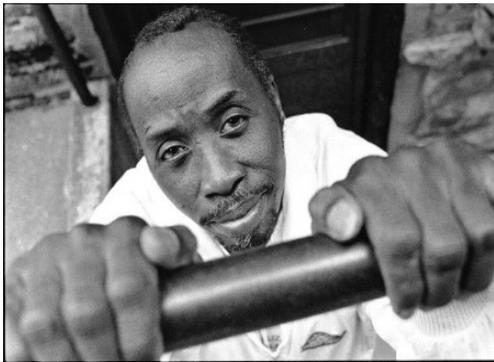


# Innocent in Illinois

Nearly 100 death row exonerees have walked free from death rows across the nation. Illinois has exonerated and released 13 men from death row. They spent a total of 125 years imprisoned for criminal acts they did not commit. Here are their stories:

## **1. Perry Cobb**

**Conviction 1979 Acquitted 1987**

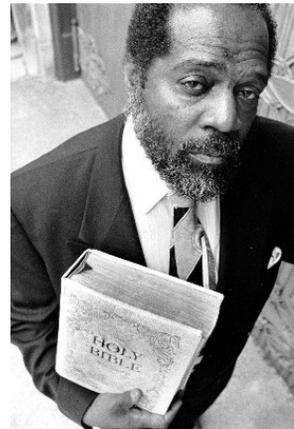


After two mistrials because of hung juries, Cobb and Williams were convicted and sentenced to death for the first degree robbery and murder of two white men in 1977. After several retrials where an assistant state attorney testified that the

government's key witness, Phyllis Santini, had told him it was her boyfriend who actually committed the murders, Cobb and Williams were acquitted and released.

## **2. Darby (Williams) Tillis**

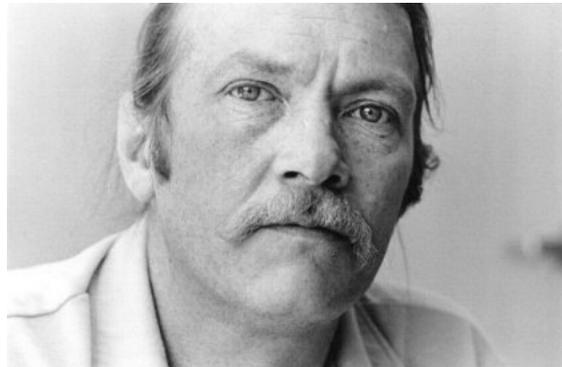
**Conviction 1979 Acquitted 1987**



## **3. Joseph Burrows**

**Conviction 1989 Released 1994**

No physical evidence linked Burrows to the murder of William Dulin. The prosecution's two chief witnesses recanted their testimony against Mr. Burrows, and one of them confessed to the murder for which Burrows had been sent to death row. One of the witnesses said he had been coerced by prosecutors and police. Burrows was released in September, 1994, and the Illinois appellate courts have upheld the overturning of his conviction.



#### **4. Rolando Cruz**

**Conviction 1985 Released 1995**

Cruz was sentenced to death for the murder of 10-year-old Jeanine Nicarico. Another man, Brian Dugan, who had already pled guilty to two rapes and murders, including that of an 8-year-old girl, authorized his lawyer to tell the prosecutors that he killed Nicarico. Cruz was convicted at a second trial in 1990, at which Dugan did not testify. In July, 1994, the state Supreme Court overturned Cruz's second conviction. An assistant state attorney general resigned because she thought the evidence showed Cruz was innocent and thought it wrong to pursue the prosecution. Other law enforcement officials also protested the continued efforts to prosecute Cruz. Cruz was finally acquitted at his retrial in November, 1995. The judge did not even wait for the defense to put on its case before entering a directed verdict of not guilty. Three prosecutors and four law enforcement officers involved with the prosecution of Cruz and his co-defendant (see below) were indicted for obstruction of justice in this case, but were acquitted.

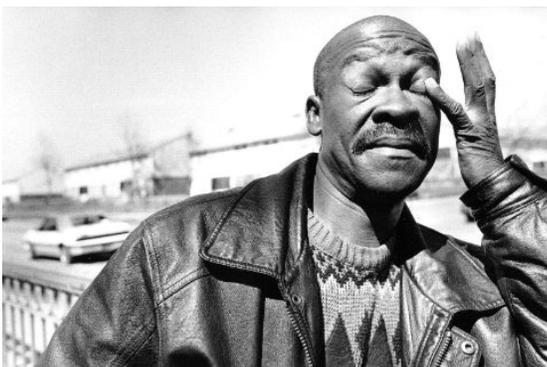
#### **5. Alejandro Hernandez**

**Conviction 1985 Released 1995**

Hernandez was sentenced to death along with Rolando Cruz for the murder of Jeanine Nicarico in 1983. Hernandez was re-tried in 1990, but the trial ended in a hung jury. A third trial in 1991 resulted in a conviction and an 80 year prison sentence. The conviction was overturned by the Illinois Supreme Court in January, 1995. Only his own indirect statements, not any direct physical evidence, linked Hernandez, who is borderline retarded, to the killing. He was released on bond, and charges were subsequently dropped on Dec. 8, 1995. The man who has confessed to the murder of Jeanine Nicarico, and whose DNA has been linked to the crime, has not been charged in the case. The U.S. Dept. of Justice considered an investigation into civil rights violations in this case.

#### **6. Verneal Jimerson**

**Conviction 1985 Released 1996**



Jimerson was sentenced to death in 1985 for a murder which occurred in 1978. The chief witness against him was Paula Gray, who has an IQ of 57. In her original story to the police, she did not mention Jimerson. Then she added his name to her account, along with three other names. She later recanted her entire testimony, saying the police had forced her to lie. The original charges against Jimerson were dismissed, but they were resurrected seven years later when the police offered to drop some charges against Gray if she

would implicate Jimerson. Gray's 50 year sentence was converted to 2 years probation. In 1995, the Illinois Supreme Court unanimously reversed Jimerson's conviction, because Gray had been allowed to testify falsely about her bargain. Jimerson was released on bond in early 1996, and charges against him were subsequently dropped.

## 7. Dennis Williams

**Conviction 1979 Released 1996**

Williams was convicted, along with three others (including Verneal Jimerson, above), for the murder of a young couple in 1978. After spending 18 years in prison, Williams was released on June 14, 1996 because new evidence pointed to the fact that all four men were wrongly convicted. Much of the investigative work which led to the defendants' release was done by three journalism students. Recent DNA tests indicate that none of the four men were involved in the crime, and another man has confessed to the murder. Charges against Williams, and two others who received lesser sentences in the same case, were dropped on July 2, 1996. Cook County State's Attorney Jack O'Malley apologized to the four wrongly convicted defendants, including Verneal Jimerson, who had also been on death row.

## 8. Gary Gauger

**Conviction 1993 Released 1996**



Gauger was convicted of killing his parents in April, 1993. In March, 1996, the U.S. District Court overturned his conviction, ruling that authorities never had probable cause to even arrest Gauger or to subject him to 21 hours of intensive questioning. He was released in October, 1996 by the same judge that had sentenced him to die by lethal injection. His sentence had earlier been reduced to life in prison. The prosecution did not challenge his release.

## 9. Carl Lawson

**Conviction 1990 Released 1996**

Lawson was convicted of killing Terrence Jones in a family dispute. He was tried three times. The first trial resulted in a conviction and death sentence, but that conviction was overturned in part because Lawson's public defender had been an assistant prosecutor when Lawson was arrested. The second trial resulted in a hung jury, reportedly 11-1 for acquittal. Nevertheless, the prosecutors tried Lawson again, and again sought the death penalty. This time Lawson was acquitted and freed on December 12, 1996.

## 10. Anthony Porter

**Conviction 1983 Released 1999**



Porter was released in February, 1999 on the motion of the State's Attorney after another man confessed on videotape to the double 1982 murder that sent Porter to death row. Charges were filed against the other man, who claimed he killed in self-defense. The case was broken by investigator Paul Ciolino working with Prof. David Protess and journalism students from Northwestern University. Their investigation also found that another witness had been pressured by police to testify against Porter. Porter came within 2 days

of execution in 1998 and was only spared because the court wanted to look into his mental competency. Porter has an IQ of 51. His conviction was officially reversed on March 11, 1999.

### **11. Steven Smith**

**Conviction 1986    Released 1999**

Smith's conviction was overturned by the Illinois Supreme Court in 1999 because it was based on unreliable evidence. As a result, he is not subject to re-trial. Smith had been convicted of a murder outside of a Chicago tavern in 1985. The man killed was the assistant warden of the Pontiac Correctional Center. The Court said, "When the state cannot meet its burden of proof, the defendant must go free." Smith is the 11th death row inmate to be freed in Illinois since the death penalty was reinstated and the 9th since 1994.

### **12. Ronald Jones**

**Conviction 1989    Charges Dropped 1999**

Jones was a homeless man when he was convicted of the rape and murder of a Chicago woman. After a lengthy interrogation in which Jones says he was beaten by police, he signed a confession. Prosecutors at his conviction described him as a "cold brutal rapist" who "should never see the light of day." (NY Times 5/19/99). Recent DNA testing revealed that Jones was not the rapist and there was no evidence of any accomplice to the murder. The Cook County state's attorney filed a motion asking the Illinois Supreme Court to vacate Jones's conviction in 1997. In May, 1999, the state dropped all charges against Jones.

### **13. Steve Manning**

**Convicted 1993    Reversed 1998    Charges dropped 2000**

Steve Manning became the 13th inmate exonerated in Illinois, when prosecutors announced that they were dropping charges and no longer planned to retry Manning for the 1990 slaying of trucking company owner Jimmy Pellegrino. Manning was convicted and sentenced to death on the word of informant Tommy Dye, who testified that Manning twice confessed to him when they shared a jail cell.

However, secret tape recordings of the two men's conversations, made at the request of the FBI, revealed no such confession, and Manning vehemently denied confessing. In exchange for his testimony, Dye received an 8-year reduction on his prison sentence on theft and firearms charges. (Chicago Tribune, 1/19/00)



(PHOTOS © LOREN SANTOW; DPIC's 1997 report "Innocence and the Death Penalty: The Increasing Danger of Executing the Innocent")