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BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

13 JUL 25 PM 2:21

In re:

Claim of Kevin Murray

CLERK OF THE CIRCUIT COURT
CRIMINAL DEPT.

CLERK
DOROTHY BROWN

TIRC Claim No. 2012.108-M

CASE DISPOSITION

Pursuant to 775 ILCS 40/40(c) and 2 Ill. Adm. Code 3500.385(b), it is the decision of the Commission that, by a preponderance of the evidence, there is sufficient evidence of torture to conclude that the Claim is credible and merits judicial review for appropriate relief. 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. On November 12, 1987, a double murder took place on the west side of Chicago.
2. On January 18, 1988, Chicago Police Detective Kristen Kato went to the home of Claimant Kevin Murray ("KM") and took KM to the Area 4 Violent Crimes Unit located at Harrison and Kedzie.
3. KM was placed in a windowless room on the second floor and remained there for approximately 35 hours before he gave the court-reported confession attached as Exhibit A.
4. During this 35 hour period Detectives Kato and John Summerville slapped KM on the head, hit him in the neck, punched and kned him in the stomach, punched him in the ribs, and kicked him in the leg, groin, and chest.
5. The night of January 20 KM met with attorney George Zuganelis ("GZ") in the police station at Harrison and Kedzie. As set forth in Exhibit B, KM was crying and told GZ that he had been beaten. GZ had KM pull up his sweater and t-shirt, and GZ observed marks on KM's chest and abdominal area. He also observed marks on KM's arms. KM's sweater, which was white in color, had an imprint of a footprint on the chest.
6. As set forth in Exhibit C, when GZ appeared in court with KM on January 21, GZ told the court that KM had been beaten and asked that KM be

photographed and taken to the hospital. The judge ordered that KM be taken to the hospital, as set forth in Exhibit D.

7. As set forth in Exhibit E, the next time KM appeared in court on February 5, GZ informed the court that KM had not been taken to the hospital, and the court entered another order to that effect. These court orders were ignored and KM was never taken to the hospital.
8. GZ obtained custody of KM's sweater and later turned it over to KM's trial counsel.
9. KM was indicted for the murders in the Circuit Court of Cook County in case no. 88 CR 2309.
10. Before trial KM filed a motion to suppress his confession and testified at the hearing on the motion. The motion was denied because the trial judge¹ found the testimony of Kato and Summerville, denying that any mistreatment occurred, to be more credible than the testimony of KM.
11. The following evidence was not introduced at the hearing on the motion:
 - a. The testimony of GZ and the white sweater;
 - b. Evidence that at least 20 excessive force complaints had been lodged against Kato with the Office of Professional Standards of the Chicago Police Department between 1985 and 1991 , and that at least 15 additional people had maintained in court or legal documents that Kato beat them²;
 - c. Evidence that in 1995 Summerville was sentenced to 4 years in prison for sexually abusing women during traffic stops.
12. At trial the prosecution's case, apart from the confession, was virtually nonexistent. There were no eyewitness identifications or physical evidence tying KM to the murders. There was no accomplice testimony. The murder weapons were never recovered. The only evidence linking KM directly to the murders was the confession.
13. In his motion for a new trial following his conviction, KM argued that it was error to deny his motion to suppress statements because his confession was involuntary.

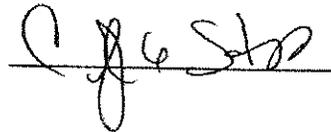
¹ The judge was Thomas Maloney, who was later convicted of racketeering, bribery, and other judicial corruption in the Federal Operation Greylord probe.

² See "Good Cop, Bad Cop: what is it about Detective Kristen Kato that makes murder suspects so eager to confess?", *Chicago Reader* , December 12,1991 . Trial counsel for KM did seek to introduce evidence of three other cases of excessive force involving Kato and Summerville, as set forth in Exhibit F, but Judge Maloney refused to allow them to be used, in spite of the fact that many of the allegations bear a striking resemblance to those of KM (kicks to the chest and back, and slaps and punches to the face and head).

Conclusions

1. The Commission's Inquiry has demonstrated that this Claim is credible by a preponderance of the evidence, in that:
 - a. KM has maintained from the beginning, from the time he first met with his attorney the day the confession was given, that he had been beaten into confessing. The attorney observed marks on KM's body and a footprint in the middle of the chest area of KM's sweater;
 - b. KM's efforts to obtain further corroboration through medical examination were stymied by the failure of the authorities to comply with court orders to send him to the hospital;
 - c. The sweater was recovered and provided physical corroboration of KM's Claim.
2. The backgrounds of the detectives lend further credence to the Claim:
 - a. At the time KM was taken to Area 4 this was a "cold" case: the police investigation was at a dead end and KM's confession provided a marvelous "solution";
 - b. This is the type of case in which Kato has been accused of specializing throughout his career, and there is an abundance of pattern and practice evidence, including the testimony the defense sought to introduce at the trial.
3. KM was in custody for a lengthy period before the confession was extracted, there is no other evidence directly implicating KM in the murders, and the confession is very cursory in nature and contains no details which could not be easily fed to KM by the detectives.

DATED: July 25, 2013



Cheryl Starks
Chair
Illinois Torture Inquiry and
Relief Commission

EXHIBIT A:

Statement of Kevin Murray

RE: INVESTIGATION (DEATH OF BRIAN FOWLER AND DUJUAN BUCK)

S T A T E M E N T

OF

KEVIN MURRAY,

taken in an interview room, Area 4 Violent Crimes, Chicago Police Department, Harrison and Kedzie, Chicago, Cook County, Illinois, on Wednesday, January 20, 1988, at the hour of 9:35 o'clock a.m.

PRESENT: MR. DAVID LAVIN,
Assistant State's Attorney

Detective Summerville,
Star No. 16520,
Area 4 Violent Crimes

Reported by: Janet K. Lupa
Book No. 8801-3

*Kevin Murray
DC
Jan 25*

MR. LAVIN: Let the record reflect that we are in an interview room at Area 4 Violent Crimes. Today's date is January 20, 1988. The time is approximately 9:35 a.m. Present in the room with me, Assistant State's Attorney David Lavin is Detective Summerville; the court reporter, Janet Lupa and the defendant, Kevin Murray.

We are here to take the statement of Kevin Murray concerning the investigation of the shooting death of Brian Fowler and Dujuan Buck which occurred on November 13, 1987, at approximately 3:50 a.m., at 3339 West Fulton in Chicago.

Now, Kevin, I talked to you earlier and explained that I am an assistant state's attorney, a lawyer working with the police and not your lawyer, is that correct?

DC 48685

Q And before we spoke I advised you of your constitutional rights, is that correct?

A Yes, sir.

Q I'm going to read you your rights again.

Do you understand that you have the right to remain silent?

A Yes, sir.

Q Do you understand that anything you say can be used against you in a court of law?

A Yes, sir.

Q Do you understand that you have the right to talk to a lawyer and have him present with you while you are being questioned?

A Yes, sir.

Q Do you understand if you cannot afford to hire a lawyer one would be appointed by the court to represent you before any questioning, if you wish one?

A Yes, sir.

Q Knowing all these rights do you wish to talk to us now?

A Yes, sir.

Q I want to direct your attention to November 12, 1987, on that day did you meet with a group of people?

A Yes, sir.

Q Who else was at that meeting?

A Me, Jet, Nose, Paris, Sam.

Q What is Nose's real name?

A Tyrone.

KIM DC

Det. S.S.

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Q Do you know his real name?

A Tyrone.

Q Do you know his last name?

A No, sir.

Q By the way, do you have another name you're known as?

A No, sir.

Q Are you sometimes called Lamont?

A Yes, sir.

Q Where was the meeting at?

A In Nose's basement, 3200 Fulton.

Q Who called the meeting?

A Sam.

Q Does Sam have a last name?

A McKay.

Q Who is Sam McKay?

A King of the Souls.

Q What is the Souls?

A A group of -- A gang, group.

Q You stated he's the King of the Souls?

A King of the Souls.

Q Is he the one that called the meeting?

A Yes, sir.

Q What was the purpose of the meeting?

A Purpose of the meeting was about people selling drugs around his territory.

Q And what did McKay say at the meeting about those

R. M. Dr. Per. J. S.

J-18600

A Said anybody selling drugs in his territory he wants them killed.

Q Did he name any names of who he wanted to kill?

A Smittie and his boys.

Q Do you know who Smittie is?

A Smittie.

Q Is he another person that sells drugs in the area?

A Yeah, he sells drugs in that area. That's who he is, yes, sir.

Q Who do you work for?

A Sam McKay.

Q What do you do for Sam McKay?

A Whatever he tells me to do.

Q Does he pay you?

A Yes, sir.

Q How much does he pay you?

A ^{WARRANT} 450.00 a week.

Q After the meeting where did you go?

A Back to the house.

Q Whose house?

A Sam McKay's coke house.

Q Later that day did you meet up again with other Souls?

A Yes, sir.

Q Who?

A Jet, Sam, Nose and Paris.

Q Did you go anywhere at that time?

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K.M.D.

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Q Where did you go?

A Out to the car.

Q Who went out to the car with you?

A Nobody.

Q Did you at some time meet up again with Tyrone and Jet?

A Yes, sir.

Q Where did you go with Tyrone and Jet?

A Riding around looking for Smittie.

Q Who was driving at that time?

A I was, sir.

Q And why were you driving them around?

A To find Smittie.

Q What were they going to do with Smittie when they caught him?

A Kill him.

Q Did you know this when you got in the car?

A Yes, sir.

Q Did you ever see Tyrone or Jet with any guns?

A Yes, sir.

Q What kind of guns did they have?

A Two Uzis.

Q Did they have any other weapons?

A No, sir.

Q How long were you driving around for before you stopped?

A About an hour and a half, or two.

K. M. D. 11

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A 'Cause they say some boys selling drugs, seen Smittie's boys out there selling drugs.

Q What do you mean when you say Smittie's boys, who do you mean by that?

A His workers.

Q What happened after you stopped the car?

A They got out and went through the gangway.

Q Who is they?

A Jet and Tyrone, Nose.

Q What happened then?

A I made a U-turn and I parked.

Q What happened then?

A Then I heard some shooting.

Q How many shots did you hear fired?

A There was a lot of them. It was all at once.

Q What happened then?

A Then I rode around in the back of the alley on Homan -- on Fulton. Then they ran through the gangway and jumped in the car with me.

Q Kevin, since you have been here have the police treated you okay?

A Yes, sir.

Q Have you been given something to eat and drink?

A Yes, sir.

Q What have you had to eat since you have been here?

A Twinkies, pop and bologna.

Q Have you been allowed to go to the bathroom?

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Q Has anybody promised you anything in return for this statement?

A No, sir.

Q Has anybody threatened you to make this statement?

A No, sir.

MR. LAVIN: It is now approximately 9:43 and that will conclude the statement of Kevin Murray.

Kevin Murray

WITNESSES TO SIGNATURE.

David Lavin

Det. J. Scanlon 16520

EXHIBIT B:

Excerpts of Transcript of Proceedings dated September 7, 1990

1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS:

3
4 IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION

5
6 THE PEOPLE OF THE)
STATE OF ILLINOIS)
7)
8 vs) Indictment No. 89-2309
9) Before: JUDGE THOMAS MALONEY
and a Jury;
10 KEVIN MURRAY)
(Impleaded)) Friday, September 7, 1990.

11
12 Court having reconvened pursuant to adjournment.

13 APPEARANCES:

14 HON. JACK O'MALLEY,
15 State's Attorney of Cook County, by
MR. THOMAS HENNELLY and
16 MR. RAYMOND BROGAN,
Assistant State's Attorneys,
17 appeared on behalf of the People;

18 MR. RANDOLPH STONE,
19 Public Defender of Cook County, by
MS. KAREN SHIELDS and
20 MR. KEVIN SMITH,
Assistant Public Defenders,
21 appeared on behalf of the Defendant;

22 Annette W. Washington
Official Court Reporter
2650 South California
23 Chicago, Illinois 60608

24

1 THE COURT: Good morning ladies and gentlemen. You
2 may proceed. Defense may proceed. Call your next
3 witness.

4 MS. SHIELDS: Our next witness is George Zuganelis.

5 GEORGE ZUGANELIS,
6 called as a witness on behalf of the Defendant herein,
7 having been first duly sworn, was examined and
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MS. SHIELDS:

11 Q. Would you state your name and spell your last
12 name please?

13 A. My name is George Zuganelis. Z-u-g-a-n-e-l-i-s.

14 Q. What is your occupation?

15 A. I'm an attorney.

16 Q. And are you licensed to practice in the State
17 of Illinois?

18 A. Yes, I am.

19 Q. Were you so licensed in January of 1988?

20 A. Yes, I was.

21 Q. Do you know Kevin Murray?

22 A. Yes.

23 Q. And how do you know Kevin Murray?

24 A. I know him because I represented him for a

1 week or two in January of 1988.

2 Q. Do you see him in the courtroom today?

3 A. Yes, I do.

4 Q. Would you point him out, please?

5 A. He's the black gentleman at the defense
6 table.

7 THE COURT: Defendant is identified.

8 MS. SHIELDS:

9 Q. Mr. Zuganelis, when did you first meet Kevin
10 Murray?

11 A. I met him on a Wednesday evening in January
12 toward the -- toward the end of January. I don't
13 remember the exact date.

14 Q. This is 1988?

15 A. In 1988. And it was about 7:00 o'clock in
16 the evening when I first saw him.

17 Q. Where did you see him?

18 A. At Area 4 police station. I think it's the
19 11th District. It's Harrison and Kedzie, at any rate.

20 Q. And how did you happen to go there?

21 A. I received a call from his mother, I think.
22 It was a female family member. And she asked me to go
23 there on behalf of Kevin. And that was about 6:00
24 o'clock in the evening. At 7:00 o'clock in the

1 evening I was at the police station.

2 Q. Did you see Kevin there?

3 A. Yes, I did.

4 Q. Where did you see him?

5 A. In the interview room just to the left of the
6 desk sergeants station on the first floor of the
7 police station.

8 Q. When you saw Kevin there, were you alone with
9 him or was anyone else with you?

10 A. I was alone with Kevin.

11 Q. What kind of a room were you in?

12 A. It's a small room. It's -- I would say about
13 ten feet long. Maybe a little longer. About three or
14 four feet wide. There is a partition, glass partition
15 and desk partition separating me from Mr. Murray. And
16 there was a wire section of -- in the middle of the
17 glass I speak to him through and he could speak back.

18 Q. You could see him?

19 A. Yes, I could.

20 Q. Now, did you notice anything unusual about
21 Kevin at that time?

22 A. Yes, I did.

23 Q. What was that?

24 A. Well, he was crying. And he was wearing a

1 sweater that had a mark in the middle of his chest
2 that appeared to be a footprint.

3 MR. HENNELLY: Objection.

4 THE COURT: Objection sustained. Will be stricken.

5 MS. SHIELDS:

6 Q. What color was that sweater?

7 A. The sweater was white.

8 Q. And when you saw him in this sweater and he
9 was crying, did you talk to him?

10 A. Yes, I did.

11 Q. And did he tell you anything about what had
12 occurred?

13 A. Yes, he did.

14 Q. What did he tell you?

15 MR. HENNELLY: Objection.

16 MR. BROGAN: Objection.

17 THE COURT: Objection sustained.

18 MS. SHIELDS: Judge, it goes directly to the heart
19 of the matter --

20 THE COURT: Please do not argue about the ruling.
21 Objection sustained.

22 MS. SHIELDS:

23 Q. Now, Mr. Zuganelis, how long did you talk to
24 him that night?

1 A. About a half hour. Maybe forty-five minutes.
2 I don't remember exactly.

3 Q. Did you observe anything on -- about his
4 body?

5 A. Yes. After I made my initial observations
6 and after what he told me, I asked him to pull his
7 sweater up. And I believe he had a T-shirt under the
8 sweater.

9 Q. Did he do that?

10 A. Yes, he did.

11 Q. What did you see?

12 A. I saw some red and blue marks. One in the
13 chest area and a couple around the abdominal area.
14 And I -- I believe -- I don't really know for sure.
15 After all this time. I -- I think I saw some on the
16 kidney area. And then I saw some marks similar on the
17 arms.

18 Q. When was the next time that you saw Kevin?

19 A. Either the next day or the day after that in
20 court here at 26th and California.

21 Q. Do you remember what courtroom that was?

22 A. It was Branch 66. At that time, I believe it
23 was room 402.

24 Q. And did you do anything -- well, how was

1 Kevin dressed when he came into that courtroom?

2 A. He was dressed exactly the same he was
3 dressed the evening I saw him.

4 Q. That was in the white sweater?

5 A. White sweater, dark pants.

6 Q. Did you do anything with that sweater, at
7 that time?

8 A. Yes.

9 THE COURT: Objection sustained to leading.

10 MS. SHIELDS:

11 Q. What did you do when you saw Mr. Murray, at
12 that time?

13 A. I took the sweater from him and kept it in my
14 possession.

15 Q. Where did you keep it?

16 A. I kept it in my office in a drawer. In my
17 desk drawer.

18 Q. How long was it there?

19 A. About a year and a half until about last
20 September when I turned it over to you.

21 Q. How did he get -- who did you actually turn
22 it over to?

23 A. Well, I turned it over to the clerk you sent
24 over. You called me before hand and said he was

1 coming and I gave it to him.

2 MS. SHIELDS: May I approach the witness?

3 THE COURT: You may.

4 MS. SHIELDS:

5 Q. I'm going to show you, Mr. Zuganelis, what's
6 been marked Defense Exhibit Number 5 and ask you if
7 you recognize what this is?

8 A. Yes, I do.

9 Q. What is this?

10 A. That's a sweater that I saw on Kevin Murray.
11 And then, took from him the -- within the next day or
12 2 at court.

13 Q. Is it in the same condition that it was when
14 you took it from him and when you saw it on him in the
15 jail?

16 A. Yes, it is.

17 Q. Is there anything different about this
18 sweater, at this time, that you can see?

19 A. No, not that I can see.

20 Q. And again, that was in January of 1988?

21 A. Yes.

22 MS. SHIELDS: One moment, Judge.

23 THE COURT: Yes.

24 MS. SHIELDS:

EXHIBIT C:

Excerpts of Transcript of Proceedings dated January 21, 1988

FILED

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AGNELIA PUCINSKI
CLERK OF THE CIRCUIT COURT
CRIMINAL DIVISION

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STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY
MUNICIPAL DEPARTMENT - FIRST DISTRICT

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
)
) Branch 66
)
TYRONE WASHINGTON,)
KEVIN MURRAY.)

REPORT OF PROCEEDINGS

BE IT REMEMBERED that on the 21st day
of January, A.D., 1988, this cause came on for
hearing before the Honorable MICHAEL BUCKLEY BOLAN,
Judge of said court.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney of Cook County, by

MR. JOHN BRADY,
and
MR. JOHN HENNELLY,
Assistant State's Attorneys,
appeared for the People;

MR. PAUL P. BIEBEL, JR.,
Acting Public Defender of Cook County, by

MS. MARY DANAHY,
Assistant Public Defender,
appeared for the Defendant Tyrone Washington;

MR. GEORGE ZUGANELIS,
appeared for the Defendant Kevin Murray.

bjw

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SF-IL-24A

1 DEFENDANT WASHINGTON: No, your Honor.

2 THE COURT: I'll appoint one for you.

3 Can you afford a lawyer?

4 THE DEFENDANT: I don't know.

5 THE COURT: Okay. I'll appoint one for you.

6 Now, State, what do you want, what
7 date do you want?

8 MR. HENNELLY: February the 5th, Judge?

9 THE COURT: Motion State defendants demand,
10 February the 5th.

11 MR. ZUGANELIS: Judge, before we go any further,
12 Mr. Murray was arrested shortly after midnight on
13 the 19th of this month, 19th of January.

14 THE COURT: Okay.

15 MR. ZUGANELIS: So the first time he was allowed
16 to make a phone call or speak to anybody was more than
17 36 hours later. He was in custody of the police more
18 than 24 hours before he gave a statement. Each time,
19 during the first 24 hours, he demanded to make phone
20 calls, they denied him to make a phone call. They
21 beat him, Judge, beat him on the chest, side and leg --

22 MR. BRADY: We object.

23 MR. ZUGANELIS: Excuse me, please.

24 MR. BRADY: Objection.

1 MR. ZUGANELIS: He can make his objection later,
2 Judge.

3 MR. BRADY: I can make my objection right now.

4 MR. ZUGANELIS: Judge --

5 THE COURT: Counsel, counsels will not have
6 dialogue between the two of you.

7 What you are trying to do, Counsel, is
8 make a record and it is inappropriate, at this time,
9 for two reasons.

10 One, I don't -- I'm not hearing
11 pretrial motions and it's appropriate for pretrial
12 motions.

13 Second, the delay between arrest and
14 effectuating the constitutional rights is not a per se
15 violation in Illinois.

16 MR. ZUGANELIS: No.

17 THE COURT: And you would have to show actual
18 prejudice and this is not the place to do it.

19 MR. ZUGANELIS: Well, what I was asking your
20 Honor for, before I was interrupted, was n order that
21 Mr. Murray be taken to Cermak Hospital so that his
22 complaints can be looked after by the --

23 THE COURT: Fine.

24 MR. ZUGANELIS: That's what I was asking before

1 THE COURT: That's the next step.

2 MR. ZUGANELIS: I would also ask that Mr. Murray
3 be photographed while in custody today.

4 THE COURT: You have a photographer?

5 MR. ZUGANELIS: I don't have an investigator or
6 photographer. I would ask if the Public Defender
7 would, although they're not representing him.

8 THE COURT: No, and I can't order them. It's
9 their photographer, their county funds --

10 MR. ZUGANELIS: Well, Mr. Murray will be glad
11 to pay for the time.

12 THE COURT: Pardon me?

13 MR. ZUGANELIS: He'll be glad to pay for the time.

14 THE COURT: Work that out among yourselves.

15 MS. DANAHY: I'll certainly inquire, Judge.

16 MR. ZUGANELIS: Thank you.

17 THE COURT: All right, double homicide.

18 MR. BRADY: Yes.

19 THE COURT: That's a capital offense in Illinois.

20 MR. BRADY: That's correct.

21 THE COURT: Is that the State's posture?

22 MR. HENNELLY: Yes, your Honor.

23 MR. BRADY: Yes, your Honor.

24 MS. DANAHY: Your Honor, if the State is seeking --

EXHIBIT D:

Mittimus Order dated January 21, 1988

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

DEPARTMENT

(County) _____ (Municipal) _____ (Division) _____ (District) _____

People of the State of Illinois

Kevin Murray
Defendant

No. 88107346

Address 2724 W Gladys 1st HOSPITAL

ORDER COMMITTING DEFENDANT TO COOK COUNTY DEPARTMENT OF CORRECTIONS FOR FAILURE TO GIVE BAIL

This cause coming on to be heard and the court after considering (a) the following charges filed against the defendant;

Charge	Ch.	Ill. Rev. Stat. Sec.	Par.
<i>Murder</i>	<i>38</i>	<i>9</i>	<i>1</i>
<i>Murder</i>	<i>38</i>	<i>9</i>	<i>1</i>
_____	_____	_____	_____
_____	_____	_____	_____

(b) the amount of bail for the release of the defendant; and
(c) the inability of the defendant to give bail,

IT IS ORDERED that the amount of bail on the charge of _____ is hereby set at no bond Dollars which shall stand as bail for all other charges enumerated above.

IT IS FURTHER ORDERED that the Sheriff of Cook County shall take the defendant Kevin Murray into custody and confine him in the Department of Corrections of Cook County until he gives bail as required by this order.

IT IS FURTHER ORDERED that if the defendant does not give bail, the Sheriff of Cook County shall bring him before the Judge sitting in Branch 66, located at 2550 Calhoun on 2-5-88, at 9:30 for a hearing. ROOM 402

IT IS FURTHER ORDERED that if the defendant does give bail, the Clerk of the Court shall indicate on the bail bond (1) the time and place of the court hearing shown above, and (2) all charges filed against the defendant.

IT IS FURTHER ORDERED that if the defendant is released on bail, he shall appear for a hearing at the time and place as shown above.

IT IS FURTHER ORDERED that the Clerk of the Court shall deliver a copy of this order to the Sheriff of Cook County.

PREPARED BY: [Signature] Deputy Clerk
ENTERED: [Signature] Judge
DATED: 1-21-88 BRANCH CT. 66 CODE NUMBER 93

INSTRUCTIONS

CLERK is requested to fill in the following information:

1. Name and address of counsel for defendant _____

2. Police Individual Record No. 781414 Illinois Bureau Identification No. _____

3. ILL. Rev. Stat.

Complaint No.	Charge	Ch.	Sec.	Par.	Disposition of Complaint
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

MORGAN M. FINLEY, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

EXHIBIT E:

Excerpts of Transcript of Proceedings dated February 5, 1988

1 THE CLERK: Tyrone Milton, also known as Tyrone
2 Washington. Counsel filed his appearance and also
3 signed in this afternoon. Co-Defendant Kevin Murray.

4 MR. ZUGANELIS: George Zuganelis, I represent
5 Kevin Murray who is before your Honor to my right.

6 MR. MARZULLO: For the record, Salvatore
7 Marzullo, appearing on behalf of Defendant Tyrone
8 Washington.

9 MR. MULLINS: James Mullins, Assistant Public
10 Defender, here on behalf of Frank Marino, but ask
11 leave to withdraw.

12 THE COURT: All right. Public Defender given
13 leave to withdraw.

14 MR. ZUGANELIS: Judge, before we go any further,
15 your Honor ordered that Mr. Murray be taken to the
16 hospital last time before you, and it was put on the
17 mitt and he has yet to be taken to the hospital.

18 THE COURT: All right. All I can do is enter an
19 order.

20 MR. ZUGANELIS: Well, I think if he's not taken
21 to the hospital this time we should be able to do
22 something about it, since your Honor has ordered it
23 twice, somebody is violating the order by not sending
24 him.

1 THE COURT: Take him to the hospital for chest
2 pain, right here, attach it to the mittimus.

3 All right. State?

4 MR. BRADY: This has been presented to the
5 February Grand Jury, returned a true bill 301, Chief
6 Judge for arraignment February 29th, 1988.

7 THE COURT: All right. Next court date for
8 arraignment.

9 MR. MARZULLO: Judge, what's Mr. Washington's
10 bond.

11 THE COURT: All right. Washington's bond is --

12 MR. BRADY: These are no bond capital cases.

13 MR. ZUGANELIS: Yes, Judge.

14 THE COURT: All right. One is twenty-five
15 hundred -- or five thousand -- this must be something
16 else.

17 MR. MARZULLO: I'd imagine.

18 THE COURT: All right. Maybe I'm missing
19 something. I am.

20 Yes, it says no bail.

21 MR. MARZULLO: That would be 2-29 Chief Judge?

22 THE COURT: Yes.

23 MR. ZUGANELIS: Judge, when I spoke to you --

24 THE COURT: All right. It's attached to the

EXHIBIT F:

Summary of Testimony of Defense Witnesses in Murray Case

TO: Assistant States Attorney Hennelly
FROM: Assistant Public Defender Shields
DATE: August 21, 1990

AURELLA PUCINSKI
CLERK OF THE
CRIMINAL JUSTICE COURT

SEP 05 1990

FILED

MEMO AS TO SUMMARY OF TESTIMONY OF
DEFENSE WITNESSES IN KEVIN MURRAY CASE

1. Kenneth Crawford:

Kenneth Crawford was arrested in June 1989. He was taken to Harrison and Kedzie; and up to Detective Kato, who told him he (Crawford) had committed a murder. While in the interview room, Detective Kato kicked Crawford in the chest. He slapped Crawford a couple of times on the face. Detective Kato also bent his finger back, ripping open a cut and tearing the ligaments in the finger. He remained in the interview room overnight, and made the statement based on what Detective Kato told him to say.

2. Gregory Lewis

Mr. Lewis was arrested on 26 September 88, by Detectives Kato, Williams and Stack. He was taken to Area 4 (Harrison and Kedzie). On the way to Area 4 he was handcuffed and was lying in the back seat of the police car. Also in the back seat were Detectives Williams and Kato. Detective Kato asked him questions regarding a murder. Lewis denied any knowledge at which time Detective Kato struck Lewis on the testicles with a flashlight. This occurred twice.

At Area 4, Lewis was kicked in the chest by Detective Kato. After being placed in an interview room at Area 4, Detective Kato entered the room. He asked questions about a murder and told Lewis that he was lying and going to tell what happened. Detective Kato stood him up and hit him with his fist in the body and kicked him in the stomach. Detective Kato continued to ask questions about a murder and hit him on both sides of his head. Lewis agreed then to say what Detective Kato wanted.

3. Walter Lacy

Mr. Lacy was arrested on 24 May 88, by Detectives Summerville and Calabrese. While being transported from the location of the arrest to Area 4 Headquarters, Lacy was questioned about a murder. Lacy was placed in an interview room and left unhandcuffed by Detective Rybicki. Detective Summerville came in and handcuffed Lacy to the ring. He slapped Lacy, made a comment and left. He later returned and slapped him while accusing him of a murder. When Lacy fell out of his chair after being slapped, a second detective punched him and Detective Summerville kicked him in the back. Lacy told them to stop beating on him and he would say anything they wanted. Lacy had bruises and was sore.

4. Clifford Lake and Darryl Glass

Both Clifford Lake and Darryl Glass have currently pending charges and are housed in Cook County Jail Division 6 Tier 1Q. Kevin Murray is housed in Cook county Jail Division 6 Tier 1Q. All three were there when Wachtel Barnes was on 1Q, which was from January 1990 into March 1990.

One day in January or February, Clifford Lake and Darryl Glass were in the dayroom in the presence of Wachtel Barnes. Barnes had a folder in his hands and was reading police reports about the murder for which Kevin Murray is charged. Glass and Lake joined Wachtel in reading the reports aloud and laughing.