

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

LESTER DOBBEY, JOSEPH DOLE,)	
RAUL DORADO, BENARD MCKINLEY,)	
and EUGENE ROSS,)	
)	No.
Plaintiffs,)	
)	Judge
v.)	
)	Magistrate Judge
JOHN BALDWIN, in his official and)	
individual capacities, and GLADYSE)	
TAYLOR, DARWIN WILLIAMS, WALTER)	
NICHOLSON, and MARCUS HARDY,)	
in their individual capacities,)	
)	
)	Jury Demand
)	
Defendants.)	

COMPLAINT

1. Lester Dobbey, Joseph Dole, Raul Dorado, and Benard McKinley, by and through their counsel, Brad J. Thomson and Michael E. Deutsch of People’s Law Office, and Eugene Ross, by and through his counsel Joshua G. Herman, complain against defendants John Baldwin, Gladyse Taylor, Darwin Williams, Walter Nicholson and Marcus Hardy, as follows:

INTRODUCTION

2. Plaintiffs Lester Dobbey, Joseph Dole, Raul Dorado, Benard McKinley and Eugene Ross participated in a free speech debate program at Stateville Correctional Center. Defendants are officials and employees with the Illinois Department of Corrections who violated the constitutional rights of Plaintiffs by

maliciously canceling the debate program and taking further acts of retaliation against Plaintiffs. The defendants took these adverse actions solely due to the content of Plaintiffs' speech, in violation of the First Amendment of the United States Constitution.

JURISDICTION AND VENUE

3. The jurisdiction of the court is invoked pursuant to the Civil Rights Act, 42 § 1983; the judicial code, 28 U.S. §§ 1331; and the Constitution of the United States.

4. Venue is proper in this District under 28 U.S.C. 1391(b), as the events that are the basis of these claims occurred in this judicial district.

PARTIES

5. Plaintiffs Lester Dobbey, Joseph Dole, Raul Dorado, Benard McKinley and Eugene Ross are prisoners at Stateville Correctional Center in Crest Hill, Illinois, a maximum security prison controlled by the Illinois Department of Corrections (IDOC). From October 2017 until May 2018, plaintiffs participated in a debate class at Stateville Correctional Center.

6. Defendant John Baldwin is the Director of IDOC, and he has held that position at all times relevant to this complaint. He is sued in his official and individual capacities.

7. Defendant Gladys Taylor is the Assistant Director of IDOC, and she has held that position at all times relevant to this complaint. She is sued in her individual capacity.

8. Defendants Darwin Williamson, Walter Nicholson and Marcus Hardy are employees of IDOC, and held those positions at all times relevant to this complaint. They are sued in their individual capacities.

9. At all times relevant to this complaint, Defendants Baldwin, Taylor, Williams, Nicholson and Hardy were acting within the scope of their employment with IDOC and under color of state law.

FACTUAL ALLEGATIONS

Plaintiffs

10. Plaintiff Lester Dobbey, a prisoner at Stateville Correctional Center, is a poet and experienced litigator. Mr. Dobbey has taken numerous college level courses while incarcerated, including courses offered by faculty members of Governors State University, University of Illinois-Chicago and Northwestern University, and participated in numerous courses and programs through the Prison and Neighborhood Arts Project (PNAP). He has held numerous jobs while incarcerated, including machine operator, legal research clerk at the law library, painter, and cook. As a man of faith, Mr. Dobbey strives to be the best man he can be for God and the people in his life, particularly his family. As a proud father, he maintains regular contact with his 19-year-old daughter who is enrolled in her second year of college.

11. Plaintiff Joseph Dole, a prisoner at Stateville Correctional Center, is an award-winning writer, who has authored two books. His writing has been published in academic journals, as well as in other print media and online

publications. For years, Mr. Dole has been active in legislative and lobbying efforts advocating for reforms within the criminal legal system and the implementation of parole, including co-founding the organization Parole Illinois. He was a 2017-2018 grant recipient of the Davis-Putter Scholarship Fund for his writing and activism. While incarcerated, Mr. Dole has taken college courses and is scheduled to receive his Bachelor's Degree from Northeastern University in May 2019.

12. Plaintiff Raul Dorado, a prisoner at Stateville Correctional Center, is a first generation Mexican-American whose parents met in Chicago and raised him in Palatine, Illinois. He has taken over a dozen courses through PNAP, including courses in Humanities, Literature, Art, and a class featuring guest speakers on social justice issues. Mr. Dorado is also an active member in the Parole Illinois organization. He is a writer and has had numerous poems, essays and articles published while he has been incarcerated. Mr. Dorado is currently enrolled in college level courses and is prepared to achieve a Bachelor's Degree in "Justice Policy Advocacy" through Northeastern Illinois University.

13. Plaintiff Benard McKinley, a prisoner at Stateville Correctional Center, went to prison when he was 16 years old. Mr. McKinley has volunteered as a motivational speaker for at-risk youth in a program called "Incarcerated Voices." Having gone to prison at age 16, Mr. McKinley is uniquely positioned to offer advice and guidance on how young people can avoid gangs and life choices that could result in their imprisonment. Mr. McKinley has taken numerous college courses while incarcerated, including the Inside-Out Prison Exchange Program through DePaul

University and currently through Northwestern University. Mr. McKinley has studied law, obtained his paralegal diploma in 2011, and is a proud member of the National Lawyers Guild.

14. Plaintiff Eugene Ross, a prisoner at Stateville Correctional Center, is a Muslim by faith and is recognized by his Muslim peers as the Imam (leader) of the Muslim community at Stateville. For years Mr. Ross has led the weekly Friday prayer service, delivers weekly lectures and teaches both Islamic studies and Arabic. In 2018, Mr. Ross was named a Board Member of the organization Justice Debate League, serving as Chief Advisor to the Board. Mr. Ross has also co-authored two children's books, completed Restorative Justice classes with DePaul University, and was a part of a think tank with DePaul University. Also in 2018, Mr. Ross was a member of the Inside-Out Program and was selected to personally train twenty-two (22) professors from across the country in the inside-out model. He is also a co-founder of the Parole Illinois organization.

15. Mr. Dobbey, Mr. Dole, Mr. Dorado, Mr. McKinley and Mr. Ross all went to prison in their youth, as teenagers or very young men. They are all serving extensive prison sentences and under current Illinois law, they have no opportunity for parole, which is true of nearly all prisoners in IDOC custody.

Stateville Debate Team and Public Debate

16. In October 2017, a debate class was established at Stateville Correctional Center. The class met once a week for approximately three hours at a

time. The class was taught by Ms. Katrina Burlet, an accomplished figure in the competitive debate community.

17. Plaintiffs Lester Dobbey, Joseph Dole, Raul Dorado, Benard McKinley and Eugene Ross were students in the debate class. In total, there were 14 students, all men serving very lengthy prison sentences at Stateville Correctional Center.

18. A few weeks into the class, Plaintiffs and the other participants decided to focus on parole as a practice debate subject. Members of the class were in agreement that Illinois should provide opportunities for parole to prisoners with long and/or life sentences. They chose to focus their debate on how Illinois might implement a parole system.

19. The class decided to focus on this issue because they considered it an important public policy issue as well as an issue that affected the participants personally.

20. Plaintiffs, along with other members of the debate class, also prepared draft legislation that would restore a system of parole in Illinois.

21. As the class engaged in practice debate, a plan was made for the class to hold a debate on this subject within the prison that would be open for non-class participants to watch.

22. The class planned to invite legislators to the public debate so that the class members could present their arguments regarding this important issue to

elected officials. The class also planned to invite a limited number of additional members of the public who might be interested in the subject.

23. Ms. Burlet sought and obtained approval from IDOC officials for the debate to take place on December 15, 2017, with legislators and members of the public in attendance.

24. On December 4, 2017, IDOC officials informed Ms. Burlet that the December 15, 2017 event was cancelled. Upon information and belief, Defendants Baldwin and Taylor had the event cancelled in order to prevent Plaintiffs and other members of the debate class from having a platform to communicate to Illinois legislators on issues related to prisons, parole and rehabilitation.

25. Despite the IDOC cancellation of the December 4, 2017 event, Ms. Burlet, Plaintiffs and the other members of the debate class continued plans to host a debate which legislators could attend.

26. On March 21, 2018, a public debate, with legislators and other members of the public, was held at Stateville Correctional Center.

27. The debate was attended by approximately eighteen members of the Illinois General Assembly. A number of journalists, IDOC officials, members of the Illinois Prisoner Review Board, and other members of the public were also in attendance.

28. The debate began with opening remarks by Ms. Burlet, Mr. Dobbey, Mr. McKinley, Mr. Dole and another member of the debate class.

29. Mr. Dobbey delivered a speech focused on rehabilitation. Through his speech, he shared his personal experience of dropping out of high school and joining a street gang before going to prison, where he re-taught himself to read, write and learn as a young adult. Mr. Dobbey cited the definition of “true rehabilitation” found in the Illinois State Constitution and discussed his extensive efforts to rehabilitate himself in spite of IDOC’s failure to provide incentives or programs for rehabilitation to men in maximum security prisons.

30. Mr. McKinley shared his personal story with the criminal legal system, including the challenges of adjusting to living in an adult prison as a teenager. He described his self-initiated involvement in rehabilitative programs and attempts to better himself. Mr. McKinley explained that there are many people like him who have been sentenced to die in prison and who should be given a chance to return home based on their maturity and rehabilitation.

31. During his opening remarks, Mr. Dole focused on the role of prosecutorial opposition to parole. Citing studies and empirical data, Mr. Dole addressed how prosecutors’ cognitive biases, the dehumanization of people charged with crimes, and prosecutorial misconduct lead to wrongful convictions. He argued that many prosecutors are biased, incapable of being objective, and that they have no information as to who an individual is years after a crime and whether they have been rehabilitated. Mr. Dole argued that therefore, prosecutors should not play a significant role in deciding the issue of parole and that any parole board should be free of prosecutors or ex-prosecutors as members.

32. During the debate, participants expressed views about why a system of parole should be implemented in Illinois and why the Illinois criminal legal system should focus on rehabilitation. The respective sides of the debate examined the relative advantages and disadvantages of different systems for implementing parole in Illinois, with particular focus on promoting justice, advancing public safety, honoring victims, reducing recidivism, and conserving taxpayer dollars. Debaters also drew upon their own personal experiences in expressing their views.

33. Mr. Ross held the position of “Prime Minister” in the debate. He initiated the conversation of debating the issue of parole, focusing his remarks on how implementing parole in Illinois would uphold justice, ensure public safety and minimize the cost to taxpayers.

34. During the debate, Mr. Dorado argued that instituting a parole system as the debate members proposed would ensure that self-improvement and pursuit of rehabilitation would be the main focus of one’s time in prison. Mr. Dorado also addressed the important role of victims within the criminal legal system, highlighting that many victims favor shorter sentences in conjunction with increased investment in rehabilitation.

35. The debate was followed by a brief question and answer session. During this session, one legislator posed thoughtful questions to the debaters, indicating that the legislator was taking Plaintiffs’ views seriously and was giving genuine consideration to the policy proposals that had been discussed.

36. The question and answer session was followed by a “meet and greet session,” at which time audience members were allowed to interact personally with members of the class. During this session, legislators engaged with Plaintiffs and other participants about specific policy questions, indicating that they were giving serious consideration to proposals discussed at the debate and that they wished to continue the policy discussion with Plaintiffs.

37. Plaintiffs, other members of the debate class and Ms. Burlet made plans to do a re-creation of the debate for an audience of Stateville prisoners. This re-creation was scheduled for April 26, 2018 and IDOC agreed to allow this debate to proceed and even agreed for it to be recorded.

Defendants’ Acts of Retaliation

38. On April 3, 2018, Defendants Taylor, Williams, Nicholson, and Hardy appeared unannounced at a regularly scheduled debate class.

39. Defendant Taylor informed Plaintiffs, other members of the class, and Ms. Burlet that she did not approve of the class communicating with Illinois legislators regarding the topic of parole.

40. Defendant Taylor stated that the messages articulated by Plaintiffs and other members of the debate class regarding parole were interfering with IDOC’s ability to pursue its own legislative agenda. Defendant Taylor made statements to the effect that Illinois legislators did not need to be contemplating parole and needed to instead focus on appropriations to IDOC.

41. Defendant Taylor also informed the class that she spoke with legislators at the public debate and made statements to at least one legislator that they should not introduce any legislation without obtaining IDOC's perspective.

42. Defendant Taylor made threatening statements to Plaintiffs, including a warning, "I better not see my name in any lawsuits." Defendant Taylor questioned whether Plaintiffs were "appropriately placed" at Stateville, insinuating that they could be transferred to IDOC facilities in Southern Illinois. The facilities in Southern Illinois are significantly farther away from the families of most prisoners; and in comparison to Stateville, those facilities have significantly fewer opportunities for education or other programs.

43. Defendants Williams, Nicholson and Hardy were present as Defendant Taylor made these threats. They remained silent and made no comment.

44. At some point following the March 21 debate, Defendant Taylor, in coordination with Defendants Baldwin, Williams, Nicholson, Hardy and/or other government officials, decided to cancel the debate class and cancel the April 26 live debate.

45. As a result of the actions of Defendant Taylor, the debate class and the April 26 live debate were cancelled.

46. In the wake of the decisions by Defendant Taylor to cancel the debate class and live debate, Plaintiffs wrote and filed internal grievances. Members of the debate class also drafted an open letter, dated May 17, 2018, addressed to then-Illinois Governor Bruce Rauner. The nine-page letter implored Governor Rauner to

take actions to reverse Defendants' actions. The letter was signed by Plaintiffs, along with all members of the debate class, and received a significant amount of media and public attention.

47. At the final stages of Plaintiffs' grievance procedure, Defendant Baldwin approved, condoned, fostered, facilitated, or ratified the actions of Defendants Taylor, Williamson, Nicholson and Hardy.

48. Plaintiffs continued to advocate for parole to be reinstated in Illinois, including through participation in Parole Illinois, a coalition of people inside and outside of prison working to end the practice of death by incarceration (also referred to as "life-without-parole") in Illinois.

49. Following the decisions by Defendants to cancel the debate class and live debate, Plaintiffs suffered from additional adverse actions taken by IDOC employees.

50. At some point following the March 21, 2018 debate, Ms. Burlet was banned from entering any IDOC facility for any purpose, including visits with Plaintiffs.

51. Over the following several weeks, as-yet-unidentified IDOC officials took retaliatory actions against each of the Plaintiffs personally.

52. For example, on June 15, 2018, Mr. Dole submitted the proper paperwork to have Ms. Burlet added to his approved visitors list so she could visit him as a friend, but IDOC officials interfered with his ability to add Ms. Burlet to his visitors list and to visit him.

53. In June 2018, Mr. McKinley submitted an application to a prestigious bachelor's degree program offered at Stateville by Northwestern University. Northwestern faculty subsequently conducted an in-person interview with Mr. McKinley and accepted him into the program based on his application and interview, but as-yet-undetermined IDOC officials blacklisted him from the program, until an attorney intervened on his behalf.

54. Plaintiffs suffered additional harm, harassment, and retaliatory actions. These adverse actions included, but were not limited to, additional examples of interference with placement in educational programs, unwarranted and unjustified disciplinary tickets, interference with mail, interference with phone access, interference with mail communications, unjustified searches of their property, unjustified seizures of property, unjustified searches of their person, unwarranted placement in segregation/solitary confinement, and other acts which caused Plaintiffs to suffer harm. Upon information and belief, these were retaliatory actions motivated by Defendants' opposition to Plaintiffs' participation in the public debate.

55. There was no legitimate penological purpose for Defendants to cancel the debate class at Stateville, cancel the April 26, 2018 event, or for taking any of their other actions of retaliation.

56. Rather, Defendants took these actions because they opposed the content of Plaintiffs' speech advocating for parole in Illinois. Defendants specifically objected to the fact that Plaintiffs had expressed their messages directly to Illinois

legislators who could act on Plaintiffs' proposals. Defendants chose to penalize Plaintiffs for the content of their speech by taking the above-mentioned retaliatory actions.

57. Plaintiffs have exhausted all administrative remedies through the internal grievance processes within IDOC.

COUNT I
42 U.S.C. § 1983 Violation of First Amendment Right to
Freedom of Speech

58. Plaintiffs repeat and reallege the foregoing paragraphs as if fully set forth herein.

59. Defendants violated Plaintiffs' rights under the First Amendment of the United States Constitution by restricting Plaintiffs' ability to engage in First Amendment protected activity through participation in a debate class and public debate.

60. The debate program was a unique vehicle for Plaintiffs to express their First Amendment views, with one another and also directly with the public and members of the legislature.

61. The decision by Defendants to terminate the debate program served no legitimate penological purpose.

62. The misconduct described in this count was undertaken intentionally, with malice, deliberate indifference, and/or with reckless disregard of Plaintiffs' rights.

63. The unconstitutional actions of the Defendants were the direct and proximate cause of Plaintiffs' harm.

COUNT II
42 U.S.C. § 1983 Claim for First Amendment Retaliation

64. Plaintiffs repeat and reallege the foregoing paragraphs as if fully set forth herein.

65. Through their involvement in the debate program at Stateville Correctional Center, Plaintiffs were participating in protected First Amendment activity. Defendants took the aforementioned actions to deter Plaintiffs from continuing to engage in this First Amended protected activity. This First Amendment protected activity was the motivating factor in Defendants' decision to terminate the debate class and to further retaliate against Plaintiffs, and punish them for the exercise of their First Amendment rights.

66. The misconduct described in this count was undertaken intentionally, with malice, deliberate indifference, and/or with reckless disregard of Plaintiffs' rights.

67. As a result of the misconduct described in this count, Plaintiffs' rights were violated and they suffered harm.

COUNT III
42 U.S.C. § 1983 Claim for Conspiracy

68. Plaintiffs repeat and reallege the foregoing paragraphs as if fully set forth herein.

69. As described above, Defendants agreed and together reached an understanding, and otherwise jointly acted and/or conspired with other IDOC employees to terminate the Stateville debate class and to retaliate against Plaintiffs for engaging in protected First Amendment activity.

70. This conspiracy and the overt actions in furtherance were done with the knowledge and purpose of stifling Plaintiffs' First Amendment rights to speak freely, particularly in regard to advocating for parole reform to members of the Illinois legislature.

71. The Defendants' actions directly and proximately caused injury and damage as set forth above.

COUNT IV
42 U.S.C. § 1983 Failure to Intervene

72. Plaintiffs repeat and reallege the foregoing paragraphs as if fully set forth herein.

73. As described in further detail above, Plaintiffs suffered deprivation of their constitutional rights. One or more of the Defendants had notice and a realistic opportunity to prevent the constitutional violations, but failed to take reasonable steps to prevent them from occurring.

74. The misconduct described in this count was undertaken intentionally, with malice, deliberate indifference, and/or with reckless disregard to the rights of Plaintiffs.

75. As a result of the misconduct described in this count, Plaintiffs' rights were violated and they suffered harm.

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment in their favor and against all Defendants, for preliminary and permanent injunctive and equitable relief, including but not limited to, reinstatement of the debate program at Stateville Correctional Center; and for monetary relief including punitive damages, and attorneys' fees and costs, and for any other relief that this Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all counts, pursuant to Federal Rule of Civil Procedure 38 and the Seventh Amendment to the United States Constitution.

Dated: May 15, 2019

Respectfully Submitted,

/s/ Brad J. Thomson
Brad J. Thomson
Michael E. Deutsch
PEOPLE'S LAW OFFICE
1180 N. Milwaukee Ave.
Chicago, IL 60642
(773) 235-0070

Attorneys for Plaintiffs Lester
Dobbey, Joseph Dole, Raul
Dorado, and Benard McKinley

/s/ Joshua G. Herman
Joshua G. Herman
Attorney At Law
53 West Jackson, Suite 457
Chicago, IL 60604
(312) 909-0434

Attorney for Plaintiff Eugene
Ross