

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

JUN 21 2012

DOROTHY BROWN
CLERK OF CIRCUIT COURT

In re:

Claim of Lindsey Anderson

TIRC Claim No.: 2011.002-A

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 Lindsey Anderson (“LA”) alleges in his Claim Form, attached as Exhibit A, that in 1994 at the Chicago Police station at 51st and Wentworth detectives slapped him in the chest several times, threatened him, and that some of his braided hair was pulled out of his scalp, resulting in a bald spot on his head. He also claims that he was left in a “cold storage room” for several hours.

2. LA moved to suppress his statement before trial alleging that he suffered physical abuse, but his testimony at the hearing differs markedly from his Claim Form. LA testified that Detective Richard Paladino grabbed LA’s throat and struck his chest several times. (Transcript of Proceedings dated April 13, 1996, attached as Exhibit B, at B85-86) LA stated that Paladino was not choking him, and that being grabbed by the throat only hurt “a little bit”, but it frightened him. (Id. at B87) However, he did not testify that his braids were pulled out, or that he was left in a cold storage room in the basement for several hours¹. The only torture claim made in both the motion and his Claim Form is that he was hit in the chest several times with open hand slaps.

3. The Commission’s investigation has not revealed any credible explanation why LA failed to testify about his most compelling torture claim - his braided hair being pulled out of his scalp – during the hearing on his motion to suppress. Thus, LA’s most substantial torture claim lacks consistency. The allegations regarding the grabbing of his throat and being left in the cold storage room also lack consistency.

¹ His primary claim at the hearing was that neither his parents nor a youth officer was present during the interrogation.

4. What is left are the allegations of open hand slaps to the chest. Even if true, this would not appear to fit the definition of “torture” because it would not cause a reasonable person in LA’s position to experience severe physical or mental suffering, although it must be noted that LA was 16 at the time and his parents were not present at the interrogation.

5. The attorney who represented LA at his motion to suppress and at trial was interviewed. He stated that he recalled LA’s case, and that at the time of his representation he did not see any injury or bald spot on LA’s head. During the hearing the attorney only briefly mentioned the incident, stating that LA’s “hair [was] being tugged.” When asked what he meant, the attorney stated that he was simply arguing that LA’s hair was tugged, but was not claiming that his hair was pulled out of his scalp.

6. No physical abuse claim was raised on direct appeal of his conviction, nor did LA mention physical abuse in his 2002 Motion for Reduction of Sentence.

7. There is no record of any post-conviction petitions.

8. There was little incentive to coerce a statement in this case because the evidence against LA was very strong. He and three other occupants of the car were arrested a few blocks from the drive-by shooting after nearby police officers heard shots and engaged in hot pursuit. Four eyewitnesses identified LA as the front passenger, and two said they saw LA point a gun out of the window. One said LA was waving a gun, and another said LA was shooting in the air. Four weapons were recovered from the car. LA tested positive on a gunshot residue (GSR) test, and the Crime Lab analyst testified that LA had the highest GSR level amongst the four occupants of the car.

9. LA’s statement also does not appear to be the product of coercion because it blames the other occupants of the car for firing the fatal shot, and was clearly intended by LA to be exculpatory. Although it incriminates him under an accountability theory, at trial the defense partially adopted the statement to support an argument that LA did not inflict the fatal wound.

10. LA’s Claim Form states that affidavits by Vincent and Denis Davis would support his Claim by alleging that they heard LA screaming at the police station and witnessed blood running down his neck. However, neither affidavit contains any statements to that affect.

Conclusions

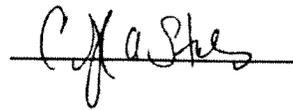
1. There is not sufficient evidence of torture to conclude that the Claim is credible because:

- a. LA’s claims of abuse have not been consistent in their content, and his statements generally lack credibility;

- b. His TIRC Claim is not corroborated in any manner;
- c. The detective LA accuses had no motive to abuse LA because the prosecution had ample evidence of LA's guilt independent of the statement;
- d. The detective LA accuses has no other accusations in the TIRC database;
- e. The statement was clearly thought by LA to be exculpatory, reducing the likelihood that it was coerced; and
- f. Even assuming the allegations of chest-slapping are true, it does not appear to constitute "torture" under the TIRC definition set forth at 20 Ill. Adm. Code 2000.10.

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: June 21, 2012



Cheryl Starks
Chair
Illinois Torture Inquiry and
Relief Commission

EXHIBIT A:

TIRC Claim Form of Lindsey Anderson

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STATE OF ILLINOIS
Torture Inquiry and Relief Commission

TORTURE INQUIRY AND
RELIEF COMMISSION
HD 11SPS FX MM

FORM TO FILE CLAIM OF TORTURE WITH ITIRC

1. Name and current address of person claiming to have been tortured:

LINDSEY L. ANDERSON
1096 1350th Street #
LINCOLN ILL. 62656

2. Name and current address of person signing this Form (if different than No. 1 above):

3. Details of Claimant's felony conviction based upon allegedly tortured confession:

a. Circuit Court: Cook County
b. Year: 1994
c. Crime(s) of Conviction: 1st Degree Murder
d. Sentence: 55 years
e. Case Number (if known): 94 CB 13749

4. Details of alleged torture:

a. Law enforcement agency: 51st Wentworth Police Station (C.P.D.)
b. Date(s): April 24 & 25 1994
c. Names of persons committing alleged torture: John HALLORAN
Richard PALADINO (20245) badge #
Kenneth J. Boudreau (20435) badge #

d. Brief description of alleged torture:
On April 24 & 25 1994 I was interrogate for a drive by
shooting which I was present when it happen. I WAS NOT
cooperating AND above detectives open hand slapped me in
the chest several time they made threat while hold my head
back by the hair. Then snatch a whole braid out of my
head where I don't grow hair no more. When I screamed
the detectives left and 1 another detective came in. Later
on in the night I was put in a cold storage room in the
basement for several hour of the night. Around 3am I was
taken out of the 50 degree storage room and ask Yes or No questions

physical & mental abuse.

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

- a. Vincent Davis # 1096 1350th Street - Lincoln Ill 62556
- b. Denise Davis # 7001 S. Rockwell - Chicago Ill 60629
- c. Attorney George Pfeifer # 701 Main Street - Evanston Ill 60202
- d. _____
- e. _____

6. Location of documentation supporting your Claim: _____

Attorney George Pfeifer office
Attadavits by Vincent & Denise Davis of blood running down
my neck after the scream.

Dated:


Claimant or Person Signing on Claimant's Behalf

TORTURE INQUIRY AND
RELIEF COMMISSION
HD USPS FX MM

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EXHIBIT B:

Excerpts of Testimony of Lindsey Anderson at hearing on Motion to
Suppress Statements on April 13, 1996

1 A Yes.

2 Q And approximately what time was that?

3 A About 10 after 10:00.

4 Q Ten after 10:00?

5 A It had to be after 10:00.

6 MS. SIMMONS: Judge, I have nothing further of
7 this witness.

8 THE COURT: Redirect.

9 MR. PFEIFER: I have no redirect.

10 THE COURT: Thank you, ma'am. You can step down.
11 (Witness was excused.)

12 Call your next witness.

13 MR. PFEIFER: I call Lindsey Anderson.
14 (Witness was sworn.)

15 LINDSEY ANDERSON,
16 called as a witness on his own behalf, having been
17 first duly sworn, was examined and testified as
18 follows:

19 DIRECT EXAMINATION

20 BY MR. PFEIFER:

21 Q You are Lindsey Anderson, aren't you?

22 A Yes.

23 Q Spell your first name.

24 A L-I-N-D-S-E-Y.

1 Q You were arrested on April 24, 1994 and
2 charged with murder in this case, weren't you?

3 A Yeah.

4 Q What is your date of birth?

5 A 6/27/77 -- 6/20/77.

6 Q How old were you on April 24, 1994?

7 A 16.

8 Q You listened to the testimony of the police
9 today, didn't you?

10 A Yeah.

11 Q At anytime -- Strike that.

12 What police station were you brought to when
13 you were first arrested?

14 A 35th and Lowe.

15 Q And about how long were you at 35th and Lowe?

16 A Two or three minutes.

17 Q And then were you taken somewhere else?

18 A Yeah.

19 Q Where were you taken?

20 A 51st and Wentworth.

21 Q At anytime while you were in police custody,
22 did you ask to make a telephone call?

23 A Yes.

24 Q And do you remember who you asked?

1 A No.

2 Q Were you allowed to make a telephone call?

3 A No.

4 Q Do you recall being interviewed by police
5 officers?

6 A Yes.

7 Q And where did those interviews take place?

8 A I guess in the interrogation room.

9 Q Do you know at what police station?

10 A At 51st and Wentworth.

11 Q And during those interviews, did you ever ask
12 to make a telephone call?

13 A Yes.

14 Q And do you remember which officers you asked
15 to make a telephone call?

16 A (Nodding.)

17 Q Was it either of the officers that testified
18 today?

19 A Yeah.

20 Q Was it the officer that testified first or
21 the second officer that testified?

22 A The first one.

23 Q So did that detective allow you to make a
24 telephone call?

1 A No.

2 Q Did you tell the officer why you wanted to
3 make a telephone call?

4 A Yes.

5 Q What did you tell the officer?

6 A I told him I wanted to call my auntie and
7 give me a lawyer.

8 Q And what, if anything, did the officer say
9 after you told him that?

10 A He said you don't got no fucken lawyer.

11 Q Then what happened?

12 A Then they proceeded on with their legal --
13 you know what I'm saying, questions and stuff.

14 Q At anytime did an officer touch you in an
15 unfriendly manner?

16 A Yes.

17 Q And how was that; can you describe that to
18 the judge?

19 A Officer with the brown hair sitting on this
20 side with me. Officer right here in front of me. He
21 saying something and he talking, right. He talking
22 about this one right here -- this one right here.

23 THE COURT: The record should reflect the witness
24 indicated that there was one officer to his immediate

1 left and another officer facing him. They were both
2 talking to him simultaneously. Further that the
3 officer who was facing him at one point punched,
4 touched, or gestured to the witnesses' chest, is that
5 correct?

6 THE WITNESS: Yes.

7 MR. PFEIFER:

8 Q At anytime did an officer touch you or any
9 part of your body in an unfriendly manner?

10 A Yes.

11 Q And can you describe that touching?

12 A Officer was in front of me he say you think
13 you got enough chest to go behind them bars and be
14 messing around with all the rest of them guys that been
15 locked up all this and that time. It was like somebody
16 smacking you in your chest, boom, boom.

17 THE COURT: The record should reflect the
18 defendant is now hitting his chest with his open hand.

19 MR. PFEIFER:

20 Q Was that either of the officers that
21 testified today?

22 A Yes.

23 Q Which officer, the first officer or second
24 officer?

1 A The one with the black hair.

2 Q Was it the first officer or second officer?

3 A Second.

4 THE COURT: Detective Paladino.

5 MR. PFEIFER:

6 Q Did Detective Paladino touch you any other

7 way other than your chest?

8 A Yes.

9 Q How else did he touch you?

10 A Grabbed me by my throat.

11 Q Was there anything that was being said

12 between the two of you before Detective Paladino

13 grabbed your throat?

14 A Detective who?

15 THE COURT: The second officer.

16 MR. PFEIFER:

17 Q Was there anything being spoken between you

18 and Detective Paladino before he grabbed you by the

19 throat?

20 A Yeah.

21 Q What was being spoken?

22 A So many people in there talking all in my

23 face, I can't recall.

24 Q You don't remember what was being told you?

1 A No.

2 Q By the way, when Detective Paladino grabbed
3 you by the throat, did it hurt you?

4 A Yeah, a little bit.

5 Q He wasn't choking you though, was he?

6 A No.

7 Q Were you frightened when Detective Paladino
8 grabbed you by the throat?

9 A At the time, yeah.

10 Q Now, at some point during the evening of
11 April 24, 1994 you told the detectives something about
12 your knowledge of the shooting, isn't that correct?

13 A Yes.

14 Q And at anytime before you had that
15 conversation with the detectives, did you have any kind
16 of private meeting with a youth officer?

17 A No.

18 Q Did you talk to your parents at all before
19 you gave that statement to the detective?

20 A No.

21 Q And then did you also talk to the detectives
22 a second time the next morning?

23 A Yes.

24 Q And before having that conversation with the

1 detectives, did you have anykind of private
2 conversation with a youth officer?

3 A No.

4 Q Did you talk to your parents?

5 A No.

6 Q You eventually signed a written statement
7 prepared by an assistant state's attorney, is that
8 correct?

9 A Yes.

10 Q Before you signed that written statement, had
11 you had any private conversation with a youth officer?

12 A No.

13 Q Had you had any conversation with your
14 parents?

15 A No.

16 Q Had you had any conversation with anyone from
17 your family during the night of April 24th or the early
18 morning of April 25, 1994?

19 A No, sir.

20 Q When, if ever, did you talk to your mother
21 after you were arrested?

22 A Maybe a couple of days later.

23 Q And where were you then?

24 A In the Audy Home.

1 MR. PFEIFER: I have no further questions.

2 THE COURT: Cross.

3 CROSS-EXAMINATION

4 BY MS. SIMMONS:

5 Q Lindsey, you said you were brought to 35th
6 and Lowe first, right?

7 A Yes.

8 Q That's after you were arrested at 47th and
9 Marshfield?

10 A Yes.

11 Q And when the police brought you in, they told
12 you your Miranda rights; do you remember that?

13 A I ain't stay long enough.

14 Q You weren't at 35th and Lowe very long, were
15 you?

16 A No, ma'am.

17 Q You went to 51st and Wentworth, right?

18 A Right.

19 Q At 51st and Wentworth the two detectives who
20 testified earlier began talking to you, is that right?

21 A Yes.

22 Q Or the blond one, Detective Halloran, he
23 started speaking to you first?

24 A I don't know the detectives by their names.

1 THE COURT: It's the officer you asked to call
2 your aunt.

3 MS. SIMMONS:

4 Q First one who testified today, do you
5 remember him speaking to you at the area?

6 A Yes.

7 Q Now, you said that you told him you wanted to
8 call your aunt, is that correct?

9 A Yes.

10 Q When was it that you told him you wanted to
11 call your aunt?

12 A When they had come in there and showed me the
13 statements that the other guys had made.

14 Q When was that?

15 A Like around an hour after I was there.

16 Q An hour after you were there.

17 Now, whose statement did he show you?

18 A The white guy Anthony Barry.

19 Q White guy being for the record William Green?

20 A Yes.

21 Q And Antoine Barry, is that right?

22 A Yes.

23 Q And you were arrested about 6:30, do you
24 remember that that night on April 24th?

1 A Yes.

2 Q So about an hour after you were arrested, the
3 detective showed you the statement from the other
4 people you were arrested with, is that right?

5 A I got locked up around 3:00 o'clock. It
6 was -- they had me on the ground so long until all the
7 other people came and stuff.

8 Q What I'm asking you about 6:30 were you
9 arrested; do you remember that, Lindsey?

10 A Yeah.

11 Q Now you're saying at about 7:30 the
12 detectives showed you the statement from the other
13 people who you were arrested with, right?

14 MR. PFEIFER: Objection. Fact not in evidence.

15 THE COURT: It's what it suggests to me, but you
16 can clarify it.

17 Overruled.

18 MS. SIMMONS:

19 Q Is that correct?

20 A Ask the question again.

21 Q 7:30 approximately one hour after you were
22 arrested, you said Detective Halloran, the one that
23 testified here earlier, the blond guy, showed you the
24 other people's statement, is that correct?

1 A Yes.

2 Q And that's when you asked him if you could
3 call your mother, is that right?

4 A My aunt.

5 Q When you asked him if you could call your
6 aunt to get you a lawyer, is that right?

7 A Yes.

8 Q Now, you continued talking to Detective
9 Halloran after that, is that right?

10 A First officer that testified?

11 Q Yes, the first officer that testified today?

12 A I don't remember talking to him. I can
13 remember talking to the one with the black hair.

14 Q After you asked him to call your aunt, did
15 you talk to him any further?

16 A No.

17 Q You didn't talk to him any further?

18 A (Nodding.)

19 Q And where were you at the police station now,
20 where are you at?

21 A The interrogation room.

22 Q And do you remember when Detective Paladino
23 came in there and spoke to you; that's the second guy
24 that testified?

1 A Yeah.

2 Q And when he came in, there was a youth
3 officer with him; do you remember that?

4 A No.

5 Q Do you remember a Youth Officer Percy Davis?

6 A I remember seeing him a little while later
7 though when they started asking me questions and stuff
8 and writing stuff down.

9 Q Do you remember when Detective Paladino came
10 in and spoke to you or talking about it, that was about
11 2:30 in the morning. It was after the line ups?

12 A Right.

13 Q You remember that?

14 A Right.

15 Q Detective Paladino had Youth Officer Percy
16 Davis with him and an assistant state's attorney with
17 him; do you remember that?

18 A Yes.

19 Q And when they came into the room, the
20 assistant state's attorney gave you your Miranda
21 rights; do you remember that?

22 A Yes.

23 Q And the assistant state's attorney also asked
24 you if you understood them; do you remember that?

1 A Yes.

2 Q And you told him you understood your Miranda
3 rights; do you remember that?

4 A Yes.

5 Q And it was then that you talked to the
6 assistant state's attorney, correct; do you remember
7 that?

8 A Yes.

9 Q Do you remember that the assistant state's
10 attorney then spoke to you about what happened on April
11 24th; do you remember that?

12 A Yes.

13 Q Now, are you saying to judge Salone that the
14 assistant state's attorney and Youth Officer Davis were
15 in the room when Detective Paladino pushed you in the
16 chest and grabbed your throat?

17 A No.

18 Q When was it Detective Paladino pushed you in
19 the chest and grabbed your throat?

20 A I can't call the time.

21 Q Do you remember when you were in the
22 line-up?

23 A Yes.

24 Q Was it before the line-up or after?

1 A Before.

2 Q The line-up started at about 9:20 that night;
3 do you remember that?

4 A I can't recall the time.

5 Q Do you remember the first time Detective
6 Halloran came to speak to you about 8:40 or 20 minutes
7 to 9:00; do you remember that?

8 A No, I don't remember.

9 Q You remember talking to detective Halloran
10 before the line-up, is that right?

11 A Detective who?

12 Q The blond one that testified earlier, the
13 first guy, do you remember talking to him before the
14 line-up?

15 A Yes.

16 Q And you remember that there was an evidence
17 guy who came in and took gunshot residue and did a test
18 on your hands; do you remember that?

19 A Yes.

20 Q That was who you talked to, Paladino, the
21 blond guy that testified today?

22 A Yes.

23 Q You are saying after the gunshot residue test
24 and before the line-up, Detective Paladino, the second

1 man who testified here today, pushed you in your chest
2 and grabbed you by the throat, is that right?

3 A Yes.

4 Q And then you were put in the line ups at
5 9:25?

6 A I don't know what time.

7 Q You were then put in line-ups?

8 A Yes.

9 Q After that you spoke back at 2:30 in the
10 morning to Detective Paladino, the youth officer and
11 state's attorney. Do you remember when they came in
12 and talked to you?

13 A Not yet.

14 Q That's when the assistant state's attorney
15 asked about your involvement in the shooting of the
16 10-year-old kid Jamone Ross?

17 A Yes.

18 Q You had a conversation with him at that
19 point; do you remember is that?

20 A Yes.

21 Q Detective Paladino and Youth Officer Percy
22 Davis was there, correct, they were in a room when you
23 talked to the state's attorney.

24 A Just the state's attorney and youth officer.

1 Q Now, Detective Paladino was coming in and
2 out?

3 A Youth officer put the state's attorney, the
4 officer out, too.

5 Q Before he put the state's attorney and
6 detective out, you talked to the state's attorney with
7 the youth officer and Detective Paladino?

8 A No.

9 Q You never talked to a state's attorney?

10 A Yes.

11 Q So you spoke to the state's attorney alone?

12 A Yes.

13 Q When did the youth officer come inside the
14 room; I'm talking about the 2:30 conversation?

15 A When he asked some questions about the errors
16 and things like that.

17 Q What about?

18 A Some errors and put your initials on this and
19 that.

20 Q The first oral conversation you had with the
21 assistant state's attorney he's talking about put your
22 name on a statement?

23 A Okay.

24 Q This is 2:30 early in the morning; do you

1 remember that?

2 A Yes.

3 Q Remember later on at about 4:40 that the
4 state's attorney and the youth officer and detective
5 came back into the room where you were; do you remember
6 that, Lindsey?

7 A No.

8 Q You don't remember that?

9 A (Nodding.)

10 Q Do you remember when you signed a statement?

11 A Yes.

12 Q That was much later in the morning getting
13 into the early -- Strike that.

14 It was much later at night getting on into
15 the morning hours of the next day; do you remember
16 that?

17 A No.

18 Q Remember when the state's attorney sat down
19 and wrote your statement?

20 A Yes.

21 Q He sat right in front of you; remember that?

22 A Yes.

23 Q Who else was with you in the police when he
24 wrote that statement out?

1 A Just me and him.

2 Q Do you remember the youth officer being
3 there?

4 A No. He came afterwards when he told me to --
5 dude that told me to put my initials on here.

6 Q Who is the dude that told you to put your
7 initials on there?

8 A The state.

9 Q Did you tell the detectives -- did you ever
10 tell the state's attorney that earlier that Detective
11 Paladino had pushed you in your chest and grabbed you
12 by your throat?

13 A No.

14 Q You didn't tell the state's attorney that?

15 A No.

16 Q Do you remember the state's attorney asking
17 you how the police treated you?

18 A No.

19 Q He never asked you how the police treated
20 you?

21 A No.

22 Q Do you remember how he said the police had
23 treated you, and you said the police had treated you
24 fine?

1 A No.

2 Q Do you remember telling the state's attorney
3 that no one had threatened you or promised you anything
4 in exchange for making that statement?

5 A When they --

6 Q What I asked you do you recall telling the
7 state's attorney at no time did anyone threaten you or
8 promise you anything to get you to make a statement;
9 you didn't tell the state's attorney that?

10 A No.

11 Q Did you tell the state's attorney at the time
12 you gave the statement you weren't under the influence
13 of drugs?

14 A No.

15 Q You were allowed to use the bathroom?

16 A No. Never used the bathroom until about 4:30
17 in the morning, and they left me in there.

18 Q You weren't allowed to use bathroom from 6:30
19 to in the morning?

20 A Yes.

21 Q Do you remember you were given some pop to
22 drink?

23 A Yes.

24 Q Do you remember if they asked you if you were

1 hungry?

2 A Yes.

3 Q You said you didn't want anything to eat; do
4 you remember that?

5 A He told me he would be back, but he never
6 came back.

7 Q Who told that you?

8 A The one with the brown hair.

9 Q Detective Paladino, the second guy that
10 testified?

11 THE COURT: No. He called Paladino the one with
12 the black hair.

13 Is it the first officer?

14 THE WITNESS: Yes, I think it is.

15 THE COURT: First officer you told you wanted to
16 call your aunt?

17 THE WITNESS: Yes.

18 THE COURT: That's Halloran.

19 MS. SIMMONS:

20 Q You told the first officer that testified you
21 wanted something to eat, and he said he would be back?

22 A Yes.

23 Q Do you remember when the second one,
24 Detective Paladino took you to the police station?

1 A Yeah.

2 Q And that was right after you talked to the
3 state's attorney, you remember, that you said you had
4 to go to the bathroom?

5 A Right.

6 Q He didn't lock you up in a room and just left
7 you, he took you?

8 A He left me down there.

9 Q He left you down there?

10 A Cold room down in the station.

11 Q That's where you went to the bathroom?

12 A No.

13 Q He put you back upstairs?

14 A No.

15 Q Was that after you signed the statement?

16 A After.

17 Q I'm talking about before you signed the
18 statement; do you remember going to the bathroom?

19 A No.

20 Q You never went to the bathroom?

21 MR. PFEIFER: Objection. Asked and answered.

22 THE COURT: Sustained.

23 MS. SIMMONS:

24 Q Did you ever tell the state's attorney,

1 Lindsey, you were a Blackstone?
2 MR. PFEIFER: Objection.
3 THE COURT: Overruled.
4 MS. SIMMONS:
5 Q Did you ever tell the state's attorney you
6 were a Blackstone?
7 A No. But it's on me. Can't miss it.
8 Q It's on you where you can't miss it?
9 A On my arm.
10 Q I ask that you show us what you are speaking
11 of?
12 A You have pictures of it.
13 THE COURT: Sustained.
14 MR. PFEIFER: Objection.
15 MS. SIMMONS:
16 Q It's tatoood on your arm?
17 MR. PFEIFER: Objection.
18 THE COURT: Sustained.
19 MS. SIMMONS:
20 Q Did you tell the state's attorney you were a
21 Blackstone?
22 MR. PFEIFER: Objection. Relevancy.
23 THE COURT: Asked and answered. He said no, but
24 you can't miss it. The reason I admitted it was to go

1 to the credibility to be given certain portions of the
2 statement, and his response is of record.

3 MS. SIMMONS:

4 Q Do you remember telling the state's attorney
5 that on April 24th that you met up with your cousin
6 Vincent Davis?

7 MR. PFEIFER: Objection. Relevance. This goes to
8 the substance of the statement.

9 THE COURT: Substance of the statement,
10 sustained.

11 MS. SIMMONS:

12 Q Do you remember telling the state's attorney
13 you were 16 years old?

14 A Yes.

15 Q You told him also you lived at 5302 South
16 Marshfield?

17 A Yes.

18 MS. SIMMONS: If I may approach the witness.

19 THE COURT: Sure.

20 MS. SIMMONS:

21 Q Show you what's been previously marked as
22 Respondent's Exhibit No. 1.

23 Do you recognize this?

24 A Yes.

1 Q What is this?

2 A A statement.

3 Q That's a statement you gave the assistant
4 state's attorney and Detective Paladino and a youth
5 officer on April 25th of 1994 at 4:40 a.m., is that
6 correct?

7 A No.

8 MR. PFEIFER: Objection to the terminology he
9 gave. I believe it's already evidence it was written
10 by the assistant state's attorney.

11 THE COURT: All right.

12 Form of the question sustained.

13 MS. SIMMONS:

14 Q Is that the statement that you signed on
15 April 25th of 1994 at 4:40 in the morning?

16 A Yes.

17 Q And can you tell us, sir, up under the
18 preprinted Miranda portion in the middle of the page
19 here is your signature on that?

20 A Yes.

21 Q And you put your signature there, is that
22 right?

23 A Yeah.

24 Q Do you remember signing every page of this

1 statement?

2 A I don't know. It's been so long. I know
3 that's my signature right there though.

4 Q You know that's your signature on the
5 statement?

6 A Right.

7 Q Do you remember reading this entire statement
8 before you signed it?

9 A No.

10 Q You didn't read it?

11 A Un-uhn.

12 MS. SIMMONS: May I approach the witness?

13 THE COURT: Go right ahead.

14 MS. SIMMONS:

15 Q Lindsey, I'm going to show you what's been
16 previously marked as Respondent's Exhibit No. 2.
17 Please take a look at that photograph.

18 Can you tell us, please what that is a
19 photograph of?

20 A Me sitting at a desk.

21 Q And do you recall when that photograph was
22 taken?

23 A Yes.

24 Q Is that photograph taken after you signed

1 your handwritten statement on April 25th of 1994?
2 A I guess so. I ain't never knew they took no
3 picture like that.
4 Q Can you please turn it over.
5 Does your signature appear on the back of
6 that photograph?
7 A Right. I didn't sign no picture like this.
8 I didn't sign nothing like that. I ain't seen no
9 picture like that. You ain't talking to no fool.
10 Q Is that your signature?
11 A That's a sticker thing. You can put that on
12 anything.
13 Q You didn't sign that, sir?
14 A No.
15 Q This is not your signature?
16 A No.
17 MS. SIMMONS: I have nothing further.
18 THE COURT: Mr. Pfeifer.
19 MR. PFEIFER: I have no redirect.
20 THE COURT: Step down sir.
21 (Witness was excused.)
22 Call your next witness.
23 MR. PFEIFER: Petitioner rests.
24 THE COURT: State.