Smith used a reasonable level of force under the circumstances,  
86 I do not believe that Officer Smith violated any provisions of the LPD’s Use of Non-Deadly  
87 Force Policy as articulated in the Lakeview Police Department Standard Operating Procedure,  
88 Rules 4.0-4.2. Officer Smith had reason to use force as Grant was reasonably suspected of  
89 unlawful behavior, and then subsequently in the encounter s/he had even more reason to use  
90 force for the protection of himself/herself, and as s/he perceived Grant was resisting arrest.

91 Moreover, the level of force was reasonable due to the totality of the circumstances. First,  
92 Officer Smith did not have any reasonable alternatives to control Grant, based upon Officer  
93 Smith’s perception of the encounter. I disagree with Peyton Gilbert’s conclusion that Officer  
94 Smith could have called for back-up or used verbal commands, as the incident was progressing  
95 too quickly for back-up, and Officer Smith attempted verbal commands and those commands  
96 failed. Second, Officer Smith did reasonably believe that Grant possessed a knife at the time of  
97 the encounter, based upon the report that the stolen purse contained a knife. Third, I disagree  
98 with Peyton Gilbert’s conclusion that this was a one-on-one encounter—Bailey Wilson was also  
99 present, so Officer Smith was outnumbered. Fourth, Officer Smith had no reason to be aware of  
100 any seizure condition, as Grant’s actions resembled those of someone resisting arrest. Fifth,  
101 Officer Smith perceived Grant to be actively resisting arrest, so his/her use of force was  
102 reasonable. Finally, Officer Smith reasonably feared for his/her safety, given Grant’s actions and  
103 the threatening remarks of Bailey Wilson.

#### 104 C. Officer Smith did have Probable Cause to Arrest Grant

105 An officer has probable cause to make an arrest if a reasonable and prudent officer would have  
106 reason to believe that the arrestee had committed or was committing a crime under all the  
107 circumstances known to the officer at the time that the arrest was made. Officers may rely on

108 their training and experience when determining if there is probable cause to arrest an individual,  
109 but they must be acting on more than a mere hunch.

110 Officer Smith had probable cause to arrest Grant based on his prior interactions with Grant and  
111 the information that he received via the 911 dispatch. The Lakeview Police and Fire Dispatch  
112 Report indicates that Smith was told that the suspect was wearing a grey shirt with red pants and  
113 was disheveled looking and had a twitch. When Smith found Grant, he was wearing a dirty white  
114 shirt, red shorts and Grant was known to Smith to be homeless and have a twitch. Thus, because  
115 Grant substantially matched the description of the suspect the officer had probable cause to  
116 approach and question Grant.

117 Further, when Smith approached Grant, Smith noticed that there was something that looked pink  
118 in color to Smith sticking out of Grant's pocket or from behind Grant's back. That matched the  
119 description of the item stolen. The fact that in hindsight we know that the handkerchief was red  
120 and white is not the proper analysis to use. It is objectively reasonable for an officer under the  
121 circumstances to think that the handkerchief was a pinkish color because pink and red are  
122 relatively similar colors, especially depending on the shade of the color. Therefore, Smith's  
123 assertion that s/he thought s/he saw something pink was objectively reasonable. Grant was also  
124 seen drinking some water, which may have led Smith to believe that Grant had just been running  
125 from the scene of a crime. Thus a reasonable officer in Smith's shoes could have concluded that  
126 Grant had just committed a crime and therefore Smith did have probable cause to arrest Grant.

*Cameron Rodriguez*

STATE OF ILLINOIS, COUNTY OF LINCOLN

Subscribed and sworn to, before me, the undersigned officer, by *Cameron Rodriguez*, on this 1  
day of November of, 2017.

*Elizabeth Black*

Elizabeth Black, Notary Public

My Commission Expires: 12/31/19

# PEYTON GILBERT

6911 Chestnut Lane, Lakeview, IL  
Phone: 523-900-3472 \*\*\* LinkedIn: /PGGA2010 \*\*\* Email: PG@PGGA.COM

## SUMMARY

Retired Police officer with 12 years of law enforcement experience, 5 years of active duty service in the United States Army, and 16 years of experience teaching law enforcement officers

## EXPERIENCE

### **GILBERT & ASSOCIATES - FOUNDER 2010- PRESENT**

- Private consulting and litigation support

### **LAKEVIEW FIREARMS ACADEMY – TRAINER 1994-2010**

- Performed civilian, security, and police firearms instruction and training

### **LAKEVIEW POLICE DEPARTMENT – POLICE OFFICER 1984-1996**

- Performed civilian, security, and police firearms instruction and training

### **UNITED STATES ARMY – MILITARY POLICE OFFICER 1979-1984**

- Member of elite security details, member of undercover surveillance operation teams, performed duties in combat and peacekeeping missions

## EDUCATION

### **UNIVERSITY OF LAKEVIEW 1993**

- Master of Science, Criminal Justice

### **UNIVERSITY OF ILLINOIS POLICE ACADEMY 1984**

- 12 week, 480 hour basic police officer training course






### **LINCOLN COLLEGE 1979**

- Bachelor of Science, Criminal Justice

## AREAS OF EXPERTISE

- Use of Force
- Law Enforcement Tactics
- Police Tactical Training
- Special Weapons and Tactics
- High Risk Arrests

# CAMERON RODRIGUEZ

@camrod2011   
555-913-9253   
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/crplec2011   
www.cameronrodplec-2011.com 

I am a retired police chief with over 30 years of law enforcement experience. Prior to becoming a police officer, I proudly served in the Army, including service in the Vietnam War. I have dedicated a significant portion of my life to police training and now serve as a private consultant on matters related to law enforcement training and assessments of police action.

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## Areas of Expertise

- Use of Force
  - Police Training Methods
  - High Risk Arrests
- 

## Experience

2011 – PRESENT

**Private Law Enforcement Consultant**  
Lakeview, Illinois

2002 – 2011

**Chief of Police, Lakeview Police Department**  
Lakeview, Illinois

1995 – 2002

**Police Officer / Anti-Gun Unit / Training Instructor, Lakeview Police Department**  
Lakeview, Illinois

1974 – 1995

**Police Officer, Leadville County Police Department**  
Leadville, Illinois

1971 – 1974

**First Class Sergeant, United States Army**  
Service in Vietnam

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## Education

1997 **Master of Science, Criminal Justice / Lakeview University**

1979 **Bachelor of Science, Criminal Justice / Lakeview University**

Exhibit 2

**TRANSCRIPT OF AUDIO FROM BLAKE QUINN PHONE RECORDING**

**Time Stamp of Recording: 14:15 07-20-17**

VOICE 1: Good puppy!

VOICE 2: (Animal barking sound)

V1: You like the stick?

VOICE 3: Addison...up to no good again?

VOICE 4: Huh? I'm just...on...bench.

V3: You...descript...shirt...red shorts. ...search you?

V4: Sure, whatever...don't...any...to hide.

V3: Where...purse? ...is the knife?

V4: What's...smell? I'm...going...seiz...

V3: What are you doing? Stop...attack... You're...disorderly...

V4: [Groaning or grunting sound.]

V3: I'm going...arrest...if don't... I...my Taser...

**SOUND OF TASER DEPLOYMENT**

VOICE 5: What...doing...Smith?

V3: ...ridiculous... had enough...

V5: You...stop...seiz...

V3: ...hands...back

**SOUND OF SOMETHING HITTING GROUND**

V4: [Moaning sound]

V3: ...stop...arrest...

V5: Stop...ing..Addison! Please stop!

...

V5: You killed him/her!

V3: No...

V5: Why did you...

V3: Code...at...park...ambulance immediately.

V5: Wake up!

# FINAL -- Patient Care Report

**Exhibit 4**



# LFD

Lakeview Fire Department  
7800 Municipal Drive  
Lakeview, Illinois

Run Number: 17-0000677  
Date of Service: 07/20/2017  
Patient Name: Addison Grant  
Medical Rec#: 17-0000677

| CREW INFO  | RESPONSE INFO   | DISPOSITION   | TIMES  |
|--|---|---|--|
| <p><b>Veh:</b> LFD AMB CO. 11 and LFD ENGINE CO. 11</p> <p><b>AMB. Driver:</b> PARKER, JEFF</p> <p><b>AMB. Officer:</b> GOMEZ, HECTOR</p><br><p><b>ENGINE Driver:</b> FLANNAGAN, CALVIN</p> <p><b>ENGINE Officer:</b> Capt. WEBBER, SARAH</p> <p><b>ENGINE Tailboard:</b> KELLY, CHRISTIAN</p> | <p><b>Med/Trauma:</b> Trauma resulting from physical altercation</p> <p><b>Response Priority:</b> Code-4(7680)</p> <p><b>Call Taken by:</b> LFD</p> <p><b>Location:</b> Washington Park, 4201 N. Main Street, Lakeview</p> <p><b>Location Type:</b> Public Outdoors</p> | <p><b>Outcome</b><br/>Treated/Held/Transported<br/>FAX REPORT NEEDED</p> <p><b>Dest. Reason:</b> Closest Facility</p> <p><b>Transport Priority:</b> Code 2(7878)</p> <p><b>At Scene Mileage:</b> 12.0</p> <p><b>At Dest. Mileage:</b> 16.4</p> <p><b>Condition at Dest.:</b> Unchanged</p> <p><b>Destination:</b> LAKEVIEW HOSPITAL 4800 S. Hospital Lane, Lakeview, IL</p><br><p><b>Transport Reason:</b> Acute illness or injury</p> <p><b>Transport Reason:</b> Other medical reason</p> <p><b>Transport Explanation:</b> PHYSICAL ALTERCATION RESULTING IN CONCUSSION, LOSS OF CONSCIOUSNESS, CUTS AND SCRAPES TO HEAD/ ASSOCIATED TRAUMA</p> | <p>Recvd: 14:17 07-20-17</p> <p>Dispatch: 14:18 07-20-17</p> <p>En route: 14:19 07-20-17</p> <p>At scene: 14:26 07-20-17</p> <p>At patient: 14:28 07-20-17</p> <p>Transport: 14:33 07-20-17</p> <p>At dest.: 14:42 07-20-17</p> <p>In service: 15:11 07-20-17</p> <p>At base: 15:29 07-20-17</p> |

## PATIENT INFORMATION

Name: Addison Grant

Phone: (503) 111-7778

Mailing Addr: N/A

SSN: 121-20-3339

DOB: 05/04/1997 (20 yrs)

Weight: 180 lbs

Home Addr: N/A

### ALLERGIES

CODEINE

### CAUSE OF INJURY

PHYSICAL ALTERCATION WITH POLICE OFFICER

### CHIEF COMPLAINT

INJURIES TO HEAD AND NECK; LACERATIONS TO FACE; PAIN; UNCONSCIOUSNESS

### PAST MEDICAL HISTORY

EPILEPSY; SEIZURES

## NARRATIVE

Upon arrival to above address, found 20 year old PT lying face down on ground near bench on NW corner of Washington Park in presence of two other adult males/females. One individual on scene is Lakeview Police Officer Sam Smith. LPD Ofc. Smith was tending to PT to ensure PT still breathing. PT IDed by Ofc. Smith as Addison Grant.

PT is unconscious upon arrival. PT has multiple contusions to face and laceration to L arm. Appears that PT had been struck with something 5-6 times in head and face area. PT appears to also have suffered from a seizure prior to arrival. PT's vitals indicate that PT is stable but in critical condition. Scoop stretcher used to move PT from ground to cot. PT transported to Lakeview Hospital Emergency. PT remained in unconscious state during transport to hospital.

Officer acknowledges striking PT and using taser on PT and suffered minor scrapes as a result of encounter. Ofc. Smith visibly shaken and upset and appears to be somewhat dazed and confused. Ofc. Smith reports history of PTSD but shows no signs of head trauma. Ofc. Smith treated for minor cuts on scene by FF/PM C. Flannagan and released on scene without transport to hospital.

Other individual present on scene is IDed as Bailey Wilson. Wilson is visibly upset, but is cleared by FF/PM C. Flannagan. Wilson is negative for injuries or any sign of trauma that would require medical attention.



Lakeview Hospital  
4800 S. Hospital Lane  
Lakeview, IL  
Inpatient Record

**LAKEVIEW HOSPITAL**

GRANT, Addison L.  
MRN: 23857982  
DOB: 05/04/1997  
Adm: 07/20/2017, D/C: 08/11/2017

**D/C Summaries – Encounter Notes**

**D/C Summaries signed by Martin Maldonado, MD at 08/11/2017 1358**

Author: Martin Maldonado, MD      Service: Neurology  
Note: 08/11/2017 13:58      Filed: 08/11/2017 23:42

**Physician Discharge Summary**

**Patient ID:**

Addison L. Grant  
23857982  
20 year old  
05/04/1997

**Admit date:** 07/20/2017

**Discharge date and time:** 08/11/2017 13:58

**Admitting Physician:** Betancourt, Yuniesky, MD

**Discharge Physician:** Maldonado, Martin, MD

**Admission Diagnoses:** Concussion with prolonged loss of consciousness, without return to pre-existing conscious level [850.4]; Traumatic Brain Injury (unspecified) [850.0]; Contusions (multiple) [924.9]; Open wound of scalp without complication [873.0]; Open wound of face unspecified site uncomplicated (multiple) [873.40]; Multiple and unspecified open wound of upper limb without complication [884.0]

**Discharge Diagnoses:** Prolonged (more than 24 hours) loss of consciousness with return to pre-existing conscious level [850.3]; Traumatic Brain Injury (unspecified) [850.0]; Contusions (multiple) [924.9]; Multiple unspecified lacerations

**Hospital Course:** Admitted to hospital, in custody of Lakeview Police Department, following altercation with police. Friend, Bailey Wilson, visited patient several times during hospital stay, and provided brief history for patient, including a history of a seizure disorder. Patient had lost consciousness at the scene and had not regained consciousness by time of admission. Dr. Betancourt treated and debrided patient's several lacerations, including one on his/her scalp that required stitching. Patient was then turned over to Dr. Maldonado for the remainder of his/her stay, due to the neurology concerns.

Patient remained in critical condition in comatose state for three days, with no response to visual stimulation or sounds, and complete inability to communicate or show emotional responses. By end of third day, patient showed some progression, entering into sleep-wake cycles, and briefly orienting to visual stimulation and sounds. By the evening of the fourth day, patient had regained full consciousness.

Since regaining full consciousness, patient has suffered from confusion, agitation, memory loss, an overreaction to stimulation, frequent seizures, and more severe twitching on the left side of his/her body.

Lakeview Hospital  
4800 S. Hospital Lane  
Lakeview, IL  
Inpatient Record

LAKEVIEW HOSPITAL

GRANT, Addison L.  
MRN: 23857982  
DOB: 05/04/1997  
Adm: 07/20/2017, D/C: 08/11/2017

---

Upon discharge, patient is still suffering from these symptoms, but has shown significant improvement and the symptoms are occurring less frequently. Upon counseling and discussion with patient, patient feels s/he is able to live independently. Patient's friend, Bailey Wilson, was present with patient at discharge, and indicates that s/he will assist patient with acclimating back to daily living activities.

**Patient Instructions:** Rest frequently, activity as tolerated. No water on stitches until they dissolve in approximately 2 weeks. Clean wounds with alcohol pads and change dressing daily. Follow-up with Dr. Maldonado in 2 weeks.

>30 minutes in d/c mgt

**Signed:**

Martin Maldonado, MD  
08/11/2017  
11:42 PM

Electronically signed by Martin Maldonado, MD on 08/11/2017 at 11:42 PM

# Lakeview Medical Group

Lakeview Medical Group  
4600 S. Hospital Lane  
Lakeview, IL  
Outpatient Encounter

GRANT, Addison L.  
MRN: 23857982  
DOB: 05/04/1997  
Enc. Date: 10/30/2017

## Patient Demographics

Address:  
c/o Pat and Jo Grant  
811 Pine Street  
Lakeview, IL

## Progress Notes signed by Remy Danton, MD at 01/30/17 1140

Author: Remy Danton, MD  
Note: 10/30/17 1128

Service: Neurology  
Filed: 10/30/17 1140

Author: Physician  
Note Type: Progress Notes

Today Addison Grant returns to my office for continued evaluation and treatment of his/her previously diagnosed seizure disorder. Patient is well-known to me as I have been treating him/her since s/he was 3 y/o for management of a seizure disorder. Patient's epilepsy is occasionally refractory, when his/her stress levels are extremely high, but generally we have had success in making the seizures less frequent and less severe by use of oral medication. Patient also had some brief success with a ketogenic diet around 5 y/o, however the diet is difficult to follow and is strict, and patient's parents have not followed it since patient was 6 y/o. Patient's seizures were infrequent and mild until after the sudden death of his/her sibling. Stress seems to be the most significant trigger for patient's seizures, which occur more frequently when patient is under chronic stress and often acute stress triggers sudden onset of a seizure. As I have explained to patient and his/her mother in the past, when patient's stress levels are minimized, the seizures are much more manageable. Unfortunately, patient has suffered from chronic stress since approx. 6 y/o. Continued medication is also crucial for managing the seizures.

Today, frequency and severity of seizures remains unchanged from last visit on 06/14/17. Patient agrees to continue with medications, and feels the current combination of medications remains effective.

**Patient Instructions:** Patient is again advised to minimize stress, and continue medication. Patient's prescription is renewed. Patient is reminded of the importance of taking medication regularly. Schedule follow up with me in six months.

>30 minutes in d/c mgt

**Signed:**  
Remy Danton, MD  
10/30/2017  
11:40 AM

Electronically signed by Remy Danton, MD on 10/30/2017 at 11:40 AM

Exhibit 6



**Lakeview Police Department**  
**Standard Operating Procedure**  
4.0-4.2 – Use of Non-Deadly Force

Effective Date: 01/01/2016

**4.0 – Introduction**

It is the procedure of the Lakeview Police Department (LPD) that officers, while in the performance of official duties, shall use force only when objectively reasonable based upon the circumstances. Officers should only use the amount of force that is reasonably necessary to secure control or to gain compliance. Members of the LPD shall act at all times within the standards established in these rules.

**4.1 – Non-Deadly Force Authorized**

Non-deadly force is only authorized when an officer reasonably believes it is necessary to control a person under any of the following circumstances:

1. Detaining a person reasonably suspected of unlawful behavior
2. Arresting an individual (with probable cause)
3. Preventing escape
4. Obtaining control of an individual resisting arrest
5. Protecting oneself or another

**4.2 – Totality of Circumstances**

Officers shall use the degree of force believed to be objectively reasonable to control a situation. The following factors should be considered in determining whether to use force:

1. The existence of alternative methods of control
2. The weapons on the individual as compared to the officer
3. The nature of the encounter
4. The actions of the person
5. The number of persons involved, as compared to the number of officers available
6. The severity of the offense
7. The individual's disabilities, mental condition, or medical conditions of which the officer is aware or should be aware
8. Whether the individual is posing a threat to the safety of officers or citizens
9. Whether the suspect is actively resisting arrest or fleeing

Control of a person through presence and verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force based upon the actions of the individual. Once a person is under control, officers are required to revert to the lowest degree of force necessary to maintain that control.

**Exhibit 7**



|  |                                     |                                   |
|--|-------------------------------------|-----------------------------------|
| <b>Lakeview Police Department<br/>Incident Report</b>            |                                     |                                   |
| Incident:<br><b>Underage Drinking, Disorderly Conduct, Theft</b> |                                     |                                   |
| Incident Report No.<br><b>2017-153433</b>                        | Incident Date:<br><b>07/04/2017</b> | Incident Time:<br><b>21:32</b>    |
| Reporting Officer:<br><b>Smith, Sam</b>                          |                                     | Report Date:<br><b>07/04/2017</b> |
| Incident Location:<br><b>Washington Park</b>                     |                                     |                                   |
| Suspect name:<br><b>Addison Grant</b>                            |                                     | DOB:<br><b>05/04/1997</b>         |
| Address:<br><b>Homeless</b>                                      |                                     | Phone:<br><b>N/A</b>              |

|                         |                           |
|-------------------------|---------------------------|
| Employer:<br><b>N/A</b> | Work Phone:<br><b>N/A</b> |
|-------------------------|---------------------------|

|                                 |  |
|---------------------------------|--|
| Employer Address:<br><b>N/A</b> |  |
|---------------------------------|--|

|                                     |                           |
|-------------------------------------|---------------------------|
| Victim name:<br><b>Jackie Sharp</b> | DOB:<br><b>12/20/1987</b> |
|-------------------------------------|---------------------------|

|  |                           |
|--|---------------------------|
| Address:<br><b>8240 S. Willow Lane, Lincolnville, IL</b> | Phone:<br><b>673-4250</b> |
|--|---------------------------|


**Narrative:**  
 On July 4, 2017, at 21:32 I, Officer Sam Smith, was patrolling the crowds of individuals at Washington Park on foot following Lakeview's annual Doug Stamper Fireworks Festival, when I observed ADDISON GRANT exhibiting signs of intoxication. GRANT was being loud and disorderly. I could also smell an odor of intoxicants emanating from GRANT's body, his/her eyes were glassy, and his/her speech was slurred. GRANT was also yelling the words to "Carry On Wayward Son" by Kansas, in a loud manner. From my prior contact with GRANT, I knew him/her to be under the legal drinking age of 21.


I approached GRANT, and proceeded to ask what s/he was doing. GRANT replied, "Obviously, I'm singing." When I indicated to him/her that there were young children in the area, and that his/her loud and disruptive behavior was inappropriate, GRANT responded in a loud voice, "What, do you hate America or something? Can't a guy/gal celebrate Independence Day?" At this point, I determined I needed to put GRANT under arrest for disorderly conduct, due to his loud and disruptive behavior. I informed GRANT that s/he was under arrest for disorderly conduct, and proceeded to conduct a search incident to arrest. It was at this time that I noticed a new-looking blue leather purse marked with the brand "Kate Spade," hanging down GRANT's back from a shoulder strap.

I have had prior contact with GRANT, and know that s/he does not normally carry a bag with him/her, so I read GRANT his/her Miranda rights and questioned him/her about the bag. GRANT claimed that s/he had been picking up garbage and litter after the annual Doug Stamper Fireworks Festival, to return Washington Park back to its usual state, and s/he had found the bag on a park bench that evening. GRANT claimed that s/he was going to be looking through it for identification.

I did not find it credible that GRANT would have been picking up garbage in the park, or that s/he found the purse as s/he claimed. I proceeded to search the purse myself, and found an Illinois Driver's License issued to a JACKIE SHARP, at 8240 S. Willow Lane. I also located \$112.43 in cash located in the purse. At this point, I attempted to place GRANT in handcuffs, however GRANT stiffened his/her arms against his/her sides, and made quick jerking movements. I told GRANT to "Stop Resisting Arrest," and was able to overcome GRANT's resistance and place the handcuffs onto GRANT.

I was able to track down a phone number for SHARP, and proceeded to call her. SHARP indicated that she had been at the annual Doug Stamper Fireworks Festival at Washington Park that evening, and had not realized that her purse was missing until she attempted to purchase frozen yogurt after the festival. SHARP was not sure when during the evening the purse went missing. I asked SHARP how much money she had left in the purse, and she indicated she believed it was around \$110, plus some change. SHARP indicated that GRANT did not have her consent to be in possession of her purse.

|  |  |                                     |                                   |
|--|--|-------------------------------------|-----------------------------------|
|   | <b>Lakeview Police Department</b><br><b>Incident Report</b>            |                                     |                                   |
|  | Incident:<br><b>Trespass (Grant, Wilson), Resisting Arrest (Grant)</b> |                                     |                                   |
|  | Incident Report No.<br><b>2016-105655</b>                              | Incident Date:<br><b>11/29/2016</b> | Incident Time:<br><b>11:01</b>    |
|  | Reporting Officer:<br><b>Gomez, Carlos</b>                             |                                     | Report Date:<br><b>11/30/2016</b> |
|  | Incident Location:<br><b>431 S. Bradley Blvd.</b>                      |                                     |                                   |
|  | Suspect name:<br><b>Addison Grant</b>                                  |                                     | DOB:<br><b>05/04/1997</b>         |
|  | Address:<br><b>Homeless</b>  |                                     | Phone:<br><b>N/A</b>              |
|  | Second Suspect name:<br><b>Bailey Wilson</b>                           |                                     | DOB:<br><b>09/26/1996</b>         |
| Address:<br><b>Homeless</b>  |  | Phone:<br><b>N/A</b>                |                                   |
| Employer:<br><b>N/A</b>  |  | Work Phone:<br><b>N/A</b>           |                                   |
| Employer Address:<br><b>N/A</b>  |  |                                     |                                   |
| Victim name:<br><b>Freddy's BBQ Joint</b>  |  | DOB:<br><b>N/A</b>                  |                                   |
| Address:<br><b>431 S. Bradley Blvd., Lakeview, IL</b>  |  | Phone:<br><b>221-1314</b>           |                                   |
| Narrative:<br><p>On November 29, 2016, I, Officer Carlos Gomez, was dispatched to 431 S. Bradley Blvd. for a complaint of loitering at 11:01. Upon arrival, I spoke with the owner of Freddy's BBQ Joint, FREDDY HAYES, who indicated that two individuals had been in his establishment during business hours for two days in a row without purchasing anything.</p> <p>HAYES stated that when they entered his establishment the day before, on November 28, 2016, he had permitted them to stay in the establishment because a cold front was going through Lakeview and it was extremely cold out, and because Freddy's BBQ Joint was only open a half day, due to Thanksgiving. The two individuals returned, however, on Friday, November 29, 2016. HAYES had permitted them to stay in the establishment during the morning, again due to the extremely low temperatures outside, however HAYES stated that he was losing business as the individuals were obviously homeless and one of the individuals was particularly odorous.</p> <p>HAYES stated that he had wanted to let them stay, however Black Friday is his busiest time of the year and he could not afford to lose any more business. HAYES indicated that he had asked the two individuals to leave, however they seemed to ignore him, at which time he had contacted the police.</p> <p>I approached the two individuals and recognized them as ADDISON GRANT and BAILEY WILSON, two of Lakeview's homeless population, who can ordinarily be found loitering in Washington Park. I asked them to leave, but GRANT replied that they did not have anywhere to go and temperatures outside were freezing. I informed them that I was going to have to put them under arrest for Criminal Trespass to Real Property. As I approached GRANT in order to handcuff him/her, s/he jerked away and stated, "Why are you hassling us? We aren't doing anything wrong, it's a free country!" I told GRANT that if s/he continued that behavior I would also arrest him/her for Resisting Arrest. GRANT indicated that s/he did not mean to cause trouble, and s/he was cooperative and compliant for the remainder of my encounter with him/her. WILSON continually made rude comments during the course of the investigation and had to be warned several times not to interfere with the investigation.</p> |  |                                     |                                   |

|  |   |                                     |                                   |
|--|---|-------------------------------------|-----------------------------------|
|   | <b>Lakeview Police Department<br/>Incident Report</b> |                                     |                                   |
|  | Incident:<br><b>Littering</b>                         |                                     |                                   |
|  | Incident Report No.<br><b>2015-116233</b>             | Incident Date:<br><b>05/28/2015</b> | Incident Time:<br><b>14:22</b>    |
|  | Reporting Officer:<br><b>Smith, Sam</b>               |                                     | Report Date:<br><b>05/29/2015</b> |
|  | Incident Location:<br><b>Washington Park</b>          |                                     |                                   |
|  | Suspect name:<br><b>Addison Grant</b>                 |                                     | DOB:<br><b>05/04/1997</b>         |
|  | Address:<br><b>Homeless</b>                           |                                     | Phone:<br><b>N/A</b>              |
| Employer:<br><b>N/A</b>  |   | Work Phone:<br><b>N/A</b>           |                                   |
| Employer Address:<br><b>N/A</b>  |   |                                     |                                   |
| Victim name:<br><b>N/A</b>   |   | DOB:<br><b>N/A</b>                  |                                   |
| Address:<br><b>N/A</b>   |   | Phone:<br><b>N/A</b>                |                                   |
| <p><b>Narrative:</b></p> <p>On May 28, 2015, at 14:22, I, Officer Sam Smith, was on foot patrol in Washington Park when I observed an individual later identified as ADDISON GRANT throw a plastic bag onto the ground, not in the appropriate garbage receptacle. GRANT had a disheveled appearance, and an unpleasant odor, and I suspected GRANT might be homeless. I approached GRANT and asked her/him what s/he thought s/he was doing, in tossing the garbage onto the ground instead of into the garbage receptacle. GRANT stated that s/he was exhausted from not having slept for three nights, as his/her parents had kicked him/her out of the house earlier that month, and that s/he just didn't have the energy to put it into the garbage receptacle.</p> <p>I explained to GRANT that littering is harmful for the environment, makes Washington Park look unpleasant, and hurts the wildlife that exists in Washington Park. I explained that Washington Park would be a much prettier place if those individuals, like GRANT, who used it most would just start acting like responsible citizens. GRANT stated, "Why are you shouting, it was just a plastic bag," and I explained that, first, I was not shouting, just using a commanding voice, and second, that plastic bag could wind up killing one of the animals who GRANT and other homeless people share the park with.</p> <p>GRANT stated that s/he was unaware until that moment of just how harmful littering was, and asked if I could let it go just this once and s/he would never do it again. GRANT swore that s/he would help make the park a better place for everyone, from then on. I explained that I couldn't let it go, and that it was my job to enforce the laws, not just issue warnings. I issued GRANT a citation for littering.</p> |   |                                     |                                   |

MAP OF WASHINGTON PARK







**FAMILY HEALTH EXPERTS  
DR. WAMEEP SALI  
710 S. CHESTNUT STREET, SUITE 6600  
LAKEVIEW, IL**

**RE: Sam Smith, D.O.B. 6/15/1972, SSN 123-45-9834**

To Whom It May Concern:

My patient, Sam Smith, was diagnosed with moderate Post-Traumatic Stress Disorder (PTSD) on October 1, 2001. The diagnosis was confirmed through physical examination, medical history, and standard neurological examination.

Smith has not suffered from PTSD since I examined him/her in 2010. Smith is not limited in daily activities, and is able to work daily in his/her current position as a police officer.

I have cautioned Smith to return to my office for an examination if any symptoms of PTSD reoccur. Symptoms known to commonly reoccur consist of:

- Increased arousal
- Nightmares or terrible dreams
- Daytime flashbacks
- Physical reactions to stress, such as sweating and rapid heart rate
- Amnesia
- Diminished interest in activities that used to give patient pleasure
- Difficulty concentrating

These symptoms may or may not be triggered by a subsequent traumatic event.

Sincerely,

*Wameep Sali*

**Dr. Wameep Sali**

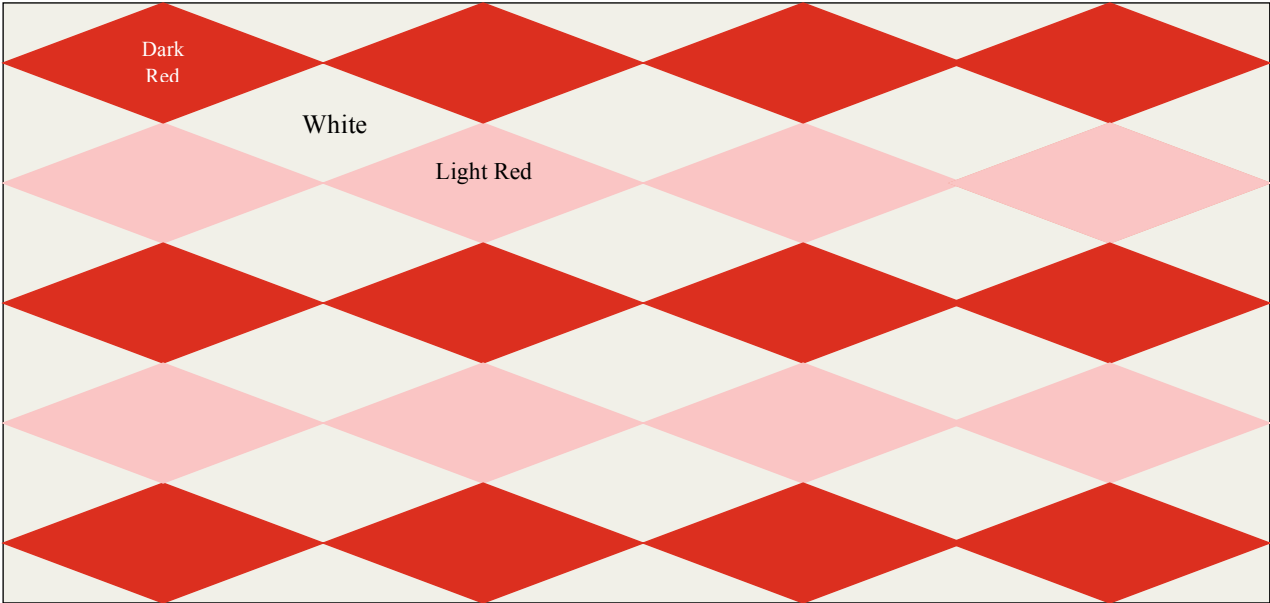
# Lakeview Police and Fire Dispatch Report

|                    |                     |   |                                   |
|--------------------|---------------------|---|-----------------------------------|
| <b>RUN NUMBER</b>  | 2017-00018371       | <b>Create Time New</b>  | 07/20/2017 14:17:55               |
| <b>Create Time</b> | 07/20/2017 14:13:05 | <b>Closed Time New</b>  | 07/20/2107 15:25:45               |
| <b>Closed Time</b> | 07/20/2017 14:16:07 | <b>Dispatcher:</b>  | Hadley <b>Dispatch ID:</b> 34-113 |
| <b>CALL TYPE</b>   | Stolen Property     | <b>Units Responding:</b> Smith – Unit 773; Flannagan – LFD Engine Co. 11; Parker – LFD Ambulance Co. 11 |                                   |
| <b>LOCATION</b>    | Washington Park, IL |   |                                   |

## Dispatch Report

14:13:05 – Handley: New call created  
 14:13:07 – Handley: Report of theft in progress  
 14:13:10 – Handley: call type changed to in progress, priority level 2  
 14:13:18 – Handley: Location of theft is Washington Park  
 14:13:20 – Handley: Unit 773 dispatched  
 14:13:28 – Smith: Unit 773 in route to call  
 14:13:30 – Handley: Pink purse with flower pattern stolen  
 14:13:35 – Handley: Suspect fled scene on foot  
 14:13:55 – Handley: Suspect approx. 20 years old, grey shirt, red shorts  
 14:14:01 – Handley: Victim/Caller is still on scene  
 14:14:05 – Handley: Caller is Katelyn Craig  
 14:14:22 – Handley: Caller can be contacted at 777-866-6967  
 14:14:38 – Handley: CAUTION: Purse contains knife. Suspect may be armed.  
 14:14:45 – Handley: call type changed to priority level 1, possible dangerous suspect  
 14:14:51 – Handley: Suspect appears to be disheveled. Described by caller as twitchy  
 14:15:03 – Smith: Unit 773 on scene.  
 14:16:07 – Smith: Suspect located.  
 \*\*\*\*\*  
 14:17:55 – Smith: Need EMS immediately, Taser deployed, suspect non-responsive  
 14:18:15 – Handley: call type updated to medical emergency, Washington Park  
 14:18:19 – Handley: LFD Amb. Co. 11 and Engine Co. 11 dispatched  
 14:19:17 – Parker: LFD Ambulance Co. 11 en route  
 14:19:40 – Flannagan: LFD Engine Co. 11 en route  
 14:20:22 – Handley: EMS and Fire should respond to park benches in Washington Park. Suspect in Custody and Unconscious  
 14:26:17 – Parker: LFD Ambulance Co. 11 at scene  
 14:27:33 – Flannagan: LFD Engine Co. 11 at scene  
 14:28:00 – Parker: LFD Ambulance Co. and LFD Engine Co. 11 at patient  
 14:33:11 – Parker: LFD Ambulance Co. 11 en route to hospital  
 14:38:17 – Flannagan: LFD Engine. Co 11 back in service. At LFD Station 11.  
 14:42:07 – Parker: LFD Ambulance Co. 11 at Lakeview hospital  
 15:11:56 – Parker: LFD Ambulance Co. 11 back in service  
 15:29:45 – Parker: LFD Ambulance Co. 11 at LFD Station 11  
 15:29:45 – Close Call

**PICTURE OF ADDISON GRANT'S HANDKERCHIEF**



**Exhibit 14**

## **JURY INSTRUCTIONS**

### ***Instruction No. 1: Burden of Proof***

When I say a particular party must prove something by “a preponderance of the evidence,” or when I use the expression “if you find,” or “if you decided,” this is what I mean: When you have considered all the evidence in this case, you must be persuaded that it is more probably true than not true.

### ***Instruction No. 2: Excessive Force Against Arrestee – Elements***

Plaintiff claims that on or about July 20, 2017, Defendant subjected Plaintiff to excess force when Defendant threw Plaintiff to the sidewalk, tased Plaintiff, and slammed Plaintiff’s head into the sidewalk, causing Plaintiff to suffer physical injury, pain, mental anguish, humiliation, and embarrassment. Defendant denies that Defendant used any excessive force against Plaintiff and denies that Defendant injured Plaintiff as alleged by Plaintiff.

To succeed on Plaintiff’s claim of excessive use of force against Defendant, Plaintiff must prove each of the following things by a preponderance of the evidence:

- (1) Defendant used unreasonable force on Plaintiff; and
- (2) Because of Defendant’s unreasonable force, Plaintiff was harmed.

If you find that Plaintiff has proved each of these things by a preponderance of the evidence, then you should find for Plaintiff, and go on to consider the question of damages.

If, on the other hand, you find that Plaintiff did not prove any one of these things by a preponderance of the evidence, then you should find for Defendant, and you will not consider the question of damages.

### ***Instruction No. 3: Excessive Force – Definition of “Unreasonable”***

You must decide whether Defendant’s use of force was unreasonable from the perspective of a reasonable officer facing the same circumstances that Defendant faced. You must make this decision based on what the officer knew at the time of the arrest, not based on what you know now. In deciding whether Defendant’s use of force was unreasonable, you must not consider whether Defendant’s intentions were good or bad.

In performing his job, an officer can use force that is reasonably necessary under the circumstances.

In determining whether Defendant used unreasonable force you should consider all of the

circumstances. The circumstances which you may consider include, but are not limited to the following:

1. The need to use force;
2. The relationship between the need to use force and the amount of force used;
3. The extent of Plaintiff's injury;
4. The severity of the crime at issue;
5. Whether Defendant reasonably perceived there was a threat to the safety of him/her self and the public;
6. Any efforts made by Defendant to limit the amount of force used; and
7. Whether Plaintiff was actively resisting arrest or was attempting to evade arrest by fleeing.

***Instruction No. 4: False Arrest – Elements***

Plaintiff claims that Defendant falsely arrested Plaintiff. To succeed on this claim, Plaintiff must prove each of the following things by a preponderance of the evidence:

1. Defendant arrested Plaintiff; and
2. Defendant did not have probable cause to arrest Plaintiff.

If you find that Plaintiff has proved each of these things by a preponderance of the evidence, then you must decide for Plaintiff, and go on to consider the question of damages.

If, on the other hand, you find that Plaintiff has failed to prove any one of these things by a preponderance of the evidence, then you must decide for Defendant, and you will not consider the question of damages.

***Instruction No. 5: False Arrest – “Probable Cause”***

Probable cause exists for an arrest if, at the moment the arrest was made, a reasonable person in Defendant's position would have believed that Plaintiff had committed or was committing a crime. In making this decision, you should consider what Defendant knew and the reasonably trustworthy information Defendant had received.

Probable cause requires more than just a suspicion. But it does not need to be based on evidence that would be sufficient to support a conviction, or even a showing that Defendant's belief was probably right.

It is not necessary that Defendant had probable cause to arrest Plaintiff for the crime Defendant was investigating, so long as Defendant had probable cause to arrest Plaintiff for some criminal offense. It is not necessary that Defendant had probable cause to arrest Plaintiff for all of the

crimes Plaintiff was charged with, so long as Defendant had probable cause to arrest Plaintiff for one of those crimes.

***Instruction No. 6: Opinion Testimony***

You have heard witnesses give opinions about matters requiring special knowledge or skill. You should judge this testimony in the same way you judge the testimony of any other witness. The fact that such person has given an opinion does not mean that you are required to accept it. Give the testimony whatever weight you think it deserves, considering the reasons given for the opinion, the witness's qualifications, and all of the other evidence in the case.

***Instruction No. 7: Limiting Instruction Concerning Evidence of Policies***

You have heard evidence about whether Defendant's conduct violated department policy or procedure. You may consider this evidence in your deliberations. But remember that the issue is whether Defendant used excessive force on Plaintiff, not whether a department policy or procedure might have been violated.

***Instruction No. 8: Municipality/Police Department Not A Party***

Defendant is being sued as an individual. Neither the Lakeview Police Department nor the City of Lakeview is a party to this lawsuit.

**VERDICT FORM A**

On Count I – Excessive Force of Plaintiff’s Complaint, we the jury find in favor of Plaintiff and against Defendant.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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\_\_\_\_\_  
JURY FOREPERSON

**VERDICT FORM B**

On Count I – Excessive Force of Plaintiff’s Complaint, we the jury find in favor of Defendant and against Plaintiff.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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JURY FOREPERSON

**VERDICT FORM C**

On Count II – False Arrest of Plaintiff’s Complaint, we the jury find in favor of Plaintiff and against Defendant.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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\_\_\_\_\_  
JURY FOREPERSON

**VERDICT FORM D**

On Count II – False Arrest of Plaintiff’s Complaint, we the jury find in favor of Defendant and against Plaintiff.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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\_\_\_\_\_  
JURY FOREPERSON