

## BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

JUN 21 2012

DOROTHY BROWN  
CLERK OF CIRCUIT COURT

In re:

Claim of William Ephraim

TIRC Case No.:2011.012-E

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 William Ephraim (“WE”) alleges that in 1999 at the Area 1 Chicago Police station he “was beaten by Det[ectives] and coerce (*sic*) to a crime I did not commit”. The Claim Form, attached as Exhibit A, is devoid of any details about the alleged beating. The Claim Form does not say anything about being denied sleep or food.

2. There is a serious discrepancy between the allegations in WE’s Claim Form and those in his written Motion to Suppress, a copy of which is attached as Exhibit B. His written motion does not even mention the allegations contained in his Claim Form. The allegations of physical coercion in his written Motion are limited to not being allowed to sleep and not being given any food to eat before he made the statement. (The Motion also alleges that he was kept incommunicado for more than 24 hours, subjected to unspecified psychological coercion, and not given his Miranda rights.)

3. WE’s testimony during the hearing on his Motion to Suppress was limited to the claims made in his written Motion, as stated above. Physical abuse was not mentioned. He also denied making an oral statement to either Detective Halloran or Assistant State’s Attorney (“ASA”) Weiss.

4. Detective Halloran testified that WE was fed at approximately 8:00 p.m., four hours after his arrest. WE denied being fed by the detectives, but also testified that he was not hungry and had not requested food before he made his alleged statement. During cross-examination the following exchange took place between the prosecutor and WE:

Q. Okay. And you had only been taken into custody since about 4:00 o'clock in the afternoon, right?

A. Yes.

Q. Okay. And then at 5:30 or so Detective Halloran talked to you, right, the one that just testified?

A. Yeah, somewhere around in there.

Q. And you weren't hungry then, were you?

A. No, I wasn't.

Q. Okay. And as a matter of fact you were talked to again later on in the evening, correct?

A. Yes.

Q. And do you remember meeting with an assistant state's attorney, a person that said that they were state's attorney and they were a lawyer, a prosecutor but not your lawyer?

A. Yes.

Q. Okay. You didn't ask that person for anything to eat, did you?

A. No, I did not.

Q. Okay. You weren't hungry then at 10:30 in the evening then, were you?

A. No. I wasn't hungry at all.

(Transcript of Proceedings dated July 27, 1998 at I46-I47, attached as Exhibit C)

5. It is dubious to maintain that being denied food and deprived of sleep for five hours amounts to physical coercion.<sup>1</sup> This is especially true where the Claimant states that he was not hungry. Therefore, lack of being fed certainly did not coerce the statement.

6. Furthermore, WE testified that his attorney visited Area 1, where WE was detained, on April 17. Mary Williams, WE's mother, testified that she spoke with WE's attorney on the morning of April 17 and was aware that the attorney had met with WE during the morning hours of April 17. Therefore, WE was not held incommunicado for 24 hours.

7. WE did not testify at trial and no argument of physical abuse was made. Again, the coercion claim was limited to the denial of food, etc., and the same argument was made that had been made at the Motion to Suppress.

8. WE did not raise the physical abuse issue in his direct appeal filed in 1999. There was an allegation of ineffective assistance of trial counsel, but there was no mention of a failure to

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<sup>1</sup> WE was arrested on April 16, 1996 at approximately 4:00 p.m., allegedly made an oral statement to Detective Halloran at approximately 6:30 p.m., and spoke at 10:45 p.m. to ASA Weiss.

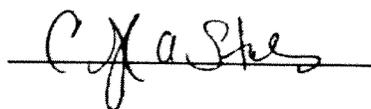
raise an issue of physical abuse or issues associated with the Motion to Suppress. The Appellate Court rejected WE's arguments and affirmed the conviction.<sup>2</sup>

9. WE filed a Petition for Post-Conviction Relief in 2002. There is no mention of physical abuse or any allegation of coercion. The Petition is limited to unrelated allegations of ineffective assistance of counsel.

### Conclusions

1. WE's Claim is summarily dismissed pursuant to 2 Ill. Adm. Code 3500.360 because:
  - a. WE has not consistently claimed to have been tortured, and his TIRC Claim Form is the only place where he has alleged that he was beaten;
  - b. There are serious discrepancies between his Claim Form and his Motion to Suppress;
  - c. Allegations made in his Motion to Suppress, such as being held incommunicado for 24 hours and being deprived of food, are unfounded: it is uncontested that WE was in police custody for approximately 5 hours before he allegedly made his oral confession, and he was visited by his attorney within 18 hours of his arrest;
  - d. WE's credibility is questionable; and
  - e. WE has had numerous opportunities to claim physical abuse, but did not do so for over 15 years until making his Claim with the TIRC.
2. There is no evidence independent of his Claim to suggest that he was beaten into making an alleged oral confession, which he denied making in his Motion to Suppress.
3. For all the reasons set forth above, there is no reasonable possibility that the Claim is credible and merits judicial review.

Dated: June 21, 2012



Cheryl Starks  
Chair  
Illinois Torture Inquiry and  
Relief Commission

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<sup>2</sup> People v. Ephraim, Nos.1-99-0836, 1-99-1267, Unpublished Order dated June 29, 2001.

**EXHIBIT A:**

**TIRC Claim Form of William Ephraim**

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

**FORM TO FILE CLAIM OF TORTURE WITH ITIRC**

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

William Ephraim #KT1920  
10930 Lawrence Road  
Sumner, IL 62466

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

same above  
\_\_\_\_\_  
\_\_\_\_\_

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

a. Circuit Court: COOK COUNTY  
b. Year: 1999  
c. Crime(s) of Conviction: 2 First Degree Attempted Murders  
d. Sentence: total 40 years 20 years ran consecutive  
e. Case Number (if known): 95390

4. Details of alleged torture:

a. Law enforcement agency: (C.P.D) Homicide Div.  
b. Date(s): 4-16-96  
c. Names of persons committing alleged torture: Detectives Kenneth Boudrea, James O'Brien and John Holleran  
d. Brief description of alleged torture: I was beaten by Det's and coerced to a crime I did not commit. In order to stop the abuse I agreed with their story into a oral confession, but I refused to sign it so everybody could see the truth...

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

- a. Mary Williams 6429 S. Campbell Chicago, IL 60629
- b. Patricia Hodges 8929 S. Racine Chicago, IL
- c. Antionette Muhammad
- d. Nicole Muhammad } All witnesses for the state
- e. Jason Miller

6. Location of documentation supporting your Claim: In my police reports or jail record

Dated:

  
Claimant or Person Signing on Claimant's Behalf

**RECEIVED**

MAY 18 2011

TORTURE INQUIRY AND  
RELIEF COMMISSION  
HD 11SPS FX MM

**EXHIBIT B:**

**William Ephraim's written Motion to Suppress Statements**



to call home so that he could let his mother know where he was and she could obtain a lawyer for him.

5. The statements sought to be suppressed were obtained after Defendant was kept at the police station, incommunicado, overnight from his family and mother, who came to the police station looking for him prior to the statement given, only to be told that he was not there.

6. The statements sought to be suppressed were obtained as a result of psychological coercion by the police who told Defendant that that co-defendant was putting the case on him (Defendant) and that he (Defendant) should therefore tell them what co-defendant did, and not take the wrap alone.

8. The statements sought to be suppressed were obtained as a result of physical coercion in that Defendant was not allowed to sleep, and was given no food to eat for the more than 24 hours he was kept at the police station., and before the taking of the statement.

9. Therefore, any and all communications, confessions, statements, admissions, were elicited in violation of his constitutional rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States and the Constitution of the State of Illinois.

WHEREFORE, defendant prays that this Court conduct a pretrial hearing to determine if the nature of such statements were voluntary and that this Court suppress as evidence herein any and all communications, confessions, statements, admissions, whether inculpatory or exculpatory, made by him at the time of and subsequent to his arrest in this case.

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Respectfully submitted,

  
Attorney for Defendant

Anita Rivkin-Carothers  
33 North LaSalle Street  
Suite 3300  
Chicago, Illinois 60602  
(312) 641-2901

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EXHIBIT C:

Excerpts of Testimony of William Ephraim at hearing on Motion to  
Suppress Statements on July 27, 1998

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STATE OF ILLINOIS )  
                          ) SS:  
COUNTY OF C O O K )

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

WILLIAM EPHRAIM,            )  
                                  ) Criminal  
                  Petitioner,    ) No. 96-15350  
                                  ) Charge: (Att) Murder, etc.  
                  vs.                )  
THE PEOPLE OF THE            )  
STATE OF ILLINOIS,            )  
                                  )  
                  Respondent.    )

REPORT OF PROCEEDINGS had of the hearing  
in the above entitled cause, before the Honorable  
STUART E. PALMER, Judge of said court, on the 27th day  
of July, 1998.

APPEARANCES:

MS. ANITA CAROTHERS,  
for the defendant;

HONORABLE RICHARD A. DEVINE,  
State's Attorney of Cook County, by:  
MR. ROBERT HOVEY,  
Assistant State's Attorney,  
for the People of the State of Illinois.

J. D. Williams, CSR #084-001757  
Official Court Reporter  
2650 S. California Ave.-4C02  
Chicago, Illinois 60608

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WILLIAM EPHRAIM,  
the defendant herein, called as a witness on his own  
behalf, being first duly sworn, was examined and  
testified as follows:

DIRECT EXAMINATION  
BY MS. CAROTHERS:

Q Ephraim, will you state your name.

A William Ephraim.

Q And how old are you?

A Nineteen.

Q In April of this year were you found guilty  
of a drug case before this Court?

A Yes.

Q Now, Ephraim, I want to take you back to  
April 15, 1998, you recall that day?

A Yes.

Q Approximately April the 15th --

THE COURT: Did you mean to say 1996?

MS. CAROTHERS: I'm sorry, 1996.

THE COURT: Okay.

MS. CAROTHERS:

Q Were you arrested and taken to the police  
station?

A Yes.

1 Q And that was on April the 16th, correct?

2 A Yes.

3 Q Okay. And you had only been taken into  
4 custody since about 4:00 o'clock in the afternoon,  
5 right?

6 A Yes.

7 Q Okay. And then at 5:30 or so Detective  
8 Halloran talked to you, right, the one that just  
9 testified?

10 A Yeah, somewhere around in there.

11 Q And you weren't hungry then, were you?

12 A No, I wasn't.

13 Q Okay. And as a matter of fact you were  
14 talked to again later on in the evening, correct?

15 A Yes.

16 Q And do you remember meeting with an assistant  
17 state's attorney, a person that said that they were  
18 state's attorney and they were a lawyer, a prosecutor  
19 but not your lawyer?

20 A Yes.

21 Q Okay. You didn't ask that person for  
22 anything to eat, did you?

23 A No, I did not.

24 Q Okay. You weren't hungry then at 10:30 in

1 the evening then, were you?

2 A No, I wasn't hungry at all.

3 Q Okay. Now, was it Detective Halloran was he  
4 the first person that you claimed that you said that  
5 you wanted to make a phone call to?

6 A No.

7 Q Okay. Was it his partner?

8 A I am not for sure.

9 Q A big guy?

10 A Yes.

11 Q Okay. Was he one of the officers that came  
12 in and out of the room as well?

13 A Yes.

14 Q All right.

15 Do you recall his name?

16 A No, I do not.

17 Q If you heard the name would you remember it,  
18 do you think?

19 A No.

20 Q No, okay.

21 Now, on the 17th your lawyer showed up,  
22 correct, that's Ms. Carothers?

23 A Yes.

24 Q And as soon as she showed up she was allowed