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A correctional officer handcuffs an inmate at the Bayamon 705 correctional facility in Bayamon, Puerto Rico, on Wednesday, Sept. 26, 2018. Photographer: Dennis M. Rivera Pichardo/Bloomberg



Innocent Man's \$13 Million Wrongful Conviction Award Upheld


Sept. 9, 2020, 9:27 AM

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 **Peter Hayes**
Reporter 

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A man who served 21 years in prison for a double murder he didn't commit will recover \$13 million for wrongful conviction after the Seventh Circuit rejected Chicago police officers' challenge to the jury award.

The trial court didn't commit reversible error by allowing the jury to see the certificate of innocence exonerating Deon Patrick, the U.S. Court of Appeals for the Seventh Circuit said Tuesday.

The police officers argued that the certificate of innocence issued by a state-court judge was unduly prejudicial and not relevant in a civil-rights case for wrongful conviction.

Rejecting the argument, the court said the certificate was properly admitted because it was directly relevant to an element Patrick had to prove.

Under Illinois law a plaintiff in a suit for malicious prosecution must prove not only that his conviction was vacated but that the prosecution was "favorably terminated in a manner indicative of innocence," the court said.

The trial judge addressed the potential for prejudice by instructing the jury that it need not decide whether Patrick committed the crimes but that his guilt or innocence was one of many factors it could consider in determining whether the defendants violated his rights.

The court also rejected the argument that the case should have been dismissed as a sanction for Patrick's acknowledged perjury during discovery.

Patrick's dishonesty under oath was a serious matter, but his falsehoods concerned relatively peripheral matters and were fully explored in cross-examination, the court said.

Patrick was convicted of double murder in 1995 and sentenced to life in prison.

The convictions were vacated in 2014, and Patrick was released based on coerced confessions by Patrick and co-defendants, suppression of exculpatory evidence including the statement of an eyewitness that Patrick wasn't at the scene of the crime, manufacturing evidence, and concealment of a co-defendant's alibi.

Patrick sued for wrongful conviction against seven Chicago police officers and two prosecutors who investigated and prosecuted him.

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The jury exonerated the prosecutors and one officer but found six officers liable for violating Patrick's Fifth Amendment right against self-incrimination, fabricating evidence, conspiring to violate his civil rights, and malicious prosecution and conspiracy.

The City of Chicago, also a defendant, stipulated to liability if any of its officers were found responsible for violating Patrick's rights.

Judge Diane S. Sykes wrote the opinion, joined by Judges William Bauer and Ilana Rovner.

Valorem Law Group and Chanen & Olstein represented Patrick.

The Chicago Office of the Corporation Counsel, and Masters Law represented the city and the police officers.

The case is *Patrick v. City of Chicago*, 2020 BL 341641, 7th Cir., No. 18-2759, 9/8/20.

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