

IN THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF ILLINOIS, URBANA DIVISION

ANDRE DAVIS,)	
)	
Plaintiff,)	No.
)	
v.)	Judge
)	
Former Rantoul Police Detective LARRY)	Magistrate
ZONFRILLI, Former Rantoul Police Officer)	
MONTGOMERY PORTIS, Former Rantoul)	
Police Chief ELDON QUICK, Former Illinois)	
Department of Law Enforcement Special Agent)	
MICHAEL ROBB, Dr. JOSE RAQUEL, the)	
VILLAGE OF RANTOUL, and PROVENA)	
COVENANT MEDICAL CENTER, also known as)	
PRESENCE COVENANT MEDICAL CENTER,)	
)	
Defendants.)	Jury Demand

COMPLAINT

Plaintiff, ANDRE DAVIS, by his attorneys, People’s Law Office, for his complaint against Defendants LARRY ZONFRILLI, MONTGOMERY PORTIS, ELDON QUICK, MICHAEL ROBB, Dr. JOSE RAQUEL, the VILLAGE OF RANTOUL, and PROVENA COVENANT MEDICAL CENTER, also known as PRESENCE COVENANT MEDICAL CENTER, states:

Introduction

1. Andre Davis spent over thirty-one years in prison for a crime he did not commit. He was wrongfully convicted in 1981 of the kidnaping, rape, and murder of three-year-old Brianna Stickle as a result of the unconstitutional actions of the police officers and emergency room doctor who are named as defendants in this suit. Despite evidence implicating Brianna’s next door neighbor, Maurice Tucker, the defendant police officers failed to pursue Tucker at the time of the crime, and instead coerced, manipulated and fabricated evidence to create a false case

against Plaintiff. Other than a medical report that was fabricated by the defendant emergency room doctor during his examination of Plaintiff, there was no “hard” evidence—fingerprints, serology, DNA or other physical evidence of any kind—linking Plaintiff to the Brianna Stickle murder. However, the force of the defendants’ misconduct was enough to secure a conviction in two separate trials. Years later, Plaintiff was exonerated when new DNA evidence excluded him as the donor of the semen left on the bedding where the rape and murder of Brianna Stickle occurred, and established that Maurice Tucker and another as of yet unidentified male were the sources of the semen. After this DNA evidence came to light, Plaintiff wrongfully spent another eight years in prison until he was released and fully exonerated. Through this civil rights action, Plaintiff seeks accountability and compensation for the massive injuries inflicted upon him from the persons responsible for this miscarriage of justice.

Jurisdiction and Venue

2. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff’s rights as secured by the United States Constitution.

3. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1367.

4. Venue is proper under 28 U.S.C. § 1391(b). Defendant Village of Rantoul is a municipal corporation located within this judicial district. Additionally, the events giving rise to the claims asserted herein occurred within this judicial district.

Parties

5. Plaintiff Andre Davis is an African American resident of the State of Illinois.

6. Defendant Larry Zonfrilli was at all times relevant to this action employed as a police officer in the Rantoul Police Department.

7. Defendant Montgomery Portis was at all times relevant to this action employed as a police officer in the Rantoul Police Department.

8. Defendant Eldon Quick was at all times relevant to this action the duly appointed and sworn Chief of the Rantoul Police Department. He was a final policymaker for the Village of Rantoul in police matters, including police investigations, and was personally in charge of the Brianna Stickle homicide investigation.

9. Defendant Michael Robb was at all times relevant to this action employed as a special agent by the Illinois Department of Law Enforcement, now known as the Illinois State Police.

10. Defendant Dr. Jose Raquel was at all times relevant to this action employed by Burnham City Hospital, now known as Provena Covenant Medical Center, also known as Presence Covenant Medical Center, and was involved in the investigation which led to the malicious prosecution and wrongful conviction of Plaintiff.

11. Defendant Village of Rantoul is an Illinois municipal corporation and was the employer of the individual police officer defendants and is liable for their actions which violate Illinois law pursuant to the doctrine of *respondeat superior*. Defendant Village of Rantoul is additionally responsible for the policies and practices of the Rantoul Police Department.

12. Defendant Provena Covenant Medical Center, also known as Presence Covenant Medical Center, and formerly known as Burnham City Hospital, was at all times relevant to this action the employer of Defendant Dr. Jose Raquel. Provena Covenant Medical Center is responsible for the acts of Defendant Dr. Jose Raquel while employed by Burnham City Hospital and while acting within the scope of his employment.

13. Each of the individual defendants named above engaged in the conduct complained of under color of state law and in the course and scope of his employment. Each of the individual defendants is sued in his individual capacity.

Allegations of Facts

14. On August 8, 1980, three-year-old Brianna Stickle, who lived with her mother and stepfather at 1110 Eastview Street in Rantoul, Illinois, was kidnaped, raped and murdered.

15. The people who raped and killed Brianna Stickle were her next door neighbor, Maurice Tucker, and another man who has yet to be identified.

16. In the course of the rape and murder, Maurice Tucker and the unidentified male ejaculated and their semen was deposited on the bed sheet where Brianna Stickle was killed.

17. Brianna Stickle's dead body was found at the house next door to the house in which she lived, on top of Maurice Tucker's bed.

18. When the Rantoul police arrived at the scene of the crime, the person who discovered the body, Donald Douroux, purportedly told them that they should speak to Andre Davis who could be found at 1056 Eastview, which was where Douroux lived. Douroux then left the scene and returned to his house.

19. Defendant Rantoul Police Chief Eldon Quick and another Rantoul police officer went to 1056 Eastview to seek out further information. They found Plaintiff there, watching television. Plaintiff did not appear upset when the police arrived, nor did he attempt to run away. The officers spoke briefly with Plaintiff before exiting the house to speak with Douroux. Based on their conversation with Douroux, the police arrested Plaintiff.

20. Douroux was taken into custody at the same time as Plaintiff.

21. Defendant Zonfrilli interrogated Douroux and, with the participation and/or knowledge and approval of Defendants Portis and Quick, coerced, manipulated, intimidated and suggested Douroux into making false statements that implicated Plaintiff in the murder.

22. Defendants Zonfrilli, Portis and Quick failed to inform the state's attorney or any other competent authority that they had coerced, manipulated, intimidated and suggested Douroux into making false statements that implicated Plaintiff in the murder.

23. Over the next two days, Defendant Portis interrogated Plaintiff.

24. During the course of these interrogations, Defendant Portis, with the participation and/or knowledge and approval of Defendants Zonfrilli and Quick, coerced, manipulated, and manufactured false inculpatory statements from Plaintiff.

25. Defendants Zonfrilli, Portis and Quick failed to inform the state's attorney or any other competent authority that they had coerced, manipulated, and manufactured false inculpatory statements from Plaintiff.

26. While Plaintiff was in custody, Defendant Portis took him to Burnham City Hospital, where Defendant Jose Raquel, the emergency room physician on duty, examined Plaintiff to obtain evidence as part of the investigation.

27. Defendant Raquel reported to the police and prosecutor that he had recovered material from underneath Plaintiff's foreskin which he was able to reliably identify, to a reasonable degree of medical certainty, as fecal material, which was consistent with the presence of feces on the victim's body.

28. Defendant Raquel's reports were knowingly false and he knew that he lacked sufficient information, skill and knowledge to identify the recovered material as feces.

29. Defendant Raquel failed to inform the state's attorney or any other competent authority that he lacked sufficient information, skill and knowledge to identify the recovered material as feces, and that the material in question could not be reliably identified as fecal matter.

30. During the course of their investigation, Defendants Zonfrilli, Portis, and Quick did not pursue leads and likely suspects, including Maurice Tucker, Donald Douroux, and other as of yet still unknown persons.

31. Instead, three days after the murder, Defendant Zonfrilli, with the participation and/or knowledge and approval of Defendants Portis and Quick, manufactured additional false evidence against Plaintiff by coercing, suggesting, and manipulating Maurice and Lutellis Tucker into making false statements that implicated Plaintiff in the murder, including fabricating evidence that Plaintiff left his blue jeans at the scene after committing the crime.

32. Defendants Zonfrilli, Portis and Quick failed to inform the state's attorney or any other competent authority that they had coerced, manipulated, and manufactured the Tuckers into making false statements that implicated Plaintiff in the murder.

33. On August 11, 1980, Defendant Special Agent Michael Robb and another police officer interrogated Plaintiff at the Champaign County Correctional Center.

34. During the course of this interrogation, Defendant Robb coerced and manipulated Plaintiff into making false statements that implicated him in the murder.

35. Defendant Robb failed to inform the state's attorney or any other competent authority that he had coerced, manipulated, and manufactured Plaintiff into making false statements that implicated himself in the murder.

36. In January 1981, Plaintiff stood trial for the kidnaping, rape and murder of Brianna Stickle.

37. Defendants Zonfrilli, Portis, Quick and Raquel testified falsely at Plaintiff's trial, and Donald Douroux, Maurice Tucker, and Lutellis Tucker presented trial testimony which was improperly suggested and manufactured by the Defendant Rantoul Police Officers.

38. The false testimony of Defendants Zonfrilli, Portis, Quick, and Raquel, and the false, fabricated, coerced and suggested testimony of Donald Douroux, Maurice Tucker, and Lutellis Tucker, was the primary evidence that was presented against Plaintiff at his trial.

39. As a proximate result of the above-described misconduct on the part of the Defendants, Plaintiff was wrongfully convicted of the kidnaping, rape and murder of Brianna Stickle and sentenced to natural life in prison. But for the Defendants' misconduct, Plaintiff would have been neither prosecuted nor convicted.

40. On April 8, 1982, the Illinois Appellate Court reversed the conviction and remanded for a new trial on the grounds that the jury asked a question of the bailiff and the bailiff failed to forward it to the trial court.

41. At the second jury trial, in 1983, the false testimony of Defendants Zonfrilli, Portis, Quick, and Raquel, and the false, fabricated, and coerced testimony of Donald Douroux, Maurice Tucker, and Lutellis Tucker, was once again the primary evidence that was presented against Plaintiff, as well as false testimony from Defendant Robb.

42. Plaintiff was once again convicted, and this time he was sentenced to an extended term of eighty years in prison.

43. Throughout his prosecution and incarceration, Plaintiff maintained his innocence and pursued all available avenues to prove it.

44. DNA typing performed by three different private labs beginning in 2004 revealed that none of the blood or semen found on the bedding where Brianna Stickle's body was found originated from Plaintiff.

45. The DNA typing revealed that two men, neither of whom is Plaintiff, left semen deposits on top of Brianna Stickle's blood at the time of the crime. One of these men was identified as Maurice Tucker and the other is currently unknown.

46. In July 2006, Plaintiff filed a petition for relief from judgment pursuant to 735 ILCS 5/2-1401 based on the newly discovered DNA evidence.

47. In an opinion issued on February 22, 2011, Champaign County Circuit Court Judge Charles Leonhard denied Plaintiff's petition, finding that the newly discovered DNA evidence would not have changed the result at retrial.

48. On March 5, 2012, the Illinois Appellate Court, in a unanimous decision, reversed Plaintiff's murder conviction and ordered a new trial based on the DNA test results, finding that the DNA evidence was sufficiently conclusive to undermine confidence in the outcome of the trial.

49. The State elected not to appeal the appellate court's decision, and on July 6, 2012, the prosecution dismissed all charges against Plaintiff. On the same day, after spending almost thirty-two years in prison, Plaintiff was released from the Illinois Department of Corrections.

50. On May 8, 2013, Champaign County Circuit Court Judge Jeffrey Ford granted Plaintiff a certificate of innocence without objection from the prosecution.

51. The actions of the Defendants caused Plaintiff to spend over thirty-one years in prison for a crime he did not commit. Now a 52-year-old man, he must attempt to make a life for

himself outside of prison without the benefit of over three decades of life experiences which normally equip adults for building a life.

52. During his incarceration, Plaintiff missed out on the ability to share holidays, births, funerals, and other life events with loved ones, the opportunity to have girlfriends, to fall in love, to marry, and to pursue a career, and the fundamental freedom to live one's life as an autonomous human being.

53. Throughout Plaintiff's wrongful incarceration the Defendants failed to advise any competent authority of their wrongdoing as set forth above, and thereby continued the wrongful conviction and false imprisonment of the Plaintiff.

54. The continuing unlawful, intentional, willful, deliberately indifferent, reckless and/or bad faith acts and omissions of the Defendants proximately caused Plaintiff, *inter alia*, the following injuries and damages: pain, suffering and severe mental anguish; loss of family relationships; severe psychological damage; loss of educational opportunity; loss of professional opportunity; loss of income; humiliation, indignities and embarrassment; degradation and permanent loss of natural psychological development; and restrictions on all forms of personal freedom, including but not limited to, diet, sleep, personal contact, educational opportunity, vocational opportunity, athletic opportunity, personal fulfillment, sexual activity, family relations, use of computers and cell phones, and travel, for which he is entitled to monetary relief.

**Count I – 42 U.S.C. § 1983
Violation of Due Process**

55. Each paragraph of this Complaint is incorporated as if restated fully herein.

56. Defendants Zonfrilli, Portis, Quick, Robb, and Raquel individually, jointly, and in conspiracy, caused the wrongful charging, prosecution and conviction of Plaintiff, and the

continuation of said wrongful conviction, by coercing, constructing, altering, manipulating, fabricating and suggesting the evidence which formed the basis for Plaintiff's charging, prosecution and conviction; by withholding from the prosecutors, judges and defense attorneys involved in Plaintiff's prosecution the fact that this evidence was false, fabricated manipulated, altered, coerced and suggested; by suppressing and destroying additional exculpatory evidence by giving a false and incomplete version of events to prosecutors; by writing false and incomplete reports and giving false testimony; by refusing to pursue leads and likely suspects; and by the additional wrongdoing set forth above, thereby unconstitutionally depriving Plaintiff of his liberty and violating his right to a fair and impartial trial and not to be wrongfully convicted, as guaranteed by the Fourteenth Amendment to the U.S. Constitution.

57. The actions of the Defendants in depriving Plaintiff of his right to a fair trial and not to be wrongfully convicted were the direct and proximate cause of the injuries to Plaintiff which are set forth above.

**Count II – 42 U.S.C. § 1983
Malicious Prosecution¹**

58. Each paragraph of this Complaint is incorporated as if restated fully herein.

59. Defendants Zonfrilli, Portis, Quick, Robb and Raquel, despite knowing that probable cause did not exist to arrest and prosecute Plaintiff for the kidnaping, rape and murder of Brianna Stickle, acted individually, jointly, and/or in concert and in conspiracy, to cause Plaintiff to be arrested and prosecuted for that crime, thereby violating Plaintiff's right pursuant

¹ Plaintiff recognizes that the Seventh Circuit Court of Appeals has held that there is no cause of action for malicious prosecution under 42 U.S.C. § 1983. Because other Circuits recognize such a cause of action and the issue has not yet been determined by the United States Supreme Court, Plaintiff pleads this count solely to preserve the issue for potential review by the United States Supreme Court or for potential reconsideration by the Seventh Circuit Court of Appeals of its prior holdings.

to the Fourth and Fourteenth Amendments of the United States Constitution to be free of unreasonable searches and seizures and to due process.

60. Specifically, Defendants Zonfrilli, Portis, Quick, Robb and Raquel were aware that, as described more fully above, no true or reliable evidence implicated Plaintiff in the Stickle rape/murder, and all inculpatory evidence was coerced, fabricated and suggested. Furthermore, Defendants Zonfrilli, Portis, Quick, Robb and Raquel intentionally withheld from and misrepresented to prosecutors and the grand jury facts that further vitiated probable cause against Plaintiff, as set forth above, and failed to investigate evidence which would have led to the actual assailant. Defendants performed the above-described acts deliberately, with reckless disregard for the truth, and with malice.

61. On July 6, 2012, the prosecution terminated in Plaintiff's favor when all charges against Plaintiff were dismissed. On May 8, 2013, he was granted a Certificate of Innocence.

62. As a direct and proximate result of this violation of his constitutional rights, Plaintiff suffered the injuries set forth above, including, but not limited to, loss of liberty, physical harm, and emotional distress.

63. Defendants committed these acts intentionally, and with willful indifference to Plaintiff's clearly established constitutional rights.

**Count III – 42 U.S.C. § 1983
Failure to Intervene**

64. Each paragraph of this Complaint is incorporated as if restated fully herein.

65. In the manner described above, by their conduct and under color of state law, each and every Defendant had numerous opportunities to intervene on behalf of Plaintiff during the continuing constitutional violations described herein, but due to their intentional conduct and/or

reckless or deliberate indifference, and despite their duty to do so, declined or refused to intervene.

66. As a direct and proximate result of the Defendants' failure to intervene to prevent the violation of Plaintiff's constitutional rights, despite having the reasonable opportunity and duty to do so, Plaintiff suffered the injuries set forth above, including pain and emotional distress.

67. The misconduct described in this Count was committed intentionally, willfully, and/or with reckless or deliberate indifference to Plaintiff's clearly established constitutional rights, and violated his Fourteenth Amendment right to due process of law.

**Count IV – 42 U.S.C. § 1983
Conspiracy to Deprive Constitutional Rights**

68. Each paragraph of this Complaint is incorporated as if restated fully herein.

69. After the murder of Brianna Stickle, Defendants Zonfrilli, Portis, Quick, Robb and Raquel, acting within the scope of their employment and under color of state law, agreed between and among themselves to act jointly and in concert in order to deprive Plaintiff of his constitutional rights, including his rights to due process, fair trial and equal protection, all as described in the various paragraphs of this Complaint.

70. Additionally, before and after Plaintiff's conviction, Defendants Zonfrilli, Portis, Quick, Robb and Raquel further conspired to deprive Plaintiff of exculpatory information to which he was lawfully entitled and which would have led to either his not being charged, his acquittal, or his more timely exoneration.

71. In this manner, Defendants Zonfrilli, Portis, Quick, Robb and Raquel conspired by concerted action to accomplish an unlawful purpose by unlawful means.

72. In furtherance of the conspiracy, each of the co-conspirators engaged in and facilitated numerous overt acts, including but not limited to those set forth above – such as fabricating evidence, withholding exculpatory evidence, coercing and suggesting false statements, committing perjury during hearings and trials and refusing to investigate alternative leads and likely suspects – and was an otherwise willful participant in joint activity.

73. The misconduct described in this Count was undertaken willfully, intentionally, and/or with reckless indifference to Plaintiff's rights.

74. As a direct and proximate result of Defendants' conspiracy and actions in furtherance of the conspiracy, Plaintiff was wrongly convicted and imprisoned for over 31 years and suffered other grievous and continuing damages and injuries as set forth above.

Count V – 42 U.S.C. § 1983
Monell Liability

75. Each paragraph of this Complaint is incorporated as if restated fully herein.

76. The actions of Defendants Zonfrilli, Portis, and Quick as alleged above, were done pursuant to one of more interrelated *de facto* policies, practices and/or customs of the Defendant Village of Rantoul, its Police Department and Police Chiefs.

77. At all times material to this complaint, Defendant Village of Rantoul and its Police Department and Police Chiefs had interrelated *de facto* policies, practices, and customs which included, *inter alia*:

(a) conducting physically, psychologically or otherwise illegally or improperly coercive and suggestive interrogations of witnesses, suspects and arrestees in order to obtain false statements, testimony and other false inculpatory evidence, and wrongful arrests, prosecutions, and convictions;

(b) filing false reports and giving false statements and testimony about said interrogations and evidence, and fabricating parts or all of said evidence; suppressing evidence concerning said interrogations, confessions and evidence; pursuing and obtaining wrongful prosecutions and false imprisonments on the basis of confessions and evidence obtained during said interrogations; and otherwise covering up the true nature of said interrogations, confessions, and evidence;

(c) failing to properly train, supervise, discipline, transfer, monitor, counsel and/or otherwise control police officers, particularly those who are repeatedly accused of coercion and related physical and other abuse of suspects, witnesses, and other citizens; of false arrests, wrongful imprisonments, malicious prosecutions and wrongful convictions; of making false reports and statements; and/or of physically, psychologically or otherwise illegally or improperly coercive and suggestive questioning or interrogation of witnesses, suspects, arrestees, and other citizens, including, but not limited to, persons who were physically and/or psychologically abused during questioning;

(d) the police code of silence, specifically in cases where officers engaged in the violations articulated in paragraphs a-c above, whereby police officers refused to report or otherwise covered up instances of police misconduct, and/or the fabrication, coercion, suggestion, suppression and destruction of evidence of which they were aware, despite their obligation under the law and police regulations to report such violations. Said code of silence also includes police officers either remaining silent or giving false and misleading information during official investigations in order to protect themselves or fellow officers from internal discipline, civil liability, or criminal charges, and perjuring themselves in criminal cases where they and their fellow officers have coercively or otherwise unconstitutionally interrogated a

suspect, arrestee or witness, or falsely arrested, imprisoned and prosecuted a criminal defendant;
and

(e) covering up, suppressing, and withholding exonerating, exculpatory, and/or other evidence favorable to criminal defendants which were not turned over to the prosecuting attorneys and/or defense lawyers.

78. The patterns and practices set forth above were well known both before and after Plaintiff was wrongfully arrested, charged, imprisoned, and convicted, including by the commanding and supervisory Defendants, including Chief Quick, who participated in the cover-up and suppression of evidence and the wrongful prosecution and conviction of Plaintiff and other victims, *inter alia*, in the manner set forth in this complaint.

79. Said interrelated policies, practices and customs, as set forth above, both individually and together, were maintained and implemented with deliberate indifference, encouraged, *inter alia*, the obtaining of false statements and testimony from suspects, witnesses and arrestees; the fabrication, manipulation, suggestion and alteration of witness statements, testimony, and other false evidence; the suppression of evidence of abuse and other exculpatory evidence; the intimidation of witnesses; the making of false statements and reports; the giving of false and perjurious testimony, the failure to properly investigate and the pursuit and continuation of frame-ups and other wrongful convictions and false arrests and imprisonments of innocent persons, and were, separately and together, a direct and proximate cause of the unconstitutional acts committed by the named Defendants and their co-conspirators, and the injuries suffered by Plaintiff.

80. Furthermore, the widespread practices described in the preceding paragraphs were allowed to flourish because the Village of Rantoul declined to implement sufficient training and/or any legitimate mechanism for oversight, discipline or punishment.

81. The involvement in, and ratification of, the unconstitutional actions set forth above by Defendant Rantoul Police Chief Eldon Quick, who was acting as a final policymaker for the Village of Rantoul in police matters, including, but not limited to, police interrogations and investigations, also establishes that said Constitutional violations were directly and proximately caused by Defendant Village of Rantoul.

82. The customs and practices set forth above were the moving force behind the numerous constitutional violations in this case, and directly and proximately caused Plaintiff to suffer the grievous and permanent injuries and damages set forth above.

**Count VI – State Law Claim
Malicious Prosecution**

83. Each paragraph of this Complaint is incorporated as if restated fully herein.

84. Defendants Zonfrilli, Portis, Quick, Robb and Raquel, despite knowing that probable cause did not exist to arrest and prosecute Plaintiff for the kidnaping, rape and murder of Brianna Stickle, acted individually, jointly, and/or in concert and in conspiracy, to cause Plaintiff to be arrested and prosecuted for that crime. Defendants made statements to prosecutors with the intent of exerting influence and to institute and continue the judicial proceedings.

85. Specifically, Defendants Zonfrilli, Portis, Quick, Robb and Raquel were aware that, as described more fully above, no true or reliable evidence implicated Plaintiff in the kidnaping, rape and murder of Brianna Stickle, all inculpatory evidence was coerced, fabricated, and suggested, and forensic evidence indicated Plaintiff's innocence. Furthermore, Defendants intentionally withheld from and misrepresented to prosecutors and the grand jury facts that

further vitiated probable cause against Plaintiff, as set forth above, and failed to investigate evidence which would have led to the actual assailant. Defendants performed the above-described acts deliberately, with reckless disregard, and with malice.

86. On July 6, 2012, the prosecution terminated in Plaintiff's favor when his conviction was vacated and the charges dismissed. On May 8, 2013, he was granted a Certificate of Innocence.

87. As a direct and proximate result of this misconduct, Plaintiff sustained, and continues to sustain, injuries as set forth above, including pain and suffering.

**Count VII – State Law Claim
Intentional Infliction of Emotional Distress**

88. Each paragraph of this Complaint is incorporated as if restated fully herein.

89. The continuing acts and conduct of Defendants Zonfrilli, Portis, Quick, Robb and Raquel as set forth above were extreme and outrageous, were rooted in an abuse of power or authority, and were undertaken with intent to cause, or were in reckless disregard of, the probability that their conduct would cause severe emotional distress to Plaintiff, as is more fully alleged above.

90. A significant portion of this emotional distress was caused by the conviction and imprisonment of the Plaintiff and the continuing failure of the Defendants to reveal their wrongdoing to a competent authority.

91. As a direct and proximate result of the Defendants' actions, Plaintiff suffered and continues to suffer severe emotional distress.

**Count VIII – State Law Claim
Civil Conspiracy**

92. Each paragraph of this Complaint is incorporated as if restated fully herein.

93. As described more fully in the preceding paragraphs, Defendants Zonfrilli, Portis, Quick, Robb and Raquel, acting jointly and in concert with each other, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

94. In furtherance of the conspiracy, Defendants Zonfrilli, Portis, Quick, Robb and Raquel committed overt acts and were otherwise willful participants in joint activity including but not limited to the malicious prosecution of Plaintiff and the infliction of emotional distress upon him.

95. As a direct and proximate result of the Defendants' conspiracy, Plaintiff suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

**Count IX – State Law Claims
Respondeat Superior**

96. Each paragraph of this Complaint is incorporated as if restated fully herein.

97. In committing the acts alleged in Counts VI, VII and VIII, Defendant Rantoul Police Officers Larry Zonfrilli, Montgomery Portis and Eldon Quick were members of, and agents of, the Village of Rantoul, acting at all relevant times within the scope of their employment.

98. In committing the acts alleged in Counts VI, VII and VIII, Defendant Dr. Jose Raquel was an employee and agent of Burnham City Hospital, now known as Provena Covenant Medical Center, also known as Presence Covenant Medical Center, acting at all relevant times within the scope of his employment.

99. Defendant Village of Rantoul is liable for the acts of these Defendants which violated state law under the doctrine of respondeat superior.

100. Defendant Provena Covenant Medical Center, also known as Presence Covenant Medical Center, is liable for the acts of Defendant Dr. Raquel which violated state law under the doctrine of respondeat superior.

**Count X – State Law Claims
Indemnification**

101. Each paragraph of this Complaint is incorporated as if restated fully herein.

102. Pursuant to 745 ILCS 10/9-102, Defendant Village of Rantoul is obligated to indemnify Rantoul Police Officers Zonfrilli, Portis and Quick for judgments against them, or settlements they enter into, arising out of acts committed in the scope of their employment.

WHEREFORE, Plaintiff ANDRE DAVIS respectfully requests that this Court enter judgment in his favor and against Defendants, Former Rantoul Police Officers LARRY ZONFRILLI, MONTGOMERY PORTIS, Former Rantoul Chicago of Police ELDON QUICK, Former Illinois Department of Law Enforcement Special Agent MICHAEL ROBB, and Dr. JOSE RAQUEL, awarding compensatory damages, attorneys' fees, and costs against each Defendant, and punitive damages against each of the individual Defendants, as well as any other relief this Court deems appropriate.

Dated: July 5, 2013

Respectfully submitted,

/s/ Ben H. Elson
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JURY DEMAND

Plaintiff, ANDRE DAVIS, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

/s/ Ben H. Elson

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