

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

DEON PATRICK,)	
)	
<i>Plaintiff,</i>)	No. 14 C 3658
v.)	
)	Honorable Ronald A. Guzman
CITY OF CHICAGO, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

**PLAINTIFF PATRICK’S AMENDED RESPONSE TO
DEFENDANT THOMAS JOHNSON’S FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33, Plaintiff Deon Patrick, through undersigned counsel, hereby responds to the First Set of Interrogatories of Defendant Thomas Johnson (“Johnson”). Plaintiff reserves the right to supplement his interrogatory responses.

RESPONSES

INTERROGATORY NO. 1:

Describe in detail any and all communications of any type you have had with any Assistant State's Attorney(s) or any Assistant Illinois Attorney General(s) or any one affiliated with the Assistant State Attorney(s) or Illinois Attorney General Office relating in any way to the murders of Jeffrey Lassiter and Sharon Haugabook as alleged in your Complaint. In so doing, identify any such Assistant State's Attorney or Assistant Illinois Attorney General(s) (by name, description, etc.), identify the date, time, and place of any such communication, and provide a comprehensive description of everything said to you and everything said by you during such communications.

ANSWER: Defendant Magats on December 3 or 4, 1992, or both, at Area 6 interrogation room, at Belmont and Western. Magats came in with a court reporter, and I said, “I didn’t do it; are you going to make me confess to something I didn’t do?” Mr. Magats immediately escorted the court reporter out of the room and left. I was then interrogated by police officers and Mr. Magats for numerous additional hours, and only

after my will was broken and promises were made to me did I agree to sign a confession. I did not initial the statement.

James Papa on November 19, 2013. It took place in an interview room near the grand jury area at 26th and California. I believe that Papa was the only ASA present, but there was a State's Attorney investigator present; I do not remember his name. Mr. Papa asked me a series of questions about my whereabouts on the day and night of the murder, how I found about the fact that Daniel Taylor was in lockup on the night of the murder, and other miscellaneous questions about people I knew or did not know. I do not remember the details of this conversation.

INTERROGATORY NO. 2:

If it is your position that you were not present at the time that Jeffrey Lassister and Sharon Haugabook were shot and killed at 910 W. Agatite, Chicago, Illinois on November 16, 1992, then please state with specificity every fact and identify every witness on whose testimony you may rely to support your position that you were not present when Jeffrey Lassister and Sharon Haugabook were shot and killed.

ANSWER: Yes. The remainder the answer is found in interrogatory response #20 to Mr. Villardita's interrogatories. In addition to the individuals identified in that response, additional individuals with knowledge include: Officers Berti, Glinski, Scheiber, Garrity, Cox, and Nowakowski.

INTERROGATORY NO. 3:

Describe with specificity any and all physical and/or verbal contact you had with any Defendant Officer on and after December 3, 1992.

ANSWER: Abreu attached me to the wall of an interrogation room. Abreu kicked the chair away from the ring to which I was handcuffed so I could not sit down. While I was in that room, I was always handcuffed to the ring on the wall. Abreu (who played bad cop) interrogated me. O'Connor (who played good cop) interrogated me. Villardita also entered the interrogation room several times, trying to convince me not to allow the other guys to put it off on me. He showed me statements of Akia Philips and Lewis Gardner who were later indicted with me. I believe but am not certain that I also saw Paul Philips' statement. I also had contact with officers when they brought Taylor into the room. I believe it was Abreu and O'Connor who did that, but I am not positive.

INTERROGATORY NO. 4:

Is it your contention that one or more of the Defendant Officers used unreasonable force against you at any time between December 2, 1992 and December 4, 1992. If so, describe each and every action taken by each such Defendant officer that you claim comprised the use of unreasonable force, the particular injury suffered by you, if any, as a result of each such action by each such Officer, when and where the injury was inflicted, any witnesses who saw unreasonable force being used against you by any Defendant Officer and any witnesses who may have seen the injuries inflicted upon you by any Defendant Officer. This answer should include, but should not be limited to, specifically identifying which of the Defendant Officers "hit Plaintiff with a flashlight and punched him on his body, all while Plaintiff was handcuffed to the wall and defenseless" as alleged in Paragraph 29 of your Complaint and the injuries that were inflicted upon you as a result.

ANSWER: The sole unreasonable force that was used against me on these dates was handcuffing to a ring on a wall in the interrogation room for approximately 29-30 hours. See also Interrogatory #3 above. No other unreasonable force was used against me. At no

time in my Complaint, including paragraph 29 of my Complaint, did I allege that any of the Defendant Officers “hit Plaintiff with a flashlight and punched him on his body, all while Plaintiff was handcuffed to the wall and defenseless.” Counsel for Defendants clearly lifted this interrogatory from the interrogatories sent to Mr. Taylor without editing them to make them apply appropriately to me.

INTERROGATORY NO. 5:

Do you contend that one or more of the Defendant Officers witnessed another Defendant Officers' use of unreasonable force against you at any time between December 2, 1992 and December 4, 1992? If so, identify the Defendant Officer who witnessed the use of unreasonable force on you, identify the Defendant Officer who was responsible for using the unreasonable force, describe the particular injury suffered by you, if any as a result of the use of unreasonable force, state when and where the injury was inflicted, and whether you believe that any Defendant Officer had a reasonable opportunity to prevent the injury and the factual basis for your allegation.

ANSWER: O'Connor, Abreu, and Villardita were fully aware that I was handcuffed to the ring on the wall the entire time that I was in their custody. No further force is alleged.

INTERROGATORY NO. 6:

Do you have any evidence that any of the Defendant Officers had knowledge that your confession was false, fabricated and/or coerced. If so, identify any such evidence and identify the Defendant Officers with such knowledge, including how and when the Defendant Officers came to have this knowledge.

ANSWER: Yes. Mr. Patrick objects to this interrogatory as it overbroad and premature. It requests that he respond with every virtually every document and every piece of testimony that is relevant to this case. The evidence that Defendant Officers

Villardita, Johnson, O'Connor, Abreu, and Killacky had knowledge that each of the confessions was false includes but is not limited to the following facts:

- 1) Defendant Officers Villardita, Johnson, O'Connor, Abreu, and Killacky made up the information set forth in the confessions. They knew they were making it up while they were making it up.**
- 2) Defendants Officers Villardita, Johnson, O'Connor, Abreu, and Killacky were aware of substantial evidence that other individuals had recently engaged in violence against Lassiter and were the likely murderers of Lassiter and Haugabook. They learned this information between November 16 and December 2 through the investigation of the Lassiter/Haugabook murders.**
- 3) Defendant Officers Villardita, Johnson, O'Connor, Abreu, and Killacky knew that none of the criminal defendants had any violence in their criminal history. They learned this information on or about December 2 or 3, if not before.**
- 4) It is wholly incredible that the alleged confessors confessed to a double murder within the time frame and under the circumstances that Defendant Officers Villardita, Johnson, O'Connor, Abreu, and Killacky assert occurred. Defendants knew that the confessions did not occur within the ridiculously short time frames they allege from whenever they first alleged that they had obtained a confession.**
- 5) The fact that these confessions may be easily proven false through the now available (including previously unavailable) evidence that alleged confessor**

Daniel Taylor was in a Chicago Police Department lockup at the time of the murder.

- 6) The numerous steps that Defendants Officers Villardita, Johnson, O'Connor, Abreu, and Killacky went to fabricate evidence to prove that Mr. Taylor was not in the lockup during the time of the murders further establishes that they knew the confessions they obtained were false, including but not limited to the false evidence that they obtained from Defendant Glinski, Defendant Berti, Adrian Grimes, and Michael Seymore, and the evidence that they purposefully withheld from James Anderson.**
- 7) Certain false testimony related to obtaining the confessions provided by one or more of the Defendant Officers at the suppression hearings and/or criminal trials of Mr. Patrick and/or his co-criminal defendants is further evidence that the officers knew that the criminal defendants' confessions were false.**

This is not an exhaustive list, and investigation continues.

INTERROGATORY NO. 7:

Describe each and every fact which supports your contention that the "Defendant Officers found Anderson and informed him they were investigating a crime and were trying to determine whether a young man had been locked up when the crime occurred" as alleged in Paragraph 41 of your Complaint. In so doing, identify the Defendant Officers who interviewed Mr. Anderson, the date and time when they interviewed Mr. Anderson and the location where the interview took place.

ANSWER: Anderson's affidavit; Anderson's original deposition testimony from Mr. Taylor's federal habeas case; Anderson's more recent deposition testimony; the lockup

roster that indicates that Anderson and Taylor were in the lockup together; the existing police reports that indicate that the police were looking for Taylor; the fact that in one of those reports, there is an express reference related to Anderson in a Villardita/Johnson-prepared report from a specific date, a document that has never produced.

As to your request that we identify the “Defendant Officers who interviewed Mr. Anderson, the date and time when they interviewed Mr. Anderson and the location where the interview took place,” this is really a cruel joke given that that this information (1) is solely within the knowledge of the Defendant Officers and others in the Chicago Police Department, (2) is information these individuals were required by the United States Constitution to turn over to Mr. Patrick prior to his 1995 criminal trial, and (3) is information that the Defendant Officers and others within the Chicago Police Department continue to withhold. Mr. Patrick spent 21 years in prison for murders he did not commit because the Defendant Officers buried this central evidence. This is the very reason that the *Brady* doctrine exists. Defendants are not permitted to withheld exculpatory evidence and then demand that plaintiffs prove facts that Defendants have buried. Investigation continues. When you turn over the withheld the police report or reports related to Anderson, we will be able to supplement this interrogatory.

INTERROGATORY NO. 8:

Do you contend that any of the Defendant Officers engaged in misconduct against you because of your race? If so, describe in detail the factual basis for your allegation.

ANSWER: Mr. Patrick has no express allegation that the Officers engaged in race-based arrests, fabrication of evidence, wrongful withholding of evidence, or false

testimony, but we certainly reserve the right to point out to the jury that *none* of the Defendant officers were black and *all* of the defendants were black. If the jury infers that this fact played a role in the defendants' misconduct, the jury may so infer, but Mr. Patrick have no specific evidence beyond this fact that the conduct of the Defendant Officers was race-based. Mr. Patrick is hampered in this regard by his inability to get inside the minds of the Defendant Officers as of the time they engaged in misconduct. Investigation continues.

INTERROGATORY NO. 9:

Identify the Defendant Officer(s) whom you allege denied you the right "to have an attorney present despite identifying an attorney by name ("Sheila Kalish") and requesting that she be called" as stated in Paragraph 25 of your Complaint and describe in detail when you made the request and the number of times you made such a request.

ANSWER: Abreu and O'Connor. On December 2, 1992, shortly after I was arrested, and again in the very early hours of December 3. I made the request numerous times; if I had to approximate, I would say approximately 5-6 times.

INTERROGATORY NO. 10:

Identify the co-defendant whom you alleged stated "Yes, that's C-Deon. He's the one who killed those two people" as stated in Paragraph 25 of your Complaint and also identify each co-defendant that was brought to the door by the Defendant Officers alleged in Paragraph 25 of your Complaint.

ANSWER: Daniel Taylor.

INTERROGATORY NO. 11:

Describe each and every fact upon which you base the allegation in Paragraph 74 of your Complaint that you were “degraded and demeaned in prison, subjected to physical and mental abuse, and treated by prison guards as double-murderer for 21 years.”

ANSWER: There are numerous ways in which the IDOC prison environment degrades prisoners, including the way in which prisoners are placed and handled. At times for no apparent reason prisoners are required to stand naked and in very close proximity to other prisoners. Being in prison for a crime I did not commit was itself a form of daily mental abuse. I was treated as a murderer in every respect, from the security level of the prisons to which I was sent in the first instance to my daily treatment at the prisons.

INTERROGATORY NO. 12:

Describe in detail (and without resort to legal conclusions or reference to your complaint) each and every piece of exculpatory evidence that you allege was suppressed by the Chicago Police and/or Defendant Officers upon which you base any claims in the above-entitled matter.

ANSWER:

- (1) Anderson’s statements to police officers that he was in lockup with Taylor on November 16, 1992.**
- (2) The handwritten notes of Anderson statement above in (1).**
- (3) The police report or reports of Anderson’s statement above in (1), including but not limited to the December 30 report prepared by Villardita and Johnson that has never been produced.**
- (4) The unsigned chronology of key events prepared by Villardita.**
- (5) The signed chronology of key events prepared by Villardita.**
- (6) The lockup roster of prisoners.**

- (7) The lockup roster of those officers who were on shift during the period of time that Mr. Taylor and Mr. Anderson were in lockup.**
- (8) Failure to record at all or in sufficient exculpatory detail the portions of Mr. Patrick's interrogation in which he repeatedly stated that he had no involvement in the murders of Haugabook and Lassiter and had no evidence available to him related to those murders.**
- (9) Failure to record at all or in sufficient exculpatory detail the portions of the interrogations of other criminal defendants in which those individuals repeatedly stated that they had no involvement in the murders of Haugabook and Lassiter and had no evidence available to them related to those murders.**

This is not an exclusive list. Investigation Continues.

INTERROGATORY NO. 13:

Describe in detail (and without resort to legal conclusions or reference to your complaint) each and every piece of impeachment evidence that you allege was suppressed by the Chicago Police and/or Defendant Officers upon which you base any claims in the above-entitled matter.

ANSWER:

- (1) The Agreement that was made with Adrian Grimes that if he testified to seeing Daniel Taylor on the street certain drug charges against him would be dropped and/or the State's attorney would recommend a substantially reduced sentence.**

This is not an exclusive list; investigation continues.

INTERROGATORY NO. 14:

Describe in detail (and without resort to legal conclusions or reference to your complaint) any and all reports and any other evidence that you allege was fabricated by the Chicago Police and/or Defendant Officers upon which you base any claims in the above-entitled matter.

ANSWER:

- (1) The confession of Lewis Gardner.**
- (2) The confession of Paul Philips.**
- (3) The confession of Akia Philips.**
- (4) The confession of Daniel Taylor.**
- (5) The confession of Deon Patrick.**
- (6) The confession of Josphe Brown**
- (7) The confession of Rodney Mathews.**
- (8) The confession of Dennis Mixon.**
- (9) The testimony of Adrian Grimes was fabricated in part and was suborned by one or more of the defendants.**
- (10) The testimony of Michael Seymore was fabricated in part and was suborned by one or more of the defendants.**
- (11) The report prepared by Officers Berti and/or Glinski related to seeing Daniel Taylor on the street was fabricated in part and was suborned by Defendant Villardita.**
- (12) The trial testimony of Officer Glinski related to seeing Daniel Taylor on the street was fabricated in part and was suborned by Defendant Villardita.**

This is not an exhaustive list. Investigation continues.

INTERROGATORY NO. 15:

Have you ever filed or been a party to any other suits seeking recovery for personal injuries or civil rights violations? If so, state the nature of the injuries claimed, the court and caption in which filed, the years filed, and the disposition of any such suits.

ANSWER: No.

INTERROGATORY NO. 16:

Between the date of your arrest on December 3, 1992 and the present date, have you had any communications with any persons other than your attorneys, included but not limited to any reporter, journalist, newscaster or any person affiliated with any newspaper or television station, regarding the allegations in your Complaint. If so, please describe each and every person with whom you have had such communications, the date, time and place of such communication, whether the conversation was oral or written, the name of the person(s) in possession of any recorded communication (written or oral), and the entire substance of such communication.

ANSWER: Steve Mills in person. Steve Mills by phone. Maurice Posseley in person. Maurice Posseley by phone. A guy from CNN whose name I don't recall in person at studios rented by CNN in Chicago. A guy from Huffington Post whose name I don't recall, taken by webcam; I participated from the offices of Valorem Law Group; I don't know where the reporter was. I don't recall the dates these occurred, but Mills and Posseley were before my release, and Mills, the CNN reporter, and the Huffington Post reporter were after my release.

INTERROGATORY NO. 17:

Identify all persons, if any, you may call to testify against the Defendant Officers pursuant to Fed.R.Evid 404(B) and for each person identify:

- (a) the person's name and last known address and phone number;
- (b) the nature of the claim or incident involving the person;
- (c) the date of the claim or incident involving the person.

ANSWER: None identified at this time. We will timely supplement.

INTERROGATORY NO. 18:

Please list the name, address and telephone number of each person, other than experts, who is familiar with or has personal knowledge of the subject matter of this lawsuit, as well as a detailed account of the nature of said knowledge, and whether you expect to call that individual as a witness at trial. For each such witness, summarize his or her expected testimony.

ANSWER: See our Rule 26(a)(1) Statement; see also your Rule 26(a)(1) Statement. See also numerous other responses to these interrogatories and numerous other responses to the interrogatories propounded by Defendant Officer Villardita.

INTERROGATORY NO. 19:

Please list the name, address and telephone number of each expert you expect to call as a witness at trial and for each such expert, please provide:

- (a) the subject matter on which each expert is expected to testify;
- (b) the substance of all facts to which each expert is expected to testify;
- (c) a summary of the opinion of each expert; and
- (d) a comprehensive list of all cases in which the expert has provided expert testimony, including case number and jurisdiction, and the name, address and telephone number of the attorney or party responsible for hiring the expert.

ANSWER: None has been retained at this time. We will seasonably supplement at a time that expert disclosures are required.

INTERROGATORY NO. 20:

Were any photographs, tapes (video or audio), slides, movies, pictures, drawings, demonstrative exhibits, or any other representations, which are related to the allegations in your Complaint made or taken? If so, state and identify the following:

- (a) the date(s) on which the photographs, tapes (video or audio), slides, movies, pictures, drawing, demonstrative exhibits or any other representations were made or taken;
- (b) the name of the person(s) who made or took the photographs, tapes (video or audio), slides, movies, pictures, drawings, demonstrative exhibits or any other representations, and;

- (c) the name of the person(s) who now has custody of such photographs, tapes (audio or video), slides, movies, pictures, drawings, or other representations.

ANSWER: None to my knowledge, with the exception of the following:

To the extent the CNN coverage is related to the allegations of my complaint, it may have resulted in photographs, videotape, audiotape, movies, or pictures. Neither I nor my lawyers are in possession of any such photographs, videotape, audiotape, movies, or pictures.

To the extent the Huffington Post coverage is related to the allegations of my complaint, it may have resulted in photographs, videotape, audiotape, movies, or pictures. Neither I nor my lawyers are in possession of any such photographs, videotape, audiotape, movies, or pictures.

I believe that photographs, videotape, audiotape, movies, and/or pictures were taken of my release from prison on January 10, 2014. To the extent that my physical release from the prison is related to the allegations of my complaint, and to the extent that any such photographs, videotape, audiotape, movies, and/or pictures will be used as evidence, such photographs, videotape, audiotape, movies, and/or pictures will be produced as part of our document production.

Mr. Patrick reserves the right to modify and supplement all of these responses to the extent permitted by the Federal Rules of Civil Procedure and Evidence.

Dated: November 17, 2014

Respectfully submitted,
Deon Patrick, Plaintiff

/s/ Stuart J. Chanen

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CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2014, a true and correct copy of Plaintiff Deon Patrick's Amended Responses to Defendant Thomas Johnson's First Set of Interrogatories was served by electronic and first-class mail to the following attorneys of record:

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/s/ Stuart J. Chanen
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VERIFICATION

I, Deon Patrick, pursuant to Federal Rule of Civil Procedure 33, hereby verify that the answers in the attached interrogatory responses are true and correct to the best of my knowledge and belief.

November 17, 2014



Deon Patrick