

In The Matter Of:
BENJAMIN MANN v.

BENJAMIN MANN
January 23, 2019
CITY OF URBANA POLICE OFFICERS JENNIFER DIFANIS et al

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE CENTRAL DISTRICT OF ILLINOIS
3 STATE OF ILLINOIS

4 BENJAMIN MANN,
5 Plaintiff,
6 -vs- No. 17-cv-2300

7 CITY OF URBANA POLICE
8 OFFICERS JENNIFER DIFANIS,
9 COLBY G. WRIGHT, SARA M. LINKS,
10 SETH R. KING, JAY LOSCHEN,
11 CHAD BURNETT, DON C. MCCLELLAN,
12 ADAM MARCOTTE, JOHN FRANQUEMONT,
13 SGT. ZACH MAKALIK, and as yet unknown
14 officers, the City of Urbana, a
15 municipal corporation, and UNIVERSITY
16 OF ILLINOIS POLICE OFFICER CHRIS ELSTON,
17 Defendants.

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20 DEPOSITION OF BENJAMIN MANN
21 January 23, 2019
22 10:30 AM
23 301 N. Neil
24 Champaign, IL

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16 * * * *

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1 take proper pictures of victims after they have
 2 been assaulted. And so if he did the proper
 3 procedure to check her over, that through his
 4 experience he would have noticed it. I'm just
 5 giving him credit. But since he says he didn't
 6 notice it, then I'm saying it's fabricated because
 7 I'm thinking he's experienced enough to notice
 8 that.
 9 Q. Okay. Anything else?
 10 A. Page seven of eight, paragraph two, or
 11 paragraph three. At first Mann stiffened his left
 12 arm as I attempted to place it behind his back. I
 13 told him not to resist and then was able to place
 14 his left arm behind his back. I never resisted in
 15 any way. I think that that was just added as a
 16 way to tackle on a resisting charge.
 17 Q. Anything else?
 18 A. Page seven of eight; paragraph five.
 19 Should be noted as I pushed Samantha to the ground
 20 my feet struck a glass shelf that was in the
 21 living room area on the south wall. It was me
 22 that was -- that struck the shelf. My body was
 23 used to strike that shelf.
 24 Q. How do you know that King's foot didn't
 25 strike the glass shelf?

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1 A. Well, it may have. I would just have
 2 expected them both to be in the report. It should
 3 be like I struck it and his body, but it just says
 4 his foot.
 5 Q. Anything else?
 6 A. Third paragraph, same page, seven of
 7 eight. At the time Mann pulled his arm away from
 8 me and with his left hand he began to reach toward
 9 the left side of his waistband front pocket area
 10 as he looked down. That could be just me, but
 11 that also sounds like the way it's written is to
 12 try to justify how I was taken down and why I was
 13 hurt. Trying to imply that I had a weapon. There
 14 was no weapon found on me obviously.
 15 Q. Are you denying that you pulled your arm
 16 away?
 17 A. I am. What's ironic about this is what
 18 happened in my first police case where I was
 19 brutalized. They said the same exact thing. It's
 20 like word for word almost; he tried to reach for
 21 something that was never there.
 22 Q. Are you denying that your left hand
 23 began to reach towards the left side of your
 24 waistband front pocket area?
 25 A. I am denying that.

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1 Q. Okay. Are you denying that you looked
 2 down toward the area of your pants?
 3 A. I'm denying that.
 4 Q. Okay. Anything else that you claim is
 5 fabricated in this report?
 6 A. On page eight of eight, paragraph two.
 7 It feels like they're implying that I threatened
 8 an officer, made threatening comments towards me.
 9 Q. Did you say, if I would have resisted
 10 you, you would have been on your ass?
 11 A. I don't recall saying that at the time.
 12 Q. You're not claiming that's fabricated?
 13 A. Like I said, it's the way that it's --
 14 the whole resisting arrest, I think that that's --
 15 I'm going to expound just a little bit. I believe
 16 that it's put in place to justify certain actions
 17 by you guys. And if I did say that, it was just
 18 to imply I did not resist you at all, and so why
 19 are you attempting to charge me with this again?
 20 Q. Anything else?
 21 A. Not on this one. At this time I
 22 probably could be more detailed, but --
 23 Q. No, you don't get to do that. You
 24 either have them now or you forever hold your
 25 peace. I'm going to take that as an answer. Is

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1 that everything from King's report?
 2 A. You're good.
 3 (Whereupon, Deposition Exhibit No. 14
 4 was marked for identification.)
 5 Q. This is Exhibit No. 14. It's Bates
 6 stamped Mann 00060 through 00064. And this is
 7 Officer Loschen's report, and same question. Is
 8 there anything in this report that you are
 9 alleging Defendant Officer Group 1 fabricated?
 10 A. Okay. I'll begin now reading. All
 11 right. Page 105. Third paragraph. I observed
 12 Officer King and Sergeant Difanis attempting to
 13 speak with the white female and black male. I
 14 could tell the white female was being
 15 uncooperative as she tried to walk away from
 16 Officer King and Sergeant Difanis. Now --
 17 Q. And what are you claiming is fabricated?
 18 A. I'm claiming that it's fabricated that
 19 she was being uncooperative in the stage that once
 20 again, that setting, we had just been assaulted.
 21 We were upset. We were trying to explain to the
 22 officer what had happened. I don't see how that
 23 could be misconstrued as being uncooperative. We
 24 were giving them all the information we had at the
 25 time. They were armed. They had on masks. They