

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

Brandye McNair, as Personal Representative of the Estate of Shanate Guy, Deceased,

v.

County of Cook, Thomas Dart, Cook County Sheriff and Chief Judge of the Circuit Court of Cook County, Illinois

FILED
6/17/2022 9:59 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L005480
Calendar, C
18326960

2022L005480

No. _____

CIVIL ACTION COVER SHEET - CASE INITIATION

A Civil Action Cover Sheet - Case Initiation shall be filed with the complaint in all civil actions. The information contained herein is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate case type which best characterizes your action. Only one (1) case type may be checked with this cover sheet.

Jury Demand ☒ Yes ☐ No

PERSONAL INJURY/WRONGFUL DEATH

CASE TYPES:

- ☐ 027 Motor Vehicle
- ☐ 040 Medical Malpractice
- ☐ 047 Asbestos
- ☐ 048 Dram Shop
- ☐ 049 Product Liability
- ☐ 051 Construction Injuries
(including Structural Work Act, Road
Construction Injuries Act and negligence)
- ☐ 052 Railroad/FELA
- ☐ 053 Pediatric Lead Exposure
- ☒ 061 Other Personal Injury/Wrongful Death
- ☐ 063 Intentional Tort
- ☐ 064 Miscellaneous Statutory Action
(Please Specify Below**)
- ☐ 065 Premises Liability
- ☐ 078 Fen-phen/Redux Litigation
- ☐ 199 Silicone Implant

TAX & MISCELLANEOUS REMEDIES

CASE TYPES:

- ☐ 007 Confessions of Judgment
- ☐ 008 Replevin
- ☐ 009 Tax
- ☐ 015 Condemnation
- ☐ 017 Detinue
- ☐ 029 Unemployment Compensation
- ☐ 031 Foreign Transcript
- ☐ 036 Administrative Review Action
- ☐ 085 Petition to Register Foreign Judgment
- ☐ 099 All Other Extraordinary Remedies

By: RIB
(Attorney) (Pro Se)

(FILE STAMP)

COMMERCIAL LITIGATION

CASE TYPES:

- ☐ 002 Breach of Contract
- ☐ 070 Professional Malpractice
(other than legal or medical)
- ☐ 071 Fraud (other than legal or medical)
- ☐ 072 Consumer Fraud
- ☐ 073 Breach of Warranty
- ☐ 074 Statutory Action
(Please specify below.**)
- ☐ 075 Other Commercial Litigation
(Please specify below.**)
- ☐ 076 Retaliatory Discharge

OTHER ACTIONS

CASE TYPES:

- ☐ 062 Property Damage
- ☐ 066 Legal Malpractice
- ☐ 077 Libel/Slander
- ☐ 079 Petition for Qualified Orders
- ☐ 084 Petition to Issue Subpoena
- ☐ 100 Petition for Discovery

**

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Pro Se Only: ☐ I have read and agree to the terms of the Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice form the Clerk's Office for this case at this email address: _____

IRIS Y. MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

FILED DATE: 6/17/2022 9:59 AM 2022L005480

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – LAW DIVISION

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BRANDYE MCNAIR, as Personal Representative)
of the Estate of SHANATE GUY, Deceased,)
)
Plaintiff,)
)
v.)
)
COUNTY OF COOK, a public body corporation,)
THOMAS DART, COOK COUNTY SHERIFF,)
and CHIEF JUDGE OF THE CIRCUIT)
COURT OF COOK COUNTY, ILLINOIS,)
)
Defendants.)

No. 2022L005480

Plaintiff Demands Trial By Jury

COMPLAINT AT LAW

Plaintiff, BRANDYE MCNAIR, as Personal Representative of the Estate of SHANATE GUY, Deceased, by and through her attorneys, WISE MORRISSEY, LLC, complains of Defendant, COUNTY OF COOK, a public body corporation (hereinafter referred to as “COUNTY”), THOMAS DART, COOK COUNTY SHERIFF, in his Official Capacity and CHIEF JUDGE OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS (hereinafter referred to as “CHIEF JUDGE”) and each of them states:

COUNT I

Willful and Wanton – County of Cook

1. On or before June 21, 2021, defendant, COUNTY, instituted a program commonly known as the Electronic Monitoring Program.
2. On or before June 21, 2021, the COUNTY’s Electronic Monitoring Program was a system that placed electronic ankle monitoring bracelets on individuals accused of crimes and allowed these individuals to remain in the community. The electronic ankle bracelets were designed to alert monitors if the individual ventured away from their home or a designated area.

3. On or before June 21, 2021, the COUNTY accepted the duty of monitoring individuals placed on the electronic monitoring program and responding to apprehend the individuals if it was noted that they had violated the restrictions of the program.

4. On or before June 21, 2021, there were over 3,500 individuals outfitted with electronic ankle bracelets under the Cook County Electronic Monitoring Program.

5. On or before June 21, 2021, there were over 500 individuals on the Cook County Electronic Monitoring Program who had been accused of unlawful use of a weapon.

6. On or before June 21, 2021, the Cook County Sheriff's Department, received an average of 850 alerts per day relating to the Cook County Electronic Monitoring Program.

7. On or before June 21, 2021, the Cook County Sheriff's Department had 110 people assigned to monitor over 3,500 individuals outfitted with ankle bracelets on the Cook County Electronic Monitoring Program.

8. On or before June 21, 2021, Thomas Dart, the Cook County Sheriff, stated that the Electronic Monitoring Program of the Cook County Sheriff's Department was never designed for violent criminals.

9. On or before June 21, 2021, Thomas Dart, the Cook County Sheriff, stated that he needed a lot more personnel to monitor this electronic monitoring system that was never designed for the individuals the Sheriff of Cook County was being asked to watch.

10. On or before June 21, 2021, Superintendent David Brown of the Chicago Police Department had repeatedly stated that the Electronic Monitoring Program of the Cook County Sheriff's Department was a dangerous initiative which he believed put too many violent offenders on the street.

11. On or before June 21, 2021, Dominiko Johnson, had been charged for aggravated, unlawful use of a weapon.

12. On or before June 21, 2021, Dominiko Johnson had been outfitted with an electronic monitoring device and placed under the supervision and monitoring of the Cook County Sheriff's Department as part of their Electronic Monitoring Program.

13. On or before June 21, 2021, Dominiko Johnson outfitted with an electronic monitoring device under the monitoring and supervision of the Cook County Sheriff's Department had been released to home confinement.

14. On or before June 21, 2021, the COUNTY, through the Cook County Sheriff's Department, knew that the County had insufficient personnel to adequately and safely monitor the individuals placed on the electronic monitoring system.

15. On June 21, 2021, Dominiko Johnson, while on the Cook County Electronic Monitoring Program left his home and travelled to 6354 S. Kimbark Avenue, Chicago, Illinois.

16. At that time and place, Shanate Guy resided at 6354 S. Kimbark Avenue, Chicago, Illinois.

17. At that time and place, Dominiko Johnson entered the residence of the above location and shot and killed Shanate Guy.

18. On and before June 21, 2021, defendant, COUNTY, with an utter indifference or a conscious disregard for public safety, including Plaintiff's decedent, Shanate Guy, did one or more of the following acts or omissions:

- a. Knowingly did not monitor Dominiko Johnson's location while Dominiko Johnson was on the Cook County Electronic Monitoring Program;
- b. Took no action when it knew Dominiko Johnson was away from his prescribed location for a

substantial length of time in violation of the Cook County Electronic Monitoring Program;

- c. Refused to increase or provide adequate staffing necessary to safely monitor individuals on the Cook County Electronic Monitoring Program when they knew it was understaffed and as a result was not enforcing the Program;
- d. Failed to properly and safely monitor Dominiko Johnson's location while Dominiko Johnson was on the Cook County Electronic Monitoring Program;
- e. Allowed Dominiko Johnson to physically be away from the home confinement for an inordinate period of time while he was on the Cook County Electronic Monitoring Program; and
- f. Failed to provide adequate staffing for which to safely monitor individuals on the Cook County Electronic Monitoring Program when they knew or should have known that they were understaffed in order to safely operate the program.

19. As a direct and proximate result of one of more of the foregoing willful and wanton acts and/or omissions, plaintiff's decedent, Shanate Guy, suffered injuries which resulted in her death on June 21, 2021.

20. Brandye McNair is the Personal Representative of the Estate of Shanate Guy, Deceased, and brings this action pursuant to 740 Illinois Compiled Statutes 180/1 *et seq.*, commonly known as the Illinois Wrongful Death Act.

WHEREFORE, plaintiff, BRANDYE MCNAIR, as Personal Representative of the Estate of SHANATE GUY, Deceased, demands judgment against defendant, COUNTY, in an amount in excess of the jurisdictional limit of the Law Division of the Circuit Court of Cook County, Illinois.

COUNT II**Willful and Wanton – Cook County Sheriff Thomas Dart, in his Official Capacity**

1. On or before June 21, 2021, defendant, COUNTY, instituted a program commonly known as the Electronic Monitoring Program.

2. THOMAS DART, COOK COUNTY SHERIFF, in his Official Capacity, managed, supervised, controlled, organized and implemented the County of Cook Electronic Monitoring Program.

3. On or before June 21, 2021, the COUNTY's Electronic Monitoring Program was a system that placed electronic ankle monitoring bracelets on individuals accused of crimes and allowed these individuals to remain in the community. The electronic ankle bracelets were designed to alert monitors if the individual ventured away from their home or a designated area.

4. On or before June 21, 2021, the COUNTY accepted the duty of monitoring individuals placed on the electronic monitoring program and responding to apprehend the individuals if it was noted that they had violated the restrictions of the program.

5. On or before June 21, 2021, there were over 3,500 individuals outfitted with electronic ankle bracelets under the Cook County Electronic Monitoring Program.

6. On or before June 21, 2021, there were over 500 individuals on the Cook County Electronic Monitoring Program who had been accused of unlawful use of a weapon.

7. On or before June 21, 2021, the Cook County Sheriff's Department, received an average of 850 alerts per day relating to the Cook County Electronic Monitoring Program.

8. On or before June 21, 2021, the Cook County Sheriff's Department had 110 people assigned to monitor over 3,500 individuals outfitted with ankle bracelets on the Cook County Electronic Monitoring Program.

9. On or before June 21, 2021, Thomas Dart, the Cook County Sheriff, stated that the Electronic Monitoring Program of the Cook County Sheriff's Department was never designed for violent criminals.

10. On or before June 21, 2021, Thomas Dart, the Cook County Sheriff, stated that he needed a lot more personnel to monitor this electronic monitoring system that was never designed for the individuals the Sheriff of Cook County was being asked to watch.

11. On or before June 21, 2021, Superintendent David Brown of the Chicago Police Department had repeatedly stated that the Electronic Monitoring Program of the Cook County Sheriff's Department was a dangerous initiative which he believed put too many violent offenders on the street.

12. On or before June 21, 2021, Dominiko Johnson, had been charged for aggravated, unlawful use of a weapon.

13. On or before June 21, 2021, Dominiko Johnson had been outfitted with an electronic monitoring device and placed under the supervision and monitoring of the Cook County Sheriff's Department as part of their Electronic Monitoring Program.

14. On or before June 21, 2021, Dominiko Johnson outfitted with an electronic monitoring device under the monitoring and supervision of the Cook County Sheriff's Department had been released to home confinement.

15. On or before June 21, 2021, THOMAS DART, COOK COUNTY SHERIFF, in his Official Capacity, knew that the County of Cook had insufficient personnel to adequately and safely monitor the individuals placed on the Electronic Monitoring System.

16. On June 21, 2021, Dominiko Johnson, while on the Cook County Electronic Monitoring Program left his home and travelled to 6354 S. Kimbark Avenue, Chicago, Illinois.

17. At that time and place, Shanate Guy resided at 6354 S. Kimbark Avenue, Chicago, Illinois.

18. At that time and place, Dominiko Johnson entered the residence of the above location and shot and killed Shanate Guy.

19. On and before June 21, 2021, defendant, THOMAS DART, COOK COUNTY SHERIFF, in his Official Capacity, with an utter indifference or a conscious disregard for public safety, including Plaintiff's decedent, Shanate Guy, did one or more of the following acts or omissions:

- a. Knowingly did not monitor Dominiko Johnson's location while Dominiko Johnson was on the Cook County Electronic Monitoring Program;
- b. Took no action when it knew Dominiko Johnson was away from his prescribed location for a substantial length of time in violation of the Cook County Electronic Monitoring Program;
- c. Did not increase or provide adequate staffing necessary to safely monitor individuals on the Cook County Electronic Monitoring Program when he knew it was understaffed and as a result was not enforcing the Program;
- d. Failed to properly and safely monitor Dominiko Johnson's location while Dominiko Johnson was on the Cook County Electronic Monitoring Program;
- e. Allowed Dominiko Johnson to physically be away from the home confinement for an inordinate period of time while he was on the Cook County Electronic Monitoring Program; and
- f. Failed to provide adequate staffing for which to safely monitor individuals on the Cook County Electronic Monitoring Program when he knew or should have known that they were understaffed in order to safely operate the program.

19. As a direct and proximate result of one of more of the foregoing willful and wanton acts and/or omissions, plaintiff's decedent, Shanate Guy, suffered injuries which resulted in her death on June 21, 2021.

20. Brandye McNair is the Personal Representative of the Estate of Shanate Guy, Deceased, and brings this action pursuant to 740 Illinois Compiled Statutes 180/1 *et seq.*, commonly known as the Illinois Wrongful Death Act.

WHEREFORE, plaintiff, BRANDYE MCNAIR, as Personal Representative of the Estate of SHANATE GUY, Deceased, demands judgment against defendant, THOMAS DART, COOK COUNTY SHERIFF, in his Official Capacity, in an amount in excess of the jurisdictional limit of the Law Division of the Circuit Court of Cook County, Illinois.

COUNT III

Willful and Wanton – Chief Judge of the Circuit Court of Cook County, Illinois

1. On or before June 21, 2021, the CHIEF JUDGE supervised, controlled, organized and implemented the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program.

2. On or before June 21, 2021, the CHIEF JUDGE's Electronic Monitoring Program was a system that placed electronic ankle monitoring bracelets on individuals accused of crimes and allowed these individuals to remain in the community. The electronic ankle bracelets were designed to alert monitors if the individual ventured away from their home or a designated area.

3. On or before June 21, 2021, the CHIEF JUDGE accepted the duty of monitoring individuals placed on the electronic monitoring program and responding to apprehend the individuals if it was noted that they had violated the restrictions of the program.

4. On or before June 21, 2021, there were over 3,500 individuals outfitted with electronic ankle bracelets under the Cook County Electronic Monitoring Program including the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program.

5. On or before June 21, 2021, there were over 500 individuals on the Cook County Electronic Monitoring Program including the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program who had been accused of unlawful use of a weapon.

6. On or before June 21, 2021, the Cook County Sheriff's Department, received an average of 850 alerts per day relating to the Cook County Electronic Monitoring Program including the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program.

7. On or before June 21, 2021, the Cook County Sheriff's Department had 110 people assigned to monitor over 3,500 individuals outfitted with ankle bracelets on the Cook County Electronic Monitoring Program including the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program.

8. On or before June 21, 2021, Thomas Dart, the Cook County Sheriff, stated that the Electronic Monitoring Program of the Cook County Sheriff's Department was never designed for violent criminals.

9. On or before June 21, 2021, Thomas Dart, the Cook County Sheriff, stated that he needed a lot more personnel to monitor this electronic monitoring system that was never designed for the individuals the Sheriff of Cook County was being asked to watch.

10. On or before June 21, 2021, Superintendent David Brown of the Chicago Police Department had repeatedly stated that the Electronic Monitoring Program of the Cook County Sheriff's Department was a dangerous initiative which he believed put too many violent offenders on the street.

11. On or before June 21, 2021, Dominiko Johnson, had been charged for aggravated, unlawful use of a weapon.

12. On or before June 21, 2021, Dominiko Johnson had been outfitted with an electronic monitoring device and placed under the supervision and monitoring of the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program as part of their Electronic Monitoring Program.

13. On or before June 21, 2021, Dominiko Johnson outfitted with an electronic monitoring device under the monitoring and supervision of the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program had been released to home confinement.

14. On or before June 21, 2021, the CHIEF JUDGE, through the Cook County Sheriff's Department, knew that the County had insufficient personnel to adequately and safely monitor the individuals placed on the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program.

15. On June 21, 2021, Dominiko Johnson, while on the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program, left his home and travelled to 6354 S. Kimbark Avenue, Chicago, Illinois.

16. At that time and place, Shanate Guy resided at 6354 S. Kimbark Avenue, Chicago, Illinois.

17. At that time and place, Dominiko Johnson entered the residence of the above location and shot and killed Shanate Guy.

18. On and before June 21, 2021, defendant, CHIEF JUDGE, with an utter indifference or a conscious disregard for public safety, including Plaintiff's decedent, Shanate Guy, did one or more of the following acts or omissions:

- a. Knowingly did not monitor Dominiko Johnson's location while Dominiko Johnson was on the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program;
- b. Took no action when it knew Dominiko Johnson was away from his prescribed location for a substantial length of time in violation of the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program;
- c. Did not increase or provide adequate staffing necessary to safely monitor individuals on the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program when he knew it was understaffed and as a result was not enforcing the Program;
- d. Failed to properly and safely monitor Dominiko Johnson's location while Dominiko Johnson was on the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program;
- e. Allowed Dominiko Johnson to physically be away from the home confinement for an inordinate period of time while he was on the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program; and
- f. Failed to provide adequate staffing for which to safely monitor individuals on the Adult Probation Department Pretrial Services Division and Office of Chief Judge Electronic Monitoring Program when