

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

LARRY WARNSLEY,

Plaintiff,

v.

Dixmoor police officer JOSE VILLEGAS,
VILLAGE OF DIXMOOR, a Municipal
Corporation, Additional Unknown Dixmoor
Police Officers,

Defendants.

No. 22-cv-347

Jury Trial Demanded.

COMPLAINT AT LAW

NOW COMES Plaintiff LARRY WARNSLEY, by his attorney, Law Office of Jordan Marsh, LLC, complaining of the Defendants, Dixmoor police officer JOSE VILLEGAS, VILLAGE OF DIXMOOR, a Municipal Corporation, and Additional Unknown Dixmoor Police Officers, and states the following:

JURSDICTION AND VENUE

1. This action arises under the Constitution of the United States, particularly the Fourth and Fourteenth Amendments to the Constitution of the United States, under the laws of the United States, particularly the Civil Rights Act, Title 42 of the United States Code, Sections 1983 and 1988, and under the laws of the State of Illinois.

2. The jurisdiction of this Court is invoked under the provisions of Title 28 of the United States Code, Sections 1331 and 1343. Plaintiff also invokes the supplemental jurisdiction of this Court pursuant to Title 28 of the United States Code, Section 1367.

3. This Court has jurisdiction over this action pursuant to Title 28 of the United States Code §§ 1331 and 1367, as Plaintiff asserts claims under federal law and the state law claims arise out of the same facts as the federal claims. Venue is proper in the United States District Court for the Northern District of Illinois under Title 28 of the United States Code, § 1391(b)(2), as the events complained of occurred within this district.

PARTIES

4. At all times relevant herein, Plaintiff LARRY D. WARNSLEY (hereinafter “Larry”) was a resident of the County of Cook and the State of Illinois, and a citizen of the State of Illinois.

5. Defendant VILLEGAS is sued in his individual capacity and was at all times relevant, a sworn police officer and/or detective commander employed by Defendant VILLAGE OF DIXMOOR, and was acting within the scope of his agency, service and/or employment with the VILLAGE OF DIXMOOR, and was acting under color of the statutes, ordinances, regulations, customs, and usages of the State of Illinois.

6. Defendant VILLAGE OF DIXMOOR is a government entity operating within the State of Illinois. The VILLAGE OF DIXMOOR is responsible for the actions of its employees while acting within the scope of their employment. At all times relevant to this action, VILLAGE OF DIXMOOR was the employer of Defendants VILLEGAS, and ADDITIONAL UNKNOWN POLICE OFFICERS.

7. ADDITIONAL UNKNOWN POLICE OFFICERS are sued in their individual capacities and were at all times relevant, sworn police officers employed by Defendant VILLAGE OF DIXMOOR, and were acting within the scope of their agency, service and/or employment with

the VILLAGE OF DIXMOOR, and were acting under color of the statutes, ordinances, regulations, customs, and usages of the State of Illinois.

FACTUAL ALLEGATIONS

8. On or about October 16, 2021, Larry was in the Cricket Wireless store at 14527 Western Avenue, in Dixmoor, Illinois, to inquire about purchasing a new phone.

9. On or about October 16, 2021, Defendants VILLEGAS and one or more Additional Unknown Officers entered the store. VILLEGAS drew his weapon and pointed it at Larry before handcuffing him and arresting him.

10. Larry was taken to the Dixmoor Police Department, where he waited in a cell for five hours before Defendant VILLEGAS brought him to an interview room.

11. In the interview room, VILLEGAS informed Larry that Larry had “stuck up the Cricket”, and attempted to force Larry to confess, stating that they had him on camera. However, when Larry requested to see whatever images or footage they had, VILLEGAS refused.

12. Larry consistently denied he had committed any crime.

13. VILLEGAS had no reason to believe Larry had been involved in criminal activity.

14. VILLEGAS told Larry he was going to be in a lineup, but Larry was never placed in a live lineup.

15. Instead, on information and belief, Larry’s mug shot was included in a photo array for identification by a Cricket employee.

16. On information and belief, the photo array was deliberately misleading or otherwise falsified.

17. Larry was subsequently transferred to a lockup in Robbins, and then to the Cook County Department of Corrections.

18. Larry was charged with Armed Robbery, a Class X Felony punishable by up to 45 years in prison.

19. Larry was innocent of the charges.

20. The charges against Larry were dismissed in his favor and in a manner indicative of his innocence on November 3, 2021.

21. Larry ultimately spent 18 days in custody.

22. At no time did Defendants have probable cause to believe Larry had committed any crime.

COUNT I - FEDERAL CLAIM
42 U.S.C. § 1983 FALSE ARREST
DEFENDANTS VILLEGAS, ADDITIONAL UNKNOWN OFFICERS

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

24. Defendant Officers caused Larry to be arrested without probable cause to believe he had committed a crime, in violation of the Fourth Amendment to the U.S. Constitution.

25. At all times relevant, Defendants VILLEGAS and ADDITIONAL UNKNOWN OFFICERS were acting under color of the statutes, ordinances, regulations, customs, and usages of the State of Illinois, and within the scope of their employment as Dixmoor police officers.

26. As a proximate result of Defendants' misconduct, Larry suffered loss of liberty, loss of reputation, mental anguish, and emotional pain and suffering.

For the foregoing reasons, the Plaintiff, LARRY WARNSLEY, prays for judgment against Defendants in a fair and reasonable amount, including compensatory and punitive damages, attorney's fees and costs, and for any additional relief this Court deems just and proper.

COUNT II - FEDERAL CLAIM
UNLAWFUL DETENTION
DEFENDANTS VILLEGAS, ADDITIONAL UNKNOWN OFFICERS

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

28. Defendants VILLEGAS and ADDITIONAL UNKNOWN POLICE OFFICERS initiated and continued criminal charges against Larry without probable cause and with malice, resulting in deprivation of his liberty without probable cause, in violation of the Fourth and Fourteenth Amendments to the U.S. Constitution

29. Defendants accused Larry of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Larry without any probable cause for doing so and in spite of the fact that they knew Larry was innocent, in violation of his rights secured by the Fourth and Fourteenth Amendments to the U.S. Constitution.

30. The charges were dismissed against Larry on November 3, 2021, in Larry's favor and in a manner indicative of his innocence.

31. As a proximate result of Defendants' misconduct, Larry suffered loss of liberty, loss of reputation, mental anguish, emotional pain and suffering, and loss of income.

For the foregoing reasons, the Plaintiff, LARRY WARNSLEY, prays for judgment against Defendants in a fair and reasonable amount, including compensatory and punitive damages, attorney's fees and costs, and for any additional relief this Court deems just and proper.

COUNT III - STATE CLAIM
MALICIOUS PROSECUTION
DEFENDANTS VILLEGAS, ADDITIONAL UNKNOWN OFFICERS, and
VILLAGE OF DIXMOOR

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

123. Defendants VILLEGAS, ADDITIONAL UNKNOWN OFFICERS, and VILLAGE OF DIXMOOR, by and through its agents, Defendants VILLEGAS, and ADDITIONAL UNKNOWN OFFICERS, initiated and/or continued a judicial proceeding against Matthew without probable cause, and with malice.

124. The charges were dismissed against Larry on November 3, 2021, in favor of Larry and in a manner indicative of his innocence.

125. As a proximate result of Defendants' misconduct, Larry suffered loss of liberty, loss of reputation, mental anguish, emotional pain and suffering, and loss of income.

WHEREFORE, the Plaintiff, LARRY WARNSLEY, prays for judgment against Defendants in a fair and reasonable amount, including compensatory and punitive damages, attorney's fees and costs, and for any additional relief this Court deems just and proper.

COUNT IV -- STATE LAW CLAIM
INDEMNIFICATION
DEFENDANT VILLAGE OF DIXMOOR

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

33. At all relevant times, VILLAGE OF DIXMOOR was the employer of Defendants VILLEGAS and ADDITIONAL UNKNOWN OFFICERS.

34. Defendants VILLEGAS and ADDITIONAL UNKNOWN OFFICERS committed the acts alleged above under color of law and in the scope of their employment as employees of the VILLAGE OF DIXMOOR.

35. Illinois law provides that government entities are directed to pay any tort judgment for any damages for which employees are liable within the scope of their employment activities.

36. Should Defendants VILLEGAS and ADDITIONAL UNKNOWN OFFICERS, be found liable on one or more of the claims set forth above, Plaintiff LARRY WARNSLEY demands, pursuant to Illinois law, that their employer, Defendant VILLAGE OF DIXMOOR, be found liable for any judgment plaintiff obtains against Defendants VILLEGAS and ADDITIONAL UNKNOWN OFFICERS, as well as attorney's fees and costs awarded, and for any additional relief this Court deems just and proper.

JURY DEMAND

The Plaintiff LARRY D. WARNSLEY, requests a trial by jury.

DATED: January 20, 2022.

Respectfully submitted,

/s/ Jordan Marsh
Attorney for Plaintiff

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