

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION**

<i>In re</i> JOSE CRUZ,)	
)	No. 93 CR 25151
<i>Petitioner.</i>)	
)	Honorable Erica L. Reddick,
)	Presiding Judge.
)	
)	

JOSE CRUZ’S PETITION FOR A CERTIFICATE OF INNOCENCE

Petitioner Jose Cruz, through his counsel, respectfully petitions this Court for a certificate of innocence pursuant to 735 ICLS 5/2-702 (“Section 702”). Cruz also requests this Court to send the Certificate of Innocence to the Clerk of the Court of Claims and to enter a separate order of expungement and sealing of Cruz’s criminal conviction. See 735 ILCS 5/2-702(h). In support of this Petition, Cruz states as follows:

INTRODUCTION

1. On October 6, 1993, at approximately 3:30 a.m., three or four unknown assailants pulled up to a 24-hour gas station on the corner of North and Kedzie and shot Antwane Douglas and Vernon Meadors, in an apparent gang-related shooting. Douglas died at the scene, and Meadors, who was shot in the arm, survived and was taken to the hospital.

2. Three days later, on October 9, 1993, as part of an investigation led by disgraced former Chicago Police Detective Reynaldo Guevara and several of his notorious partners, police arrested and charged Cruz with murder and attempted

murder, after Meadors, the surviving shooting victim, identified Cruz as one of the perpetrators.

3. On January 30, 1996, despite the absence of any physical or forensic evidence linking Cruz to the shooting, a jury found Cruz guilty of both counts. Meadors' identification of Cruz was the only evidence, other than generic gang culture testimony, that the State presented at the trial. The trial court then sentenced Cruz to a prison term of 60 years for first-degree murder and 30 years for attempted murder, to be served consecutively to each other and consecutively to a 15-year imprisonment for a separate, unrelated conviction. (*See* Record ("R."), at M-42-43; *id.* at C-10, Sentencing Order).¹

4. After his conviction, Cruz continued to maintain his innocence and vigorously fought to have his convictions overturned. The courts, however, repeatedly denied his appeals and rejected his postconviction petitions. *See People v. Cruz*, Case No. 1-96-0575 (1st Dist. 1998) (unpublished opinion, denying direct appeal and affirming conviction); *People v. Cruz*, 181 Ill. 2d 577 (1998) (table); *People v. Cruz*, 2013 IL App (1st) 091944, ¶ 36 (affirming second-stage dismissal of Cruz's post-conviction petition as untimely without addressing the merits).

5. On July 24, 2018, in the wake of several investigations that uncovered an avalanche of evidence that Detective Guevara and his officers had framed dozens of innocent men for crimes they did not commit—often by coercing false witness

¹ The Appellate Record—consisting of both the Reports of the Proceedings and Common Law Records—stretches 17 Volumes and are available upon request.

identifications—Cruz filed a successive petition for post-conviction relief, seeking to vacate his convictions and sentence.

6. Two years later, on July 11, 2022, prior to a third-stage hearing on his successive post-conviction claims, the Cook County State’s Attorney’s Office announced it would no longer contest Cruz’s petition, and the same day, Cook County Circuit Court Judge Tyria Walton vacated Cruz’s convictions and dismissed his indictment. The next day, Cruz was released from prison, having spent 28-3/4 years incarcerated for a crime he did not commit.² (Ex. 3, Order Vacating Dismissal).

7. As set forth in greater detail below, Cruz was not involved in the October 6, 1993, gang shooting of Douglas and Meadors. Rather, Cruz is yet another victim of Detective Guevara and his partners, who framed Cruz for the shooting by manipulating and pressuring Meadors to falsely identify Cruz, suppressing exculpatory eyewitness testimony, fabricating police reports, and purposefully failing to investigate the gang shooting. Indeed, as also set forth below, not a single shred of credible evidence connects Cruz to the shooting. On the contrary, all of the credible evidence, including compelling eyewitness testimony uncovered during the post-conviction investigation, overwhelmingly shows that Cruz is innocent, precisely as he has maintained from his arrest, through the July 11, 2022, dismissal of the charges against him.

² Cruz was incarcerated from October 10, 1993 until July 11, 2022, totaling 10,501 days incarcerated. (Ex. 1, Cook County Booking Info; Ex. 2, Illinois Department of Corrections Custody History).

8. Because the evidence proving Cruz’s innocence is overwhelming, and because Cruz meets all the requirements for a certificate of innocence, this Court, respectfully, should grant this Petition.

JURISDICTION AND PARTIES

9. Section 702 provides that “[a]ny person convicted and subsequently imprisoned for one or more felonies by the State of Illinois which he or she did not commit may . . . file a petition for certificate of innocence in the circuit court of the county in which the person was convicted.” 735 ILCS 5/2-702(b). Cruz was convicted in the Circuit Court of Cook County, and this Court therefore has jurisdiction over this Petition.

10. Cruz has timely filed this December 8, 2022, Petition within two years of the July 12, 2022 dismissal of his indictment, as required by 735 ILCS 5/2-702(c)(3) & (i).

11. Cruz has timely served this Petition on the Illinois Attorney General and the Cook County State’s Attorney, as required by 735 ILCS 5/2-702(e). While they are not automatically parties to this action, they have a right to intervene. *Id.*

LEGAL STANDARD

12. A person is entitled to a certificate of innocence when he proves by a preponderance of evidence that (1) he was convicted of a felony by the State, sentenced to prison, and served any of that sentence; (2) the judgment of the conviction was vacated, and the indictment was dismissed before a new trial; (3) he is innocent of the offenses charged; and (4) he did not voluntarily cause or bring about his conviction.

735 ILCS 5/2-702(g). As put forth more fully below, Cruz has satisfied these elements and is therefore entitled to a certificate of innocence.

THE OCTOBER 6, 1993, GANG SHOOTING

13. On October 6, 1993, at approximately 3:30 a.m., Vernon Meadors was waiting at a bus stop on the corner of North and Kedzie next to a 24-hour gas station. (R. I-29).

14. While waiting for the bus, Meadors saw a Black teenager wearing a Duke Blue Devils sweatshirt, later identified as Antwane Douglas. Douglas “pulled up in his car... and then his car stopped running.” (R. I-30–31). Douglas then asked Meadors where he could get a jump-start, but Meadors doubted anything would be open and suggested leaving the car at the gas station. Douglas agreed and walked away. (R. I-31).

15. As Douglas walked away, another car pulled into the station, about 15 feet from Meadors. (R. I-31–32). According to Meadors, the area where the second car pulled up was well-lit, allowing him to see the front seat passenger’s face, but he could not see the faces of the other men in the car. (R. I-32–36). Meadors observed the car for about four to five seconds. (R. I-65).

16. Within three or four seconds, however, the front-seat passenger asked Douglas if he was a Disciple, and Douglas responded he was a Vice Lord. (R. I-35). The passengers then exited the car and began firing at Douglas. (R. I-36–37). At least 20 bullets were fired, and Douglas was killed. (R. I-38).

17. As soon as the shooting began, Meadors, by his own account, dove to the ground. (R. I-37). He “listened to at least 20 bullets being shot.” Then it got silent. Then he “heard somebody holler out, ‘Witness!’” and he was shot in the arm. (R. I-38).

18. Having been shot, Meadors laid on the sidewalk until he heard a car drive away. (R. I-39-40). Only then did Meadors look up to ensure the shooters left. (R. I-40). Meadors next attempted to enter the gas station, but the gas station attendant, later identified as Pedro Jaramillo, refused to let him in, and Jaramillo told Meadors that he had called the police. (R. I-40). Paramedics arrived at the scene and took Meadors to the hospital (R. I-42), where he was first interviewed by the police. We discuss Meadors’ interactions with the police and his subsequent identification of Cruz in Section E below.

19. Aside from Meadors, there were two additional eyewitnesses to the shooting: (1) as noted, gas station attendant Pedro Jaramillo, who observed the entire shooting from behind the gas station window, by far having the clearest view of the perpetrators; and (2) Ivan Rios, who lived nearby, heard the gunshots and screams, ran to the scene because he feared that his brother, who was not home yet, may have been involved, and observed the perpetrators drive “right past” him. (Ex. 6 at 1, Rios Affidavit). We discuss Jaramillo and Rios’ interactions with the police and their descriptions of the perpetrators in Sections A and B below.

THE OVERWHELMING EVIDENCE PROVING CRUZ'S INNOCENCE

20. As stated above, there is no credible evidence linking Cruz to the shooting and all of the credible evidence—untainted by Guevara and his corrupt partners—overwhelmingly establishes Cruz's innocence. This evidence includes:

A. eyewitness Pedro Jaramillo's statement that the shooter, unlike Cruz, was a Black male, his corroborated account of Guevara's repeated attempts to coerce him into falsely identifying Cruz as the shooter, and Jaramillo's assertion that the police falsified police reports;

B. eyewitness Ivan Rios' statement that the shooters, unlike Cruz, were Black males, and Rios' assertion that the police fabricated a police report;

C. the complete absence of physical and forensic evidence connecting Cruz to the shooting and the failure of police to adequately investigate the shooting;

D. the credible alibi that Cruz gave the police during his initial interrogation, which the police failed to properly investigate;

E. the fact that Meadors' identification of Cruz is unreliable because it was clearly the result of manipulation and pressure by police, including from Detective Guevara;

F. the mountain of evidence proving that Detective Guevara and his crew engaged in a pattern and practice of manipulating and coercing false witness identifications, mistranslating witness statements, fabricating police reports, and withholding exculpatory evidence, all of which, as the record shows, is precisely what occurred here; and

G. Detective Guevara's repeated assertions of his Fifth Amendment privilege in response to questions about his misconduct, including Guevara's specific refusals to answer questions about this case.

A. Eyewitness Pedro Jaramillo has consistently asserted that the shooter, unlike Cruz, was a Black male. Jaramillo also provides a corroborated account of Guevara's repeated attempts to coerce him into falsely identifying Cruz as one of the shooters.

21. As noted above, gas station attendant Pedro Jaramillo observed the entire shooting from behind a glass window in the gas station—by far having the

clearest view of the perpetrators. Jaramillo is certain that the shooter, unlike Cruz, was Black. Jaramillo also provides a corroborated account of Guevara's repeated attempts to coerce him into falsely identifying Cruz as the shooter, and, according to Jaramillo, the police fabricated at least two reports.

22. Jose Cruz is not Black but Hispanic, and the police listed him, at the time of his arrest, as 5'7" and 190 lbs. (Ex. 9 at 2, 10/10/93 CPD Supp. Rpt.). When interviewed at the scene by the police, Jaramillo described the shooter as a Black male, 6'0 tall, weighing 170 lbs., approximately 27 in age, and dressed in black. (Ex. 4 at 5, 10/6/93 CPD Supp. Rpt.). This account is memorialized in initial reports taken by the reporting officers at the scene—*before Guevara became involved in the investigation*.

23. Jaramillo's statement that the shooter was Black is not only reliable because of his view, but his account is also corroborated by what eyewitness Ivan Rios told police, as set forth in Section B below.

24. Aside from establishing that the shooter was a Black male, Jaramillo states that Guevara tried to pressure him into falsely identifying Cruz as the shooter. Specifically, between the shooting and the trial, Guevara targeted Jaramillo and "psychologically pressured" him to falsely identify Cruz. (Ex. 5 at A-1, Jaramillo Affidavit and Interview Transcript, hereinafter "Ex. 5 at A- page #" for affidavit, and "Ex. 5 at T- page #" for transcript). Thankfully, Jaramillo did not relent.

25. Guevara visited Jaramillo at least three times and showed Jaramillo a live lineup of only Hispanic men, even though Jaramillo told the police that the shooter was Black (Ex. 5 at A-1, T-11-12). At these meetings, Jaramillo remembers that

“[Guevara] told [me] to say who it was.” (Ex. 5 at T-12). When Jaramillo refused to falsely identify Cruz, “Reynaldo Guevara would get furious.” (*Id.* at A-2). Guevara’s psychological pressure and anger caused Jaramillo to fear him: “I felt scared.” (*Id.* at T-15).

26. Moreover, Jaramillo’s claim that Guevara attempted to coerce him to falsely identify Cruz is corroborated by another credible witness, Francisco Valverde, Jaramillo’s employer. Jaramillo’s fear of Guevara caused him to contact Valverde and tell him about Guevara’s harassment. Jaramillo states: “My boss got me an attorney because I felt pressured because [Guevara] would tell me that he wanted [me to pick out the wrong person].” (*Id.* at A-2). Valverde hired criminal defense attorney Robert Fisher on Jaramillo’s behalf. (Ex. 7 at 2, Valverde Affidavit).

27. Valverde, who was and still is Jaramillo’s boss for over 20 years, recalls the police harassment in 1993. He remembers that Jaramillo refused to sign an affidavit of his account to post-conviction attorneys because Jaramillo was worried “he would go to jail”—Valverde suspects because of the earlier police pressure. (Ex. 7 at 2). In fact, Jaramillo would not sign an affidavit about his experience with Guevara until 2017, when Cruz filed his petition for post-conviction relief. (Ex. 5 at A-2).

28. In addition to Jaramillo’s unwavering description of the shooter as a Black male and his corroborated account of Guevara’s harassment, Jaramillo also confirms that Guevara and his crew, as part of their conspiracy to frame Cruz for the shooting, fabricated police reports.

29. Jaramillo's native language is Spanish, and to this day, Jaramillo cannot read, write, speak, or understand English beyond what is necessary to help run a gas station. (*Id.* at T-2). Despite Jaramillo's initial description of the shooter as Black, a signed statement by him dated October 9, 1993, indicates that he described the shooter as either an "olive complexed Hispanic or light skinned Black." (Ex. 8 at 3, 10/9/93 Jaramillo Statement).

30. This statement is written in English and lists Officer Maria Soto as the translator. (*Id.*). Jaramillo firmly denies ever describing the shooter as an "olive complexed Hispanic or light skinned Black." When asked if it was possible that he told the police the shooter was either an "olive complexed Hispanic or light skinned Black," Jaramillo states "[n]o, it's not possible... because those words were put on me by the police." (Ex. 5 at T-11). In fact, Jaramillo doesn't mince words; he says the statement is "false." (Ex. 5 at T-11).

31. Jaramillo does remember that police tried to change his mind for him to say the shooter was an olive-skinned Hispanic or light skinned Black male, "Yes I remember they tried to change the mind." (Ex. 5, T-13).

32. Nor is this the only police report that Jaramillo says is false. Another report states that Ivan Rios spoke to Jaramillo after the shooting. (Ex. 19 at 4, 10/6/93 CPD Supp. Rpt. 2). Jaramillo denies ever speaking with Rios at the scene. "Besides the two victims and police officers, I did not speak with anyone else at the crime scene, nor did anyone speak to me." (Ex. 5, A-1). As set forth below, the police fabricated that

Rios spoke to and tried to intimidate Jaramillo at the scene because they wanted to discredit Rios and Jaramillo, both of whom described the perpetrators as Black.

33. Unfortunately, it worked. Cruz's defense counsel did not call Jaramillo or Rios to testify at the trial nor did he even interview them, likely because the State could impeach their credibility through the false police reports. After all, no defense counsel—in the trial of a Hispanic defendant—could risk calling a witness who told the police he saw “olive complexed Hispanic or light skinned Black” commit the shooting, certainly not without the benefit of having the Guevara-related misconduct evidence, which was uncovered decades later. (Ex. 8 at 3, 10/9/93 Jaramillo Statement).

34. Jaramillo's consistent description of the shooter as a Black male, his corroborated account of Guevara's repeated attempts to harass and intimidate him into falsely identifying Cruz as the shooter, and his statement that the police fabricated at least two reports to discredit him and Rios, standing alone, are sufficient to establish Cruz's innocence by a preponderance of the evidence.

B. A second eyewitness, Ivan Rios, has also repeatedly asserted that the assailants, unlike Cruz, were Black, and like Jaramillo, Rios provides a corroborated claim that the police discredited him by falsifying police reports.

35. As noted above, Ivan Rios lived near the scene, heard the gunshots and screams, ran to the scene fearing that his brother, who was not home yet, may have been involved, and observed the perpetrators drive “right past” him. (Ex. 6 at 1, Rios Affidavit).

36. Like Jaramillo, Rios told the police at the scene that the car that drove “right past” him with the perpetrators contained Black males: “I told [police] I saw 3-4 Black men in a car that sped away westbound on North Avenue. I gave them my contact information. I was not contacted by the police again regarding this case.” (Ex. 6 at 2, Rios Affidavit; Ex. 4 at 6).

37. While not harassed like Jaramillo, Rios also believes that at least one police report regarding his actions at the scene is false. In the same report where Rios is said to have spoken to Jaramillo, it states that Rios gave Meadors a threatening glare, implying that Rios was attempting to intimidate and silence Meadors and Jaramillo from cooperating with the police. (Ex. 19 at 6).

38. In fact, the police reports portray Rios as a drug dealing gangbanger who intimidated both Jaramillo and Meadors, and one report even rhetorically asks: “Was Rios trying to sidetrack the investigation.” (Ex. 19 at 4).

39. But Rios, consistent with Jaramillo, swears that he neither spoke to Jaramillo nor menacingly glared at Meadors at the scene. “After I was interviewed by the police officers, I walked back home. I did not interact with anyone other than the police officers at the crime scene. I never approached or spoke to the gas station attendant (Jaramillo). I never (approached) anyone lying on the ground and never stared (at) them in a threatening manner or any other way.” (Ex. 6 at 2, Rios Affidavit). After he was interviewed by the police at the scene, Rios was never contacted by the police. (Ex. 6 at 2, Rios Affidavit).

40. Rios was never contacted by defense counsel and like Jaramillo, he did not testify at Cruz's trial, again likely because he was discredited in the false police reports. (Ex. 6 at 2).

41. Rios' statements, combined with Jaramillo's statements, leave little room for doubt. Cruz was not involved in the October 6, 1993, shooting.

C. The complete absence of physical and forensic evidence connecting Cruz to the shooting and the inadequate police investigation into the shooting further support Cruz's innocence.

42. There is no physical, forensic, or other credible evidence linking Cruz to the shooting. Further, the police's utter failure to investigate the leads available to them also supports Cruz's innocence.

43. Although the police collected some physical evidence from the scene and forwarded evidence to the crime lab for forensic testing, not a single shred of physical or forensic evidence implicates Cruz in the shooting. There are no fingerprints connecting Cruz to the shooting; no murder weapon connecting Cruz to the shooting; no vehicle connecting Cruz to the shooting; no gunshot residue or ballistics connecting Cruz to the shooting; no hairs or fibers connecting Cruz to the shooting; no DNA or serology evidence connecting Cruz to the shooting; no video or photograph connecting Cruz to the shooting; and no inculpatory statement by Cruz connecting him to the shooting. There is simply nothing connecting Cruz to the shooting.

44. Moreover, the police reports show that the investigation of the shooting was lackluster at best. For example, the police never obtained a search warrant nor performed any search at Cruz's house for weapons matching the descriptions of the

guns used by the perpetrators, even though Meadors provided such descriptions. They also never searched Cruz's house for clothes matching the eyewitness descriptions of the clothes worn by the perpetrators.

45. Similarly, the police never identified nor attempted to recover the vehicle used by the perpetrators, let alone connect Cruz in any way to that vehicle. In fact, the police file suggests that the police made virtually no effort in this regard.

46. Further, there is no evidence in the police file or elsewhere that the police attempted to identify the other two or three perpetrators in addition to Cruz, even though all witnesses reported seeing three or four assailants in the shooting. In fact, although it was clearly a gang shooting, and although the State's theory was that Latin Kings committed the shooting, the police file indicates that the police never attempted to question gang members or informants about the shooting, never investigated who within the Latin Kings had purportedly ordered or directed the shooting, when that happened, and whether the Latin Kings had any specific grievance with Douglas or Meadors.

47. Likewise, there is no evidence that the police ever questioned any member of the Disciples about the shooting, or for that matter any family, friends, or associates of Douglas, even though it was the State's theory that the perpetrators shot Douglas because he was a member of a rival gang, the Disciples.

48. How remarkable is it that in a case involving a gang shooting committed by three or four gang members, the police home in on only one purported assailant and never bother to even attempt to investigate or identify the other two or three

assailants? Even if gang members are generally reluctant to cooperate with police investigations, the police, if genuinely interested in finding the perpetrators, would have at least *attempted* to question the victim's family, gang members or informants about the shooting, but the police file suggests that never happened.

49. Moreover, the gang culture testimony that the State presented at the trial was extraordinarily generic, and, in any case, failed to connect Cruz to the shooting. Specifically, at the trial, the State called Cook County Adult Probation Department field services training specialist Frank Petrone, a purported expert on gang culture, to explain that the Latin Kings controlled the area near the shooting, had a loose alliance with Vice Lords, viewed Disciples as enemies, and that Disciples wear Duke Blue Devil clothing to show their gang affiliation, like that worn by Douglas. (R. I-114-15, I-123-31).

50. Parading such testimony before the jury, however, was nothing but a charade, as none of that testimony implicated Cruz in the shooting. In fact, at best, the testimony amounted to a purported expert's speculation that the shooting was more likely committed by members of the Latin Kings, as opposed to other gangs. It certainly did not establish that Cruz was connected to the shooting or the victims, nor that Cruz had any motive to commit the shooting. (*See also* R. I-139-141 (Petrone testifying that at the time of the shooting there were approximately 10,000 Latin Kings and a total of 50,000 gang members hostile to Disciples in Chicago)).

51. Put differently, just as the physical and forensic evidence does not link Cruz to the shooting, the generic gang-animosity evidence relied on by the State to

procure Cruz's conviction and sentence him to 90 years of imprisonment does not implicate Cruz in the shooting. Indeed, Petrone's testimony, which is nothing more than generic knowledge of certain gangs, is not even sufficient to establish that the Latin Kings were involved in the shooting.

52. The police failed to adequately investigate the shooting or pursue any of the credible leads available to them. Guevara and his crew were not invested in "solving" the crime. Instead, they focused on pressuring witnesses to falsely identify Cruz and fabricating police reports to frame Cruz for the shooting despite the absence of credible evidence implicating him.

53. The bottom line is that the absence of any physical, forensic, or other credible evidence linking Cruz to the shooting, combined with the fact that the police failed to properly investigate the shooting, strongly supports Cruz's innocence.

D. The credible alibi that Cruz gave the police during his initial interrogation, which the police failed to properly investigate, further supports Cruz's innocence.

54. Upon his arrest on October 9, 1993, Cruz told the police exactly where he was and what he was doing when the shooting occurred on October 6, 1993, at 3:30 a.m.—he was sleeping in the basement of his aunt's home. (Ex. 9 at 9, 10/10/93 CPD Supp. Rpt.). Specifically, Cruz told the police he arrived home around 12:30 a.m. and went around 1:00 a.m. to his bedroom in the basement. Cruz further told police that he remained there until he awoke at 5:00 a.m., when his aunt, Ms. Ada Pacheco, left for Puerto Rico. Cruz stated that both his aunt, Ms. Pacheco, and his cousin Tito [Luis Tartabu] were awake around 1:00 a.m. when he went downstairs. Cruz also told police

that his cousin Danny [Luis Rodriguez] was also home but was asleep at that time. (Ex. 9 at 9).

55. Police reports indicate that police interviewed Tito, Danny, and Ada Pacheco's husband, Santiago McClaren, who also lived in the home. (Ex 9. at 10-11). Of the three people interviewed, two of them—Danny and Santiago—would not have been able to account for Cruz's whereabouts, according to Cruz's account. Meanwhile, Ada Pacheco, who passed away in May 2021, was never interviewed by police even though Cruz told the police she was awake when he returned home on October 6.

56. Further, the police only took one signed statement—not from Ada, because they never interviewed her, nor from Tito, who would have been able to account for Cruz's whereabouts according to Cruz. Instead, the singular signed statement comes from 13-year-old Danny [Luis Rodriguez], even though Cruz told police Danny was asleep during the time in question while others were awake. According to Danny's statement, both Cruz and Tito went out on the night of October 5, 1993 and did not return home until 4:00 a.m. on October 6th. (Ex. 10 at 2-3, 10/9/93 Rodriguez Statement).

57. For his part, prior to his trial, Cruz asked defense counsel to contact Ms. Pacheco and his cousin Tito to support his alibi. Counsel, however, rejected the idea, reassuring Cruz that the State could not meet its burden because Meadors' identification, the sole evidence of guilt, was neither reliable nor sufficient to support a conviction. Unfortunately, that turned out to be a terrible mistake, and one that

Cruz cannot correct now because Ms. Pacheco has passed away and Tito, who has lost contact with his family, suffers from a host of addiction and mental health problems.

58. The Court, however, should still consider Cruz's alibi as evidence of his innocence under Section 702(a) of the Innocence Act, which specifically states that the court "shall" consider evidence that the petitioner *could have used* to prove innocence, but which is no longer available due to the passage of time or death of witnesses:

It is the intent of the General Assembly that the court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence submitted pursuant to this Section, *shall*, in the interest of justice, give due consideration to difficulties of proof caused by the passage of time, the death or unavailability of witnesses, the destruction of evidence or other factors not caused by such persons or those acting on their behalf.

735 ILC 5/702(a) (emphasis added).

59. The fact that Cruz told the police, immediately after his arrest, where he was and who he was with when the shooting occurred, the fact that Guevara and his crew decided not to interview the very individuals who would have corroborated Cruz's alibi, and the fact that the Court may, in the interests of justice, consider this now unavailable alibi evidence in Cruz's favor, all, when taken together, further support Cruz's innocence.

E. Meadors' unreliable identification of Cruz was clearly manipulated and pressured by Detective Guevara and his partners.

60. Again, besides generic gang culture testimony, the State relied exclusively on Meadors' identification of Cruz as one of the shooters to meet their burden in Cruz's case. Meadors' identification of Cruz, however, is both unreliable and the product of manipulation and pressure from Guevara and his crew. In fact, the

evidence showing that the police manipulated and pressured Meadors into providing an identification of Cruz undermines the entire foundation of Cruz's conviction.

61. After he was shot at the scene, paramedics took Meadors to the hospital, where the police first interviewed him. There, Meadors told Detective Kevin McDonald that there were three assailants and described the front seat passenger as a "kind-of chubby" Hispanic male, about 5'4" and approximately 150 pounds, who had a thin mustache, and wore a black leather zipped jacket and a dark-billed cap. (R. I-42-43, I-86-87).

62. After returning home from the hospital that evening, three Area 5 officers, Detective Reynaldo Guevara, Sergeant Edward Mingey, and Detective Ernest Halvorsen, paid Meadors a visit at his house. (R. I-44, I-143-44). The officers showed Meadors a photo lineup consisting of 21 Hispanic males including Cruz. (*Id.*) After reviewing the photos, ***Meadors was unable to make an identification despite Cruz being present in the lineup.*** (*Id.* at I-145).

63. The next morning, October 7, 1993, Meadors read a newspaper article about the shooting which identified him by name and included information about his family home, referencing the block he lived on with his wife and children. (R. I-45). Meadors "really got upset and frightened then" because he lived within walking distance to the crime scene in a neighborhood with a large gang presence. (*Id.*) He testified the information was "leaked." (*Id.*)

64. The following day, October 8, 1993, Detective Anthony Wojcik visited Meadors at his house. (R. I-45, I-150). Detective Wojcik reassured Meadors that the

Chicago Police Department would do “whatever we had to do to make sure he was safe... [and] to take care of him.” (R. I-152). Despite not being able to previously make an identification, Meadors told Wojcik that he would be able to identify the shooter, but that he would first need to talk it over with his family before making an identification. (R. I-151-152).

65. Several hours later, after Meadors spoke with his family, his father called Detective Wojcik and said his son was willing to make an identification. (R. I-46). The police then, and only then, arranged to put Meadors and his family into witness protection. (R. I-46, I-155).

66. After the police relocated his family, Meadors went to the police station. (R. I-47, I-155). There, Wojcik showed him a second photo array containing multiple members of the Latin Kings, including Cruz. (R. I-47–49, I-156). Notably, Cruz was the only recurring participant between the photo array shown to Meadors at his home and the second set of photos shown to him at the police station. After being shown a photo of Cruz twice, Meadors, for the first time, identified Cruz in the second set of photos. (*Id.* at I-157).

67. Later the same day, Mingey showed Meadors the 21 photos from the original stack in which Meadors had previously failed to identify Cruz. (R. I-51-52, I-146-47, I-156-61). Mingey was one of the officers, along with Guevara and Halvorsen, who had shown Meadors the first photo array at his home. (R. I-44, I-143-44). After reviewing the photos a second time and being shown Cruz a third time, Meadors identified Cruz again. (*Id.* at I-161).

68. After this identification, Cruz was arrested on October 9, 1993, and the police brought Meadors to the police station to view a live lineup. Meadors believed that the police had already arrested the person whose picture he picked out. (*Id.* at I-69-70). At this point, the live lineup was simply a matter of Meadors identifying the person he had been shown by the police repeatedly in the photographs.

69. Despite this, in order to ensure Meadors identified Cruz, the police employed unduly suggestive procedures. Photos of the live lineup show Cruz, unlike any other participant, sitting atop a phone book, thereby ensuring that Cruz stood out from the fillers. *See People v. Maloney*, 201 Ill. App. 3d 599, 558 N.E.2d 1277 (1990) (holding that fillers should not appear substantially different or draw attention to the suspect).



70. Moreover, police used only three fillers, giving Meadors a one-in-four shot of selecting Cruz even before considering how Cruz was singled out. As this Court is aware, the greater the number of choices in a lineup, the more likely it is that the lineup serves as a reliable test of the witness's memory, allowing the procedure to

work to rule out identifications resulting from guesswork. *See* Gary L. Wells & Eric P. Seelau, *Eyewitness Identification: Psychological Research and Legal Policy on Lineups*, 1 Psychol. Pub. Pol’y & L. 765, 771 (1995). In fact, there is now consensus that lineups should include at least five fillers in addition to the suspect and since 2015, this consensus has been reflected in Illinois law. Nat’l Inst. of Justice, U.S. Dep’t of Justice, *Eyewitness Evidence: A Guide for Law Enforcement* 29 (1999); 725 Ill. Comp. Stat. Ann. 5/107A-2(f)(3)(C) (“At least 5 fillers shall be included in a photo lineup, in addition to the suspected perpetrator.”).

71. From this live lineup, Meadors identified Cruz a third time (R. I-53), and he later also identified Cruz again at the trial. (R. I-33).

72. Meadors’ identification of Cruz is not reliable because it is the product of the highly suggestive tactics used by the police.

73. Notwithstanding the suggestive tactics, Meadors’ identification of Cruz cannot be trusted because it was procured by Guevara and his notorious partners, Mingey, Halvorsen and Wojcik. Each of these disgraced officers has an established history of framing innocent men for crimes they did not commit through coercion, and manipulation of witness identifications and false confessions. These same patterns are present here, where Guevara repeatedly pressured Jaramillo to falsely identify Cruz and Meadors was only able to identify Cruz after he was repeatedly shown photos of Cruz and his information was leaked to the press. Indeed, Meadors’ failure to identify Cruz in the original photo lineup should be given greater weight than his subsequent identifications resulting from Guevara’s tactics.

74. Further, even putting aside both the highly suggestive tactics used by the police and Guevara and his crew's role in obtaining the identification, the circumstances under which Meadors' observed the shooting make his identification of Cruz entirely unreliable. In *People v. Piatkowski*, 225 Ill. 2d 551, 567 (2007), the Illinois Supreme Court identified several factors that courts should consider in assessing the reliability of eyewitness testimony, including, among others, the opportunity of the witness to view the criminal, the witness' degree of attention at that time, and the length of time between the crime and the alleged identification. *Id.* (citing *Neil v. Biggers*, 409 U.S. 188, 198 (1972)); see also *Walton v. Lane*, 852 F.2d 268, 273 (7th Cir. 1988) (factors impeding a witness's opportunity to view the perpetrator, including the length of the interaction, the witness's vantage point, and the distance between the witness and the perpetrator can render an identification invalid). Here, each of these factors diminish, if not eviscerate, the credibility of Meadors' identification.

75. First, Meadors own testimony indicates that he did not have an adequate opportunity to view the perpetrators. According to Meadors, he remained 15 feet away from the perpetrators throughout the incident. He observed the perpetrators inside their car for only four or five seconds before the shooting started, at which point Meadors "took a dive" to the ground and "spread his hands." (R. I-37). Meadors then "**listened** to at least 20 bullets being shot. Then it got **silent**. Then [he] **heard** somebody holler out, witness," (R. I-37-I-38 (emphasis added), and after hearing that, he "got shot in the arm. Then click, click, click, click, click, click." (R. I-38 (emphasis

added)). He “could **hear** them. [He] **did not see them**, but [he] could **hear** them pull off and drive away.” (R. I-40 (emphasis added)). Not only does Meadors repeatedly describe only hearing – *not seeing* – the events at the scene, but he also states clearly that his entire opportunity to see the perpetrators was limited to a fleeting 4-5 seconds, during which he was 15 feet away from them.

76. Second, Meadors’ version of events shows that he paid little attention to the perpetrators during this high-stress incident. Meadors did not talk to or otherwise interact with the perpetrators prior to the shooting. He only had four or five seconds to even glimpse at the perpetrators before diving for cover. Moreover, except for Cruz, Meadors was unable to describe or identify any of the other assailants. (R. I-35-36) (“I saw them, but yet I didn't see them, because things started going pretty quick.”). He could not have focused on the perpetrators with any significant degree of attention when, within seconds of first seeing them, he dove to the ground to avoid being shot and stayed on the ground until they left.

77. Third, although Meadors claims to be certain in his identification, his failure to identify Cruz in the first photo array, which was shown to him hours after the shooting, establishes otherwise.

78. Such an uncertain identification cannot support a conviction, *see People v. Palmer*, 125 Ill. App. 3d 703, 709 (4th Dist. 1984), and it certainly should not form a basis to deny Cruz a certificate of innocence, considering all the other evidence establishing his innocence. *See id.* (“Evidence showing . . . the witness had an inadequate opportunity to view the accused destroys the validity of an identification.”);

see also Ex. 11, *People v. Jones*, 2020 IL App (1st) 163430-U, *appeal denied*, 175 N.E.3d 128 (Ill. 2021); *People v. Armstead*, 322 Ill. App. 3d 1, 11, (1st Dist. 2001) (“The test of positive identification is whether the witness is close enough to the accused for a sufficient length of time under the conditions [that are] adequate for observation.”).

79. Fourth, regarding the length of time between the crime and the alleged identification, Meadors first identified Cruz two days after the shooting on October 8, 1993. While two days may seem reasonable, a lot transpired in the two days before this identification, including: Meadors’ name and the block on which he lived being leaked to the press; the newspaper publishing that information; Meadors getting “really upset” and “frightened;” the police promising him protection and to “take care of him;” Meadors telling the police he would need to talk this over with his family before making any identification; Meadors’ father calling the police to tell them his son was willing to make an identification; and the police, only then, making arrangements to put Meadors and his family into witness protection and relocating him and his family. The amount of stress, pain, and life-altering events which Vernon Meadors experienced in the two days between the shooting and his identification of Cruz casts doubt on the reliability of his memory and ability to recall an accurate image of the shooter.

80. Finally, Meadors’ identification is unreliable because Meadors and the perpetrators were complete strangers. The U.S. Supreme Court and other courts have repeatedly warned, “[t]he identification of strangers is proverbially untrustworthy.” *United States v. Wade*, 388 U.S. 218, 228 (1967); *United States v. Bartlett*, 567 F. 3d

901, 906 (7th Cir. 2009) (“Study after study has shown the very high error rates in the identification of strangers.”); *see also Newsome v. McCabe*, 319 F. 3d 301, 305 (7th Cir. 2003) (“Most persons have difficulty remembering or describing the features of strangers. A person who sees a criminal for only a brief time takes away a vague sense of appearance . . .”); *see also People v. Lerma*, 2016 IL 118496, ¶ 24 (“eyewitness misidentification is now the single greatest source of wrongful convictions in the United States, and responsible for more wrongful convictions than all other causes combined.”).

81. In sum, Meadors’ eventual identification of Cruz is the product of manipulation and pressure from Guevara and his crew and the improper suggestive tactics the police used in the photo arrays and the live lineup. Even without this evidence of impropriety and suggestion, the identification doesn’t come anywhere near satisfying the reliability factors articulated in the case law. The identification cannot be trusted.

F. The mountain of evidence proving Detective Guevara and his crew engaged in a pattern and practice of misconduct further calls into question the legitimacy of the entire investigation and strongly supports Cruz’s innocence.

82. Evidence of police misconduct brings doubt to every aspect of the State’s case against Cruz. Guevara, who took a lead role in investigating Cruz’s case, has a disgraceful history of misconduct. To date, at least 31 people have had their murder convictions overturned because of Guevara’s misconduct (Ex. 12), and as of August 9, 2022, WGN-9 has reported that the City of Chicago has spent more than \$75 million to defend, investigate and settle civil cases brought by Guevara victims.

83. It is now known that Guevara engaged in a pattern of extensive police misconduct, leading the City of Chicago and Cook County State’s Attorney to put together a task force to review the allegations against Guevara, (Ex. 13, Sun-Times Article), and State’s Attorney Kim Fox to publicly state in August 2022, “we no longer believe in the validity of these convictions or the credibility of the evidence of these convictions.” (Ex. 20, AP News).

84. One court has concluded that Guevara relied on a “toolbox of coercion” which was “well stocked with a wide variety of tools” to intimidate witnesses and suspects. *People v. Martinez*, 187 N.E.3d 1218, 1237 (Il. App. 2d. 2021). Many of these tricks and established patterns of misconduct are clearly present in this case.³

Manipulating Witnesses through Force or Coercive Acts

85. Guevara has been accused of manipulating dozens of witnesses to provide false identifications. (Ex. 13). As one example of his extensive abuse, Guevara coerced Robert Ruiz into making a false identification and false testimony in a 1997 murder case. Guevara repeatedly detained and interrogated Ruiz over a ten-day period, locking him in a room with no food, water, or access to a bathroom. Despite Ruiz’s insistence that he had not seen the shooter or the driver, Guevara told Ruiz which individuals to identify and implicate in his statement. Ruiz finally agreed to make a statement implicating Freddy and Concepcion Santiago in the murder. Ruiz believed if he did not make this statement Guevara would continue to harass him until

³ Cruz only provides only a few examples of Guevara’s history of misconduct here because he already included extensive evidence in this regard in his 2018 Post-Conviction Petition, and the Court may consider that evidence under 735 ILCS 5/2-702(f).

he agreed to change his story. However, Ruiz recanted his identifications at trial. (Ex. 14, Robert Ruiz Testimony). The judge found Freddy and Concepcion not guilty. (Ex. 14).

86. In Cruz's case, Meadors was only able to identify Cruz after speaking to Guevara. Meadors originally could not identify Cruz in the photo lineup. However, after seeing his name and address printed in the newspaper the next day in connection with the investigation into the shooting, Meadors was able to identify Cruz.

87. When Jaramillo was asked on three occasions to identify the shooter in a photo array by Guevara, he was only shown photos of Hispanic males. During these procedures, Guevara told Jaramillo who to identify as the shooter. When Jaramillo refused, Guevara became so angry and intimidated that Jaramillo hired an attorney. This intimidation, as noted above, caused Jaramillo to refuse to sign an affidavit recounting what he had seen until 2017. Jaramillo, like many others, was terrified of Guevara and what he would do to get him to change his testimony.

Mistranslation of Confessions and Witness Statements

88. Another tactic Guevara used to manipulate witnesses and confessions is to mistranslate statements.

89. In 1998, Guevara used physical force and threats while interrogating Arturo Reyes, before ultimately manipulating a mistranslated statement from him. Guevara struck Reyes in the head repeatedly before asking him questions in Spanish, which were unrelated to the crime about which he was being interrogated. His responses to these questions were written down by a non-Spanish speaking prosecutor

as admissions to the murder Reyes was ultimately charged with. After two days of isolated interrogations, Reyes agreed to sign a written statement of those falsely translated admissions. Despite being unable to read or write English, Reyes was given a statement written entirely in English. He had no idea what the statement said when he was forced to sign it. No interpreter was present. (Ex. 15, *People v. Reyes*, 369 Ill. App. 3d 1, 6 (1st Dist. 2006)). Reyes has recently been granted a Certificate of Innocence by this Court. (Ex. 21).

90. Here too, Jaramillo has consistently stated that the shooter was a 6'0 ft tall, Black male. Despite telling the police this immediately after the shooting, a statement written in English that Jaramillo signed claims the shooter was “olive complexed Hispanic or light skinned Black.” As noted, Jaramillo speaks Spanish, but cannot read or write in English, and he swears that he never said this or anything close to this to police. (Ex. 5 at T-11). This is consistent with Guevara’s previous mistranslation misconduct.

False Police Reports

91. Guevara also has a history of falsifying police reports. In Thomas Sierra’s case, Guevara showed eyewitnesses Sierra’s car and asked them if it was the car involved in the shooting. They said it was not because Sierra’s car did not have the tinted windows or custom wheels like the car they saw. In police reports, however, Guevara recorded that the witnesses claimed that it was the correct car. Thomas Sierra conviction was vacated and he received his certificate of innocence in 2022. (Ex. 16, Order Vacating Sierra’s Conviction).

92. Much like other Guevara related investigations, this case too involves false police reports. The first example is the mistranslated statement of Jaramillo discussed above, which served to neutralize Jaramillo if he testified at trial.

93. The other example comes from Ivan Rios, who also reported seeing Black offenders, and who was also neutralized within the police reports. Initial reports indicate that like Jaramillo, Rios told the police that the shooter was a Black male, and there is no mention Meadors told police that Rios glared at him menacingly. (Ex. 4 at 6). However, in a later supplementary report, and without detail concerning Meador's description of the shooters or anything else, Meadors supposedly says that Rios tried to intimidate him and Jaramillo on the scene. (Ex. 19 at 4). Both Jaramillo and Rios wholly deny this intimidation, and the timing and singular subject of the Rios' supplementary report is more than suspicious. (Ex. 6 at 2; Ex. 5 at A-1; Ex. 19 at 4). Additionally, Rios was never again contacted by police.

94. Just as in many Guevara-related cases, police reports were falsified in this case to discredit Rios and Jaramillo's testimony that the shooters were Black, and thus not Cruz. When Guevara was unable to coerce Jaramillo and Rios to change his testimony, he instead changed the police reports to falsely recount the statements they gave to the police.

G. Detective Guevara's repeated assertions of his Fifth Amendment privilege in response to questions about his misconduct, including Guevara's specific refusals to answer questions about this case, support Cruz's innocence.

95. Finally, Guevara has often asserted his Fifth Amendment privilege when faced with these claims, rather than answer any accusations of misconduct. In

an extensive line of cases, including cases involving Guevara himself, the Illinois Appellate Court has directed circuit judges to strongly consider a negative inference against a police officer accused of misconduct who takes the 5th Amendment in a civil proceeding.

96. For example, in *People v. Whirl*, 2015 IL App (1st) 111483, ¶¶ 106-107, the Illinois Appellate Court held that “the Fifth Amendment does not forbid adverse inferences against parties in civil actions when they refuse to testify in response to probative evidence offered against them” (citations and internal quote marks omitted). Under *Whirl*, this Court should exercise its discretion to draw an adverse inference from a witness’s exercise of his Fifth Amendment right unless there is a good reason not to. *Id.* The court in *Whirl* found that “given that the State produced no evidence to rebut the evidence of torture and abuse by [Detective] Pienta, we believe Pienta’s invocation of his fifth amendment rights is significant and *a negative inference should have been drawn.*” *Id.* (emphasis added). Similarly, on more than one occasion Guevara has refused to answer narrowly tailored questions about his conduct in this case, offering no explanation or rebuttal for the conduct he stands accused of.

97. Additionally, in *People v. Serrano*, 2016 IL App (1st) 133293, ¶30, the appellate court also criticized the trial court for “fail[ing] to draw an adverse inference from Detective Guevara’s invocation of the fifth amendment [W]hen the privilege is invoked in a civil proceeding, the trial court may sometimes draw an adverse inference that, had the questions been answered truthfully, the answers would have been damaging to the person invoking the privilege.” *Id.* The court held that the

inference should have been drawn as to Guevara in that case. *See also People v. Hood*, 2021 IL App (1st) 162964, ¶ 30 (“a certificate of innocence proceeding [is] an uncomplicated civil proceeding”); *People v. Terrell*, 2022 IL App (1st) 192184, ¶ 40 (“a certificate of innocence proceeding is a unique civil proceeding, created solely by statute”).

98. In *People v. Montanez*, 2016 IL App (1st) 133726, ¶31, the court reached the same basic result as in *Serrano*, although in *Montanez* the appellate court criticized the trial court for not properly considering *at all* that it was permitted to draw a negative inference against Guevara for taking the fifth.

99. When Guevara was granted immunity to testify about misconduct allegations in Gabriel Solache and Arturo Reyes’s cases, Judge Obbish held that Guevara told “bald face lies” and that he would not “give an ounce of credibility to something he said 20 years ago,” referring to the testimony Guevara had given at trial. (Ex. 17). Both prior to and since having been granted immunity in that single case, Guevara has refused to answer any questions about his misconduct, instead asserting his Fifth Amendment right in all instances when he was questioned about his conduct in this case.

100. When Guevara was deposed on December 9th, 2020, in a civil rights case brought against him and members of his crew, he refused to answer any questions pertaining to his involvement with the Cruz investigation. Guevara asserted his Fifth Amendment privilege as follows:

Q. Sir, I want to ask you about a man named Jose Cruz. Do you know Jose Cruz?

A. Take the Fifth.

Q. Did you frame a man named Jose Cruz for the shooting death of Antwan Douglas in 1993?

A. Take the Fifth.

Q. Sir, did you do that in order to – in order to make Meadors scared for his life?

A. Take the Fifth.

Q. Did you provide Meadors' name and address to the press to coerce Meadors into making a false identification of Jose Cruz?

A. Take the Fifth.

Q Meadors, in fact, failed to identify Cruz in a photo line-up, correct?

A. Take the Fifth.

Q Did you conspire with other Chicago police officers to frame Jose Cruz for the shooting death of Antwan Douglas in 1993?

A. Take the Fifth.

Q You framed Cruz as retaliation for the May 1993 shooting that involved Officer Michael Hallinan in the 14th District, correct?

A. Take the Fifth.

Q Sir, you coerced Vernon Meadors, M-E-A-D-O-R-S, into falsely identifying Cruz as one of the persons who shot and killed Antwan Douglas, correct?

A. Take the Fifth.

Q Sir, did you coerce Pedro Jaramillo into falsely identifying Jose Cruz into the shooting of Douglas?

A. Take the Fifth.

Q You threatened and pressured Jaramillo to make an identification of Cruz to such an extent that his boss hired him an attorney, even though he was only a witness, correct?

A. Take the Fifth.

Q You would get furious at Jaramillo when he would not select Cruz as the shooter, correct?

A. Take the Fifth.

Q In the Cruz case, you fabricated police reports, correct?

A. Take the Fifth.

Q. Sir, you provided Jaramillo with a statement to sign that was fully in English, even though he only spoke Spanish, correct?

A. Take the Fifth.

Q. And you deliberately mistranslated Jaramillo's statement to claim that the shooter was an olive-complect Hispanic or a light-skinned black, correct?

A. Take the Fifth.

Q. But Jaramillo had clearly told you that the shooter was black, correct?

A. Take the Fifth.

Q In fact, Ivan Rios also identified a black shooter fleeing from the scene that morning, not anyone Hispanic, correct?

A. Take the Fifth.

Q. And Ivan Rios told police that he saw three or four black males fleeing the murder scene shortly after the shots were fired, correct?

A. Take the Fifth.

Q. You later falsified police reports with other officers to accuse Rios of glaring threateningly at Meadors and speaking to Jaramillo, correct?

A. Take the Fifth.

(Ex. 18, Dec. 9, 2020 Deposition (formatted and edited for clarity, objections removed)).

101. In this case, Guevara has refused to answer very specific questions about his conduct when there is no rational explanation for his refusal other than his belief that a truthful answer would incriminate him for framing Cruz for a crime he did not commit. This Court should therefore follow *Whirl*, *Serrano*, and *Montanez* and

draw an adverse inference from Guevara's continued assertion of his Fifth Amendment privilege. *See also Bilokumsky v. Tod*, 263 U.S. 149, 153-54 (1923) ("silence is often evidence of the most persuasive character"). Guevara's history of misconduct and repeated refusal to answer any questions about his conduct in this case further support Cruz's innocence.

CRUZ DID NOT BRING ABOUT HIS OWN CONVICTION

102. Having proven his innocence with compelling evidence, there remains only one further element for Cruz to satisfy—that he “did not by his or her own conduct voluntarily cause or bring about his or her conviction.” 735 ILCS 5/2-702 (d). Cruz easily satisfies this requirement. Every step he has taken since he was arrested on October 9, 1993 shows that he is not responsible for his own conviction. Cruz repeatedly told the police he was not involved in the shooting. He repeatedly provided them with an alibi and the name of alibi witnesses the police did not pursue. He stood trial and later appealed his conviction. He vigorously pursued his post-conviction rights. Cruz has not done anything to bring about his own conviction.

CONCLUSION

For the reasons set forth in this Petition, Cruz respectfully requests that the Court (1) grant him a certificate of innocence pursuant to 735 ILCS 5/2-702, (2) enter an appropriate order of expungement and sealing, and (3) order the Clerk of the Court to send the certificate of innocence to the clerk of the Court of Claims. *See* 735 ILCS 5/2-702(h).

Dated: December 8, 2022

Respectfully Submitted,

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