

POINTS & AUTHORITIES

INTEREST OF AMICI CURIAE AND SUMMARY OF BRIEF.....	1
ARGUMENT.....	2
<i>See Nat'l Registry of Exonerations ("Exoneration Registry"), Reports, Exonerations in 2021, 2020, 2019, 2018.....</i>	<i>2</i>
<i>People v. Glenn, 2018 IL App (1st) 161331.....</i>	<i>2, 3</i>
<i>People v. Newman, Order, 21 CC 3091 (Il. Ct. of Claims June 8, 2021).....</i>	<i>2</i>
<i>People v. Glenn, Order, 19 CC 0588 (Il. Ct. of Claims Dec. 13, 2018).....</i>	<i>2</i>
<i>People v. Villareal, 2021 IL App (1st) 181817.....</i>	<i>3</i>
<i>People v. Reed, 2020 IL 124940.....</i>	<i>3</i>
735 ILCS 5/2-702(a).....	5
705 ILCS 505/8(c).....	5
CONCLUSION.....	7
APPENDIX A: LIST OF AMICI WITH DATE OF CERTIFICATE OF INNOCENCE.....	a
APPENDIX B: WATTS VICTIMS/COI RECIPEINTS WHO PLED GUILTY.....	b

INTEREST OF AMICI CURIAE AND SUMMARY OF BRIEF

The *amicus* petitioners represent a portion of individuals who have been wrongfully convicted in the state of Illinois.¹ Many of the petitioners served lengthy prison sentences, whereas some received probation in lieu of prison time. Some were accused wrongfully in part due to poor procedures, misunderstood forensics, or good faith mistakes whereas others were victims of intentional misconduct by corrupt government actors. Some of the petitioners were convicted after a trial, but many were convicted as a result of guilty pleas. Yet all of petitioners share one thing in common: They all have been granted certificates of innocence (COIs) pursuant to 735 ILCS 5/2-702.

The purpose of this brief is to highlight and explain the significance of what this judicial recognition of factual innocence in the form of a COI has had on *amici*. Before doing so, however, Petitioners briefly highlight the Chicago police scandal involving corrupt former police sergeant Ronald Watts, which to date, has resulted in over 240 exonerations. The overwhelming majority of those exonerations involved pleas of guilty from individuals later certified innocent. The nefarious Watts police scandal's effect on Chicago highlights the importance of reconciliatory legal actions like certificates of innocence to restore the community's faith in the legal system.

¹ The National Registry of Exonerations ("Registry") collects, analyzes, and disseminates information about all known exonerations of innocent criminal defendants in the United States from 1989 to the present. See <https://www.law.umich.edu/special/exoneration/Pages/mission.aspx>. At the time of this writing, the Registry has documented summaries of 3,121 exonerations from across the United States. Each of the individual petitioners on this brief is documented on the Registry. This Court can learn about their specific wrongful conviction by searching for the individual case under the "Browse Cases" tab at the Web Site. The complete list of *amici* is included at the end of this brief.

ARGUMENT

For the fourth straight year, Illinois led the nation in exonerations. *See* Nat'l Registry of Exonerations ("Exoneration Registry"), Reports, Exonerations in 2021, 2020, 2019, 2018, available at <https://www.law.umich.edu/special/exoneration/Pages/about.aspx> (under Resources Tab). Illinois placed second the two years prior, and third the two years prior to that. *See id.* at Exonerations in 2017, 2016, 2015, 2014. All told, the Registry documents 498 wrongful convictions in Illinois since 1989. *See id.* available at <https://www.law.umich.edu/special/exoneration/Pages/detaillist.aspx?View={FAF6EDDB-5A68-4F8F-8A52-2C61F5BF9EA7}&FilterField1=ST&FilterValue1=IL>.

Of those 498 Illinois wrongful convictions, an astonishing 248 of them came after guilty pleas.² Further, 186³ of those guilty plea cases involve individuals framed by federally convicted former Chicago police sergeant Ronald Watts and his team of corrupt officers. *See generally People v. Glenn*, 2018 IL App (1st) 161331.

As described by the Illinois Court of Claims, during the 2000s, Chicago police Sergeant Ronald Watts and his "criminal posse of corrupt cops" ran a criminal enterprise in the Ida B. Wells Housing Project where they routinely framed innocent men and women for false criminal charges. *People v. Newman*, Order, 21 CC 3091 (Il. Ct. of Claims June 8, 2021). The Watts scandal is "one of the most staggering cases of police corruption in the history of the City of Chicago." *People v. Glenn*, Order, 19 CC 0588 (Il. Ct. of Claims Dec. 13, 2018). Watts and "officers under his direction committed many felonies that made his

² *See id.* available at https://www.law.umich.edu/special/exoneration/Pages/detaillist.aspx?View={faf6eddb-5a68-4f8f-8a52-2c61f5bf9ea7}&FilterField1=ST&FilterValue1=IL&SortField=P_x002f_FA&SortDir=Asc&FilterField2=Group&FilterValue2=P.

³ *See* Appendix B for a full listing of COI recipients who pled guilty and were victims of Watts' misconduct.

unit with the Chicago Police Department meet the statutory definition of a street gang.” *People v. Villareal*, 2021 IL App (1st) 181817, ¶ 42 (Walker, J. dissenting), *petition for leave to appeal allowed*, 175 N.E.3d 88 (Ill. 2021).

City officials ignored and covered up the police scandal for years. *Glenn*, 2018 IL App (1st) 161331, ¶ 1 (explaining that Chicago’s Office of Professional Standards “did nothing to slow down the [police] criminals”). Routinely charged with Class X or serious drug crimes officers fabricated, the vast majority of the more than 170 innocent individuals ensnared in the decade-long scandal “engage[d] in a cost-benefit assessment where, after evaluating the State’s evidence of guilt compared to the evidence available for his defense, [they chose] to plead guilty,” often in exchange for reduced charges and potential punishment. *People v. Reed*, 2020 IL 124940, ¶ 33. In these instances, the Circuit Court of Cook County has routinely and correctly concluded that these individuals did not “cause or bring about” their convictions: The corrupt officers and a system that ignored their misconduct did. Accordingly, and without exception for those cases fully adjudicated, the Watts victims who pled guilty have been granted COIs, in each case without opposition from the State’s Attorney’s Office. *See List of Watts Victims/COI Recipients that Pled Guilty* appended to this Brief.

Several of those individuals are petitioners in this brief, including Clarissa Glenn. Ms. Glenn was forced to plead guilty to avoid prison so as not to orphan her children after being framed by the corrupt Watts crew. *See Glenn*, 2018 IL App (1st) 161331. She now proudly displays the Order granting her a COI in a frame. It is the first thing you see when you enter her home. She explains why: “The reason I fought so long and hard was so the community and people close to me would know the truth. It wasn’t about the courts; it was

about the people. This certificate is the proof, and I want anyone who enters my house to know that I was always telling the truth.”

Other COI recipients have their own story, like Petitioner Randy Liebich who spent 17 years in prison wrongfully convicted of the death of the two-year-old child of his girlfriend—a boy he treated as his son. After his conviction was vacated, Mr. Liebich spent three more long years fighting for the innocence certificate, which he just received on May 23, 2022. To Mr. Liebich the expungement that comes with the COI changes everything: “I’ve been training to be a private investigator, but I couldn’t receive the certification or Permanent Employee Registration Card (PERC). The overturned conviction wasn’t enough—I needed the expungement that came with the COI. Now I got it and I can begin my career.” Even more important to Mr. Liebich, the expungement should purge any Department of Children and Family Services file: “I can now safely have children without fear that they will be taken away from me.”

Petitioner Daniel Andersen spent 27.5 years in prison—kept fighting—and then 8 years later got his conviction overturned and charges dismissed. That was life changing to Mr. Andersen, but the COI meant more: “It validated that it was not some technicality that my conviction was overturned. I was innocent. That meant something.”

Petitioner James Kluppelberg says the certificate of innocence changes how law enforcement treats him, even in a situation as simple as a traffic stop: “People don’t understand what exonerated means, but they do know what innocent means.”

Petitioner John Horton was 17 years old when arrested in 1993 and later sentenced to die in prison. Twenty-three (23) years later, his conviction was overturned, he got out of prison, and the State dropped the charges. All of that, of course, was an incredible relief

and gave him a new lease on life. But the certification of his factual innocence was something different: “It was incredibly liberating to be declared innocent in the very same courthouse that condemned me. It was the first time the legal system brought me actual joy. The happiness was a real different feeling than just having the stress alleviated.”

Petitioner Thomas Sierra was exonerated 22 years after he was taken into custody. After his exoneration, the battle for a COI was long and arduous, and now that he received it several months ago, he calls any compensation he gets “a blessing” that will help him pay off a car note and do some work on his home, although he is quick to note the money “can’t make up for the time I lost, or the pain of not being able to be a father to my daughter.” He adds: “I didn’t realize how meaningful getting the COI would be. But after waiting three long years, when I finally got the COI, it was like an enormous weight lifted off my shoulders. The Judge said I was innocent. She believed me—believed what happened to me. That has been so important to me and my family in finding a way to get closure and move on.”

Mr. Sierra notes the potential for compensation after receipt of the COI. This is no small matter and the General Assembly, no doubt cognizant of Illinois’ unique history of wrongful convictions, was explicit that allowing compensation for the factually innocent was part of its purpose in enacting the statute. The legislature aimed to provide an “avenue to obtain a finding of innocence” so that the wrongfully convicted “may obtain relief through a petition in the Court of Claims.” 735 ILCS 5/2-702(a). Indeed, the Court of Claims awards statutory compensation to individuals who receive COIs. 705 ILCS 505/8(c). The monetary award varies and is based on the amount of time in custody and

the discretion of the court, although it caps at under \$200,000 (subject to adjustment based on the Consumer Price Index in each calendar year). *Id.*

The innocent petitioners lost precious years of their lives both fighting wrongful charges and serving wrongful sentences. The emotional strain is self-evident, but they also lost time and the opportunity to have life experience such as educating themselves, working, earning money, and building equity in the job market. To that end, and needless to say, the financial compensation from the court of claims as a result of their innocence certificates is essential.

Petitioner Demetrius Johnson—who spent 13 years in prison and 28 years fighting his wrongful conviction—used the money to buy a car and is trying to start his own business. He explains that the money is helping him make his “dream[s] come true. I feel like I can spread my wings and accomplish something.”

When Petitioner Patrick Prince was released from prison after a decade-and-a-half in custody, he was staying in a dangerous part of Chicago riddled with crime with little hope of getting out and feeling safe. Once he received the money from his certificate of innocence, he moved to a comfortable and safe area of the City. He is now thriving.

Petitioner LaShawn Ezell spent a decade in prison wrongfully and another decade fighting to overturn his conviction thereafter. Once he received compensation from his certificate of innocence, he helped his mom move and bought his sister a car. He refers to these gifts as some of the proudest moments of his life: “I was really happy to be able to take care of the people who had always taken care of me.”

CONCLUSION

These are just some of the examples of how a COI is life changing for the innocent that are convicted and restorative to communities harmed. The *amici* believe that any factually innocent individual—whether they went to trial or pled guilty—deserve the same recognition and life change that comes with a judicial recognition of factual innocence.

Respectfully Submitted,

/s Joshua A. Tepfer
Joshua A. Tepfer

Joshua A. Tepfer
THE EXONERATION PROJECT
at the University of Chicago Law School
6020 S. University Avenue
Chicago, IL 60637
(312) 789-4955
josh@exonerationproject.org
ID: 44407
Counsel for Listed *Amici*

APPENDIX A:
LIST OF AMICI WITH DATE OF CERTIFICATE OF INNOCENCE

**Indicates individual pled guilty*

Daniel Andersen COI 12/18/15	Randy Liebich COI 5/23/22
*Deandre Bell COI 11/2/18 (2 cases)	*Darnell Martin COI 4/14/22
*Darryl Boyd COI 3/30/22	*David Mayberry COI 7/17/20
*Greg Dobbins COI 3/18/19	Anthony McDaniels COI 1/14/19
Lashawn Ezell COI 1/22/18	Patrick Prince COI 6/15/18
*Clarissa Glenn COI 9/25/18	*Willie Roberson COI 1/19/22
*Lakiya Gresham COI 4/12/22	*Jamell Sanders COI 5/2/19
*Maurice Harris COI 1/19/22	*Frank Saunders COI 2/13/18 Oliver
*Antonio Haywood COI 4/12/22	*Leonard Saunders COI 4/14/22
*Sonny Hendricks COI 4/12/22	Thomas Sierra COI 2/10/22
John Horton COI 12/17/18	*Oliver Sims COI 4/27/22
*Brian Hunt COI 11/2/18	Phillip Thomas COI 2/13/18
Anthony Jakes COI 6/7/19	*Walter Thomas COI 4/14/22
Demetrius Johnson COI 4/7/21	Keith Walker COI 1/24/22
James Kluppelberg COI 8/5/13	*Joseph Wright COI 4/14/22

**APPENDIX B:
WATTS VICTIMS/COI RECIPIENTS WHO PLED GUILTY**

Chauncey Ali COI 07/17/2020	Lugene Claybon COI 03/30/2022
Crystal Allen COI 03/30/2022	Eson Claybron (2 cases) COI 03/30/2022 (2)
Landon Allen COI 11/06/2018	Bobby Coleman COI 11/02/2018
George Almond (2 cases) COI 11/27/2018, 01/19/2022	Craig Colvin COI 11/27/2018
Anthony Baker COI 03/30/2022	Milton Delaney COI 11/02/2018
Ben Baker COI 04/05/2016	Gregory Dobbins COI 03/18/2019
Teshama Beal COI 03/30/2022	Christopher Farris COI 07/17/2020
Deandre Bell (2 cases) COI 11/02/2018 (2)	Marcus Gibbs COI 02/13/2018
Jimmie Bell COI 03/30/2022	Marc Giles COI 03/04/2021
Darryl Boyd COI 03/30/2022	Leonard Gipson (3 cases) COI 02/13/2018 (3)
Antwan Bradley COI 02/04/2021	Clarissa Glenn COI 04/05/2016
Javon Bradley COI 03/30/2022	Cleon Glover COI 11/02/2018
Vernell Breeland COI 03/30/2022	Darnell Goodwin COI 04/12/2022
Darron Bryd COI 03/18/2019	Lakiya Gresham COI 04/12/2022
Sean Bush COI 03/30/2022	Darnell Harris COI 01/19/2022
Raynard Carter (2 cases) COI 03/18/2019 (2)	Eveless Harris COI 03/04/2021

Maurice Harris
COI 01/19/2022

Derrick Lewis
COI 03/18/2019

Stefon Harrison (2 cases)
COI 07/17/2020 (2)

Sherman Lewis
COI 04/12/2022

Sydney Harvey
COI 03/18/2019

Russ Lipscomb
COI 04/12/2022

Antonio Haywood
COI 04/12/2022

Larry Lomax
COI 11/02/2018

Sonny Hendricks
COI 04/12/2022

Lonnell Madison
COI 04/12/2022

Tyrone Herron
COI 03/04/2021

Derrick Mapp
COI 02/04/2021

Kenneth Hicks
COI 11/27/2018

Darnell Martin
COI 04/12/2022

Terrance Hogans
COI 04/12/2022

Willie Martin
COI 11/02/2018

David Holmes
COI 02/04/2021

David Mayberry
COI 07/17/2020

Darnell Howard
COI 01/19/2022

Anthony Mays (2 cases)
COI 07/17/2020, 04/12/2022

Brian Hunt
COI 11/02/2018

Octayvia McDonald
COI 11/27/2018

Allen Jackson
COI 02/13/2018

Gregory Molette
COI 07/17/2020

Shaun James (2 cases)
COI 02/13/2018, 02/04/2021

James Moore
COI 11/02/2018

Thomas Jefferson
COI 02/13/2018

Jermaine Morris (2 cases)
COI 02/04/2021, 03/04/2021

Donald Johnson
COI 04/12/2022

Lloyd Newman
COI 03/04/2021

Zarice Johnson (2 cases)
COI 03/18/2019 (2)

JaJuan Nile
COI 07/17/2020

Marie Leaks
COI 04/12/2022

Bryant Patrick (2 cases)
COI 02/04/2021, 03/04/2021

Cordero Payne
COI 03/18/2019

Lapon Thompson
COI 11/27/2018

Mister Pearson
COI 11/02/2018

Christopher Turner (2 cases)
COI 04/12/2022

Hasaan Potts
COI 07/17/2020

Alvin Waddy
COI 03/18/2019

Lee Rainey (2 cases)
COI 06/04/2019 (2)

Gregory Warren
COI 11/02/2018

Willie Roberson , Jr.
COI 01/19/2022

Kimberly Watkins (2 cases)
COI 04/12/2022 (2)

Clifford Roberts
COI 03/04/2021

Isaac Weekly
COI 11/27/2018

Calvin Robinson
COI 07/17/2020

Lionel White Jr.
COI 05/12/2019

Jamell Sanders
COI 05/02/2019

Lionel White Sr.
COI 01/05/2017

Frank Saunders
COI 02/13/2018

Kim Wilbourn
COI 03/08/2019

Leonard Saunders
COI 04/12/2022

Theodore Wilkins (3 cases)
COI 04/12/2022 (3)

Christopher Scott
COI 01/04/2019

Leroy Williams
COI 04/12/2022

Rasaan Shannon
COI 04/12/2022

Deon Willis (2 cases)
COI 11/27/2018 (2)

Oliver Sims
COI 04/12/2022

Martez Wise
COI 11/02/2018

Taurus Smith
COI 01/04/2019

Joseph Wright
COI 04/12/2022

Alhumza Stokes
COI 07/17/2020

Gregory Young
COI 04/12/2022

Henry Thomas (2 cases)
COI 02/13/2018, 03/18/2019

Lionel White
COI 01/05/2017

Walter Thomas
COI 04/12/2022

William Carter (2 cases)
COI 09/14/2017 (2)

Bruce Powell
COI 02/16/2018

Trinere Johnson
COI 03/04/2021

Robert Forney
COI 03/15/2018

Catrina Bonner
COI 03/04/2021

Angelo Shenault Sr. (2 cases)
COI 03/15/2018 (2)

Cinque Abbott
COI 03/30/2022

Angelo Shenault Jr. (3 cases)
COI 03/15/2018 (1), 04/27/2018 (2)

Percy Bolden
COI 06/07/2022

Vondell Wilbourn (2 cases)
COI 11/02/2018 (2)

Glen Braboy
COI 03/30/2022

Joshua Curtis
COI 11/02/2018

Jason Brown
COI 06/07/2022

Rickey Henderson (4 cases)
COI 11/02/2018 (4)

Jerome Bynum
COI 06/07/2022

Nephus Thomas
COI 11/02/2018

Laurarence Coleman
COI 03/30/2022

George Ollie
COI 11/02/2018

William Crawford
COI 06/07/2022

Goleather Jefferson
COI 11/02/2018

Corey Davis
COI 03/30/2022

Harvey Blair
COI 11/06/2018

Michael Flagg
COI 06/07/2022

Germin Sims
COI 03/18/2019

Anthony Gayles
COI 03/30/2022

Robert Lindsey
COI 03/18/2019

Erica Goree
COI 06/07/2022

Jermaine Coleman (2 cases)
COI 03/18/2019, 03/30/2022

Roy Hinton
COI 06/07/2022

Jabal Stokes
COI 03/18/2019

Larry Hinton
COI 06/07/2022

Terrence Moya
COI 08/03/2020

George Key
COI 06/07/2022

Demetris Adams
COI 08/03/2020

Thomas Nash
COI 06/07/2022

James Randolph (2 cases)
COI 03/30/2022 (2)

Joseph Thompson
COI 04/13/2022

David Walker
COI 04/13/2022

Derek Walker
COI 04/13/2022

Bruce Walker
COI 04/13/2022

Antoine White
COI 06/07/2022

John Williams
COI 04/13/2022

Anthony Wright Sr.
COI 04/13/2022

Percy Bolden
COI 06/07/2022

Jason Brown
COI 06/07/2022

Jerome Bynum
COI 06/07/2022

William Crawford
COI 06/07/2022

Jerome Fears
COI 06/07/2022

Michael Flagg
COI 06/07/2022

Erica Goree
COI 06/07/2022

Larry Hinton
COI 06/07/2022

Roy Hinton
COI 06/07/2022

George Key
COI 06/07/2022

Earl Lewis
COI 06/07/2022

Thomas Nash
COI 06/07/2022

Antoine White
COI 06/07/2022

CERTIFICATE OF COMPLIANCE

Counsel for Appellant hereby certifies that this brief conforms to the requirements of Supreme Court Rule 341(a) and (b). The length of this brief, excluding the pages required for the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to appended to the brief under Rule 342(a), is 7 pages.

DATED: June 8, 2022

/s/ Joshua Tepfer

Joshua A. Tepfer
THE EXONERATION PROJECT
at the University of Chicago Law
School
6020 S. University Avenue
Chicago, IL 60637
(312) 789-4955
josh@exonerationproject.org
ID: 44407
Counsel for Listed *Amici*