

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of Drew Terrell

TIRC Claim No. 2011-040-T

FILED  
13 MAY 20 PM 2:17  
CLERK OF THE CIRCUIT COURT  
CRIMINAL DEPT.  
DOUGLASS BROWN  
CLERK

CASE DISPOSITION

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Adm. Code 3500.385 (c), it is the decision of the Commission that there is not sufficient evidence of torture to conclude that the Claim is credible, and therefore it does not merit judicial review. This decision is based upon the Findings of Fact and Conclusions set forth below, as well as the supporting record attached hereto.

Findings of Fact

1. Claimant Drew Terrell (“DT”) alleges in his Claim Form, a copy of which is attached as Exhibit A, that in 1985 Area 4 detectives punched him in the chest, twisted the collar of his shirt “stopping him from breathing”, and screamed at him and threatened him.
2. Although DT made a motion to suppress before trial generally containing the same allegations appearing in his Claim Form (however he did not state that he stopped breathing), his testimony, excerpts of which are attached as Exhibit B, was so weak<sup>1</sup> that his attorney virtually abandoned the physical coercion claim<sup>2</sup>. His testimony at trial on this issue, attached as Exhibit C, culminated with his statement that “[n]obody beat him into saying anything.”
3. During his interview with TIRC, when asked to explain the discrepancies in his testimony, he stated that he had been threatened by guards at the Cook County Jail and was therefore “conflicted” about his testimony. He also stated that he was only a teenager (18 at the time) and was intimidated on cross-examination.

<sup>1</sup> DT testified that the physical contact was “like a push more or less”; that he was not struck, hit, or punched; and that he was not injured. (Ex. B at 183,187,200-201)

<sup>2</sup> The attorney argued: “[T]he police and the Assistant States’ Attorney have gotten this statement from Mr. Terrell. Maybe not through physical force, but through deception and trickery.” (Ex. B at 229)

4. In his direct appeal from his conviction DT did argue that it was error for the trial court to deny his motion to suppress, but the Illinois Supreme Court rejected that argument, ruling that “[t]here was no credible evidence” the statement was based upon threats or physical abuse. People v. Terrell, 547 N.E.2d 145, 153-54 (Ill. Sup. Ct. 1989)
5. DT filed a post-conviction petition but did not allege that his statement was physically coerced.
6. The statement also does not appear to be a product of coercion because it states that the death was an accident, and it was clearly intended by DT to be exculpatory. In fact, DT’s testimony at trial essentially reiterated his statement to the police.

#### Conclusions

1. There is not sufficient evidence of torture to conclude that the Claim is credible because:
  - a. There is no evidence of coercion other than DT’s testimony, which is far from persuasive, and his primary explanation for the weaknesses in the testimony is not convincing because no complaints were filed against Cook County Jail personnel and there is no other record of DT’s allegations;
  - b. DT’s TIRC Claim is not corroborated in any manner, either by witnesses or physical evidence;
  - c. The detectives DT accuses have no other accusations in the TIRC database, and they are not Burge subordinates; and
  - d. The statement was clearly thought by DT to be exculpatory, reducing the likelihood that it was coerced.
2. Since there is not sufficient evidence of torture to conclude that the Claim is credible, the Claim should not be referred for judicial review.

DATED: May 20, 2013

  
\_\_\_\_\_  
Cheryl Starks  
Chair  
Illinois Torture Inquiry and  
Relief Commission

EXHIBIT A:

Drew Terrell Claim Form

**STATE OF ILLINOIS**  
**Torture Inquiry and Relief Commission**

AMENDED

**FORM TO FILE CLAIM OF TORTURE WITH ITIRC** No. : 2011.040-T

1. Name and current address of person claiming to have been tortured:  
DREW TERRELL, IDOC #N-63220  
Pontiac Correctional Center  
700 West Lincoln Street/P.O.Box 99  
Pontiac, Illinois 61764
2. Name and current address of person signing this Form (if different than No. 1 above):  
N/A  
\_\_\_\_\_  
\_\_\_\_\_
3. Details of Claimant's felony conviction based upon allegedly tortured confession:
  - a. Circuit Court: Circuit Court of Cook County, Chicago, IL
  - b. Year: 27th of August, 1985 (Alleged date of crime)
  - c. Crime(s) of Conviction: 22nd of July, 1986 (Year of Conviction) (Murder)
  - d. Sentence: Death Penalty plus Sixty years consecutive (Commuted-Life)
  - e. Case Number (if known): 85-C-010757-01
4. Details of alleged torture:
  - a. Law enforcement agency: Law Enforcement Agency (Chicago Police Dept.)
  - b. Date(s): 27th of August, 1985
  - c. Names of persons committing alleged torture: Det. Jim Clemmons of the Chicago Police Department; and Det. Peter McManamon of the Chicago Police Department.
  - d. Brief description of alleged torture: "The Police Officers punched me in my chest and twisted the collar of my shirt around my neck and throat, stopping me from breathing while they yelled and screamed: "You do know what happens to people who do not cooperate with the Police!!" At the time I feared that the police would harm me, so I gave a false confession. A false confession to protect my mother and myself.

5. Names and current addresses of persons who could support your Claim:

- a. Judge William D. O'Neal, 16501 S. Kedzie Pkwy-Markham, IL 60426
- b. Drew Terrell, Sr.-10565 S. Hale-Apt.#2, West Chicago Illinois 60643
- c. Napolean Wells, Sr.-546 W.116th St., Chicago Illinois 60628
- d. Lottie Banks-5228 S. Green St., Chicago, Illinois 60609
- e. Gail Terrell, 10925 Green Meadow, Indianapolis, IN 46229

6. Location of documentation supporting your Claim: The trial court's Common-Law Records, especially in the discovery reports, and in the very motion to suppress a false confession, all of which are part of the record in my criminal case.

Dated: 8-1-2011. Drew Terrell # NG3220.  
Claimant or Person Signing on Claimant's Behalf

RECEIVED

AUG 08 2011

TORTURE INQUIRY AND  
RELIEF COMMISSION  
ND USPS FX MM

EXHIBIT B:

Excerpts of Testimony of Drew Terrell at Motion to Suppress

SF-11-24A PENGAD/INDY, MUNCIE, IN 47302

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

DREW TERRELL,

Petitioner-Defendant herein, called as a witness on his own behalf, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY :

MR. O'NEAL:

Q : State your name, please?

A Drew Lamont Terrel, Junior, the fourth.

Q Where do you live?

A 4416 West 21st.

Q Chicago?

A Chicago, Illinois, 60623.

Q And how old are you, Drew?

A I'm nineteen years of age, sir.

Q How far did you go to school?

A I completed my third year of high school.

Q What high school?

A Manley High School, located on the West side.

Q Calling your attention to August 27, 1985, do you recall being at the police station at Harrison and Kedzie?

A Yes, sir.

1 Q But the question is, how did they treat  
2 you?

3 A Rude as well.

4 Q Now, after these officers were rude to  
5 you, did you talk to the officers again?

6 A Yes, I did.

7 Q What time was that, if you can recall?

8 A At about 7:30 maybe.

9 Q How did they treat you?

10 A They were harassing me.

11 Q What did they do to you, if anything?

12 A The officer that I was trying to recall  
13 his name, MaMahon or whatever his name is--

14 Q Yes.

15 A I was sitting in a chair, and he approached  
16 me, well, he said--he turned his chair, the back  
17 rest was toward me, and set in the chair with his  
18 arms folded across the back, and said I knew some-  
19 thing that I didn't know, and grabbed me, it was  
20 like a push more or less, and grabbed my collar.

21 Q All right. After he grabbed your collar,  
22 did anything else happen?

23 A He was steady demanding me to give him  
24 something that I did not have.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
k6

THE WITNESS: A First of all he asked me some questions, and then when he found that I -- that what I had to say was of no importance to him, then he wanted to physically have me tell him something that I still couldn't say nothing on, or mention to him.

Q What do you mean by physically?

A Officer McManoman was the officer that stated that I would have to tell him something before I would leave there, and I'm asking him what is it that he wanted me to tell him. Then he --

Q Did he do anything physical to you?

A Yes, he did.

Q What?

A He pushed me in my chest, and grabbed me in my collar, and demanded me to tell him something that I didn't know.

Q Did he do anything else?

A No, sir, not at that point, he did not.

Q Did any other officer do anything to you?

A No, sir.

MR. O'NEAL: I have nothing further.

THE COURT: The State may inquire.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Q Who else was present besides yourself and Detective McManis?

A No one, sir.

Q Pardon?

A No one, sir.

Q [REDACTED]

[REDACTED]

A [REDACTED]

Q Yes?

A [REDACTED]

Q [REDACTED]

A [REDACTED]

Q [REDACTED]

A [REDACTED]

Q [REDACTED]

A That's right.

Q When he pushed you, were his hands open or closed?

A [REDACTED]

Q And he grabbed you by the collar at that point?

A Yes, sir, he did.

Q Did he do anything to you according to you besides that?

A He threatened me.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Q ~~Did he ever punch you?~~

A ~~No, sir, he didn't.~~

Q ~~Did he ever put you on the ground?~~

A ~~No, sir, he didn't.~~

Q Did he ever pick you up out of the chair?

A No, sir.

Q Did he ever hold you against the wall?

A No, he didn't.

Q You did not receive any injuries on August 27, 1985, did you, Mr. Terrell?

A No, sir, I didn't.

Q You didn't have any bruises on your body after the police and State's Attorney left that room, did you?

A No, I did not.

Q You didn't have any cuts?

A No, sir.

Q You didn't have any lacerations?

A No, sir.

Q You didn't have any bumps?

A No, sir.

Q You didn't have any abrasions?

A No, sir.

SP-IL-24A PENGADJINBY. MUNCIE, IN 47302

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

A Yes, sir.

Q (Continuing -- or two?)

Now, when you say Detective McManoman grabbed your clothing, he didn't tear your clothing at all, did he?

A No, he did not.

Q You didn't have any blood on you, did you?

A No, sir, I didn't.

Q Now, did Officer Clemmons read you your rights?

A (No response.)

Q The first officer that you talked to at the hospital, did he give you the rights while you were at the hospital?

A No, he did not.

Q Did he give you your rights when you were over at Harrison and Kedzie?

A No, he did not.

Q But Detective McManoman gave you your rights, is that correct?

A Yes, he did.

Q And when the State's Attorney came in, he gave you your rights again, is that correct?

1 A Because McManoman brought that to my  
2 attention.

3 Q How did he do that?

4 A When he grabbed me in my collar, when he  
5 pushed me in my chest, and grabbed me in my collar,  
6 he told me that I had better tell him the truth,  
7 or--no, he said that he had a professional doctor  
8 that would come to Court stating that I'm lying,  
9 that it didn't happen the way that I said, that  
10 it happened the way that I told the first police  
11 from the first shift.

12 He said that I know what happens to  
13 people who don't cooperate with the police, and  
14 which he wasn't lying, because I know.

15 Q Now, when you gave the Court Reported  
16 statement, is it correct to say that you had already  
17 given a statement to the State's Attorney, the  
18 Assistant State's Attorney?

19 A (No response.)

20 Q Was this the first time you had given  
21 a statement?

22 A No, sir--yes, yes, that is.  
23 There was a second one too, from the Court Reporter.

24 Q Some officer told you, do you know what

1 A Officer McManoman's partner.

2 Q Where were you when they asked you to  
3 sign it?

4 A I was still in the interviewing room, where  
5 I had been all the time.

6 Q When they asked you to sign it, did you  
7 say anything?

8 A Yeah, I asked them why. He said that  
9 he would like for me to sign it so I did, I cooperated  
10 with him.

11 MR. O'NEAL: I have nothing further.

12 THE COURT: State?

13 RE-CROSS EXAMINATION

14 BY

15 MR. EPACH:

16 Q Mr. Terrell, at one point one of the  
17 Detectives told you that there was a professional  
18 doctor that said that the baby couldn't have died  
19 that way, isn't that right?

20 MR. O'NEAL: Objection.

21 THE COURT: The basis?

22 MR. O'NEAL: There has been no testimony as  
23 to how the person--or as to how the infant died.

24 MR. EPACH: Judge, it was in response to one

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

MR. O'NEAL: We have no other witnesses.

THE COURT: The Defense rests.

Does the State wish to offer any additional witnesses?

MR. EPACH: No, Judge, we don't.

THE COURT: Are both sides prepared to argue now, or do you wish a recess?

MR. EPACH: Judge, we are ready to argue.

THE COURT: Mr. O'Neal?

MR. O'NEAL: Yes, Judge.

THE COURT: The State has the burden of showing the voluntariness. I will let the State go first.

MR. EPACH: Judge, we will waive, if the Court will allow us the right to rebuttal, after Mr. O'Neal is finished.

THE COURT: Certainly.

ARGUMENT BY

MR. O'NEAL:

Judge, I believe that the crux of this matter is that the State through the police and the Assistant State's Attorney have gotten this statement from Mr. Terrell: ~~Maybe not through physical force, but through deception and trickery.~~

First of all, they have a young man here,

EXHIBIT C:

Excerpts of Trial Testimony of Drew Terrell

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

THE CLERK: Recalling Drew Terrell.

THE COURT: The State has rested. I denied the Defendant's Post-trial Motions -- post-State's case Motion. We are on the Defense side of the case.

Mr. O'Neal?

MR. O'NEAL: We will call Drew Terrell.

(WHEREUPON, the Defendant was duly sworn).

DREW TERRELL,

the Defendant herein, called as a witness in his own behalf, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY

MR. O'NEAL:

Q State your name, please?

A Terrell, Drew.

Q Spell your last name.

A T-e, double r-e, double l.

Q On August 27, 1985, where were you living?

A 3316 West 21st Street.

Q And how long had you lived there?

A Approximately three weeks, four weeks.

1 it?

2 A Yes, it is.

3 Q That's how you looked back on August 27,  
4 1985, isn't that right?

5 A Correct.

6 Q You had no scratches on you, did you?

7 A No, sir.

8 Q You had no bruises on you, did you?

9 A No.

10 Q You had no contusions on you?

11 A No, sir.

12 Q The police didn't hurt you in any way, did  
13 they?

14 A Yes, they did, sir.

15 Q Did the police put marks on you?

16 A No, they did not.

17 Q Did the police hit you?

18 A Yes, to a certain extent.

19 Q To a certain extent?

20 A Yes, sir.

21 Q Well, did they hit you in the head?

22 A No, sir, they didn't.

23 Q Did they hit you in the body?

24 A Yes, they did.

- 1 Q Where?
- 2 A In my upper chest area.
- 3 Q What did they hit you with?
- 4 A With their open hand.
- 5 Q Do you remember testifying on June 11th, 1986
- 6 in this courtroom?
- 7 A Yes, sir.
- 8 Q Do you remember my asking you whether the
- 9 police had hit you?
- 10 A Yes, I remember.
- 11 Q And you remember saying no?
- 12 A No, I do not remember saying no.
- 13 Q Well, do you remember my asking you what the
- 14 police had done to you, and your response as, "At one point
- 15 they pulled my collar." Do you remember that?
- 16 A Yes, sir.
- 17 Q Do you remember answering my question, "Was
- 18 that all"? And you said, "Yes, that was all." Do you
- 19 remember answering that question that way, Mr. Terrell?
- 20 A No, sir, I don't remember answering that
- 21 question, sir.
- 22 Q Now, when you were giving the statement, no
- 23 one was holding a gun to your head, were they?
- 24 A Not physically, no.

1 confession. I knew the police officer had confronted me.  
2 He said, "I know what happen to people that do not  
3 cooperate with the police," which is right. I do know what  
4 happened to people that do not cooperate with the police.  
5 So, therefore, physically he didn't touch me, true enough.  
6 But mentally, I knew what the outcome was gone be in the  
7 long run.

8 Q Nobody touched you, did they?

9 A Yes, sir.

10 Q You just said nobody touched you.

11 A As far as beating me, no, sir.

12 Q Nobody beat you into saying anything?

13 A No, sir, they did not.

14 Q Nobody put those words in your mouth, did  
15 they?

16 A More or less, you can say that, because I  
17 knew --

18 Q Well, nobody coached you into saying any  
19 specific thing, did they?

20 A Sure they did.

21 Q Well, did anybody say, "Mr. Terrell, you are  
22 going to say, you are checking the pain response?" Did  
23 anybody tell you that?

24 A No, sir, they did not.