

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

PIERRE FERGUSON,)
)
)
) *PLAINTIFF,*)
) No. 01 CV 7519
)
) -vs-)
) (*Judge Manning*)
)
) CHICAGO POLICE OFFICERS)
)
) BREEN, #8707 and MARCHESE, #18440,) (*Magistrate Judge Nolan*)
)
)
) *DEFENDANTS.*)

AMENDED COMPLAINT

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, plaintiff, by counsel, files this first amended complaint and alleges as follows:

1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. §1343.
2. Plaintiff Pierre Ferguson is a resident of the Northern District of Illinois.
3. Defendants Breen and Marchese were, at all times relevant, acting color of their office as police officers employed by defendant City of Chicago, Illinois. Breen and Marchese are sued in their individual capacity only.
4. On July 31, 1999, defendant Breen signed criminal complaints causing plaintiff to be formally charged with the offenses of disorderly conduct, resisting arrest, and battery.
5. After plaintiff had been formally charged with these offenses, he was enlarged on bond on the condition, *inter alia*, that he appear in court to

answer the charges.

6. Plaintiff appeared in court on nine occasions to answer the charges that had been made by defendant Breen.
7. On August 25, 2000, the prosecution concluded that there was no factual basis for the charges and dismissed all of the charges that had been filed against plaintiff.
8. Plaintiff was required to retain counsel, lost wages, and was embarrassed, humiliated, and subjected to severe emotional distress because he was required to appear in court on nine occasions to answer the false charges that had been made against him by defendant Breen.
9. Defendants were the direct and proximate cause for the nine court appearances and consequent damages that plaintiff incurred in that defendants made knowing misstatements to the prosecutors and thereby covered up exculpatory evidence of plaintiff's innocence.
10. **STATEMENT OF CLAIM:** The above described acts of defendants caused plaintiff to have been wrongfully prosecuted and deprived of rights secured by the Fourth Amendment and Fourteenth Amendments to the Constitution of the United States.
11. Plaintiff hereby demands trial by jury.

Wherefore plaintiff requests compensatory damages against all defendants in an amount in excess of one hundred thousand dollars, and punitive damages against defendant Breen in an amount equal to twelve months of his gross salary.

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