



Written by [R. Cort Kirkwood](#) on April 17, 2019

Smollett Case: Prosecutor Calls Him a Has-been, City Sues Him for Probe Costs, Actor Loses Role in Play

The story about Jussie Smollett's hate hoax keeps getting better.

The head prosecutor in Cook County called the homosexual actor a has-been.

The City with the Big Shoulders sued Smollett last week to recover the cost of investigating Smollett's fairy tale.

Smollett lost his lead role in a play about a mixed-race gay baseball player.



And Smollett still denies that he fabricated his preposterous tale about two whites who beat him up in the wee hours of January 29 in downtown Chicago.

"Washed-up Celebrity"

The latest development comes from a treasure chest of text messages the *Chicago Tribune* took a look at.

The messages reveal that State's Attorney Kim Foxx thought her office overcharged Smollett after police learned he concocted a hate hoax to get a raise.

Police charged Smollett, who said two white Trump supporters attacked him at 2 a.m. on January 29 as he returned from a munchies run to Subway, with 16 felonies. Prosecutors dropped the charges after Smollett agreed, they said, to two days of community service and surrendering the \$10,000 he posted against a \$100,000 bond.

But Foxx, who recused herself from the case because Smollett's backers, including a top Obama factotum, had contacted her, texted Joe Magats, her top attorney, and said she wasn't happy about the case.

"Sooo.....I'm recused, but when people accuse us of overcharging cases...16 counts on a class 4 (felony) becomes exhibit A," she wrote on March 8, the *Tribune* reported.

Then "Foxx went on in those texts to Magats to compare Smollett's case to the office's pending indictment of R&B singer R. Kelly on 10 charges of aggravated criminal sexual abuse," the newspaper reported.

That's when she put down her estimate of Smollett's talents as a thespian. "Pedophile with 4 victims 10 counts. Washed up celeb who lied to cops, 16 [counts]," Foxx complained. "Just because we can charge something doesn't mean we should."

City Lawsuit

Smollett lied to police in Los Angeles before he lied to cops in Chicago, but in any event the investigation of Smollett's patently ridiculous claims, which set off the usual nationwide moral panic, cost \$130,106.15, the city's lawsuit says.

The lawsuit, which lays out the evidence against Smollett in amusing if excruciating detail, cites the



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city's False Statements and City's Cost of Recovery ordinances.

"Defendant submitted a false police report claiming that he was the victim of a racist and homophobic beating by unknown attackers," the lawsuit alleges. "In reality, Defendant knew his attackers and orchestrated the purported attack himself. Later, when police confronted him with evidence about his attackers, he still refused to disclose his involvement in planning the attack. In investigating Defendant's false statements and false police report, the City incurred significant costs in order to provide services reasonably related to Defendant's conduct."

Thus does Smollett owe the city a pile money, the lawsuit alleges. The FSO makes anyone who lies to the city and causes it to incur expenses not only subject to fines but also liable for those expenses. The CRO, which flows from the FSO, imposes penalties on someone who, violating a federal, state, or municipal law, causes the city to incur expenses.

Smollett's attorney still denies the actor concocted the story. In a threatening letter to the city, the Associated Press reported, celebrity lawyer Mark Geragos wrote that his client will "not be intimidated" by "threats that were made maliciously."

You're Out!

Meanwhile, the *Daily Mail* reported, Smollett won't make his Broadway debut in *Take Me Out*, a play about a biracial gay baseball player.

But it appears the producers have adjusted their lineup and sent Smollett back to the dugout, sources told the newspaper, because of the uproar in Chicago. Smollett tried out for the part, the *Daily Mail* reported, just hours before he orchestrated the hate hoax.

Smollett's landing the role would have been another home run for homosexuals in plays about baseball.

When *Damn Yankees*, an updated version of the Faustian myth, moved to film, Tab Hunter, a closeted homosexual, played the lead role of Joe Hardy, who sells his soul to the Devil in return for becoming a star hitter for the Washington Senators.

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