

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re: TIRC Claim No. 2014.232-B
Claim of Harold Blalock (Relates to Cook County Circuit Court
Case No. 99 - CR 04956)

CASE DISPOSITION

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Admin Code 3500.385(b), the Illinois Torture Inquiry and Relief Commission (hereinafter, “the Commission”) concludes by a preponderance of the evidence that, there is insufficient evidence of torture to merit judicial review of Harold Blalock’s claim of torture. The decision is based upon the Findings of Fact, Analysis, and Conclusion set forth below, as well as the supporting record attached hereto.

EXECUTIVE SUMMARY

On July 24, 2000, Harold Blalock was convicted of First Degree Murder and subsequently sentenced to 40 years in the Illinois Department of Corrections. Blalock alleged in his TIRC Claim form and in interviews with TIRC staff that he was arrested at gunpoint with unnecessary roughness, choked and beaten by interrogating officers, that he was not read his Miranda rights, and that he’d involuntarily given his confession as a result of having endured this torture.

Police reports indicate after Mr. Blalock’s alibi was disproven, Mr. Blalock confessed to accidentally shooting Veronica Riley while trying to hit a gang rival. This confession and the witness statement of Tara Coleman was used to charge Blalock with First Degree Murder. Both Mr. Blalock and Ms. Coleman’s statements were introduced during Mr. Blalock’s trial.

Factors supporting Mr. Blalock’s claim include: (1) Blalock’s early assertion in his written motion to suppress of some of his torture claims (slapping, yelling and cutting of fingernail); (2) the patterns of misconduct alleged in the complaint histories of Detectives John Murray, John Halloran, and James O’Brien’s ; and (3) Blalock and Tara Coleman’s trial testimony repudiating the statements they’d made to officers during Blalock’s interrogation. However, factors detracting from Mr. Blalock’s torture claim include: (1) Blalock’s failure to testify to his torture allegations during his trial; (2) significant contradictions between Blalock’s written motion to suppress and his testimony at trial, including his trial testimony that he was not threatened at all to produce a statement; (3) significant contradictions between Blalock’s trial and post-conviction motions and his oral interview with TIRC Staff wherein he reverted to his original suppression motion claims and expanded on them significantly; and (4) the unlikeliness of Blalock’s claim that his attorney refused to revisit torture claims at trial.

In sum, there is insufficient credible evidence to support Mr. Blalock's torture allegations to the degree necessary to merit judicial review.

BACKGROUND

The Crime

On January 22, 1999, around 6pm, Veronica Riley was shot while walking past *Marvin Foods'* storefront located at 1158 W. 51st Street; Veronica was deemed an unintended victim of a drive-by, gang related, shooting. Ms. Riley was transported to Cook County Hospital where she was subsequently pronounced dead at 6:38pm on the same day.¹ Reporting Detectives Robert Lenihan and Robert Farley of Area 1 were assigned the investigation; they began their investigation at the crime scene. Officers K. Dwyer (Star #16603) and S. Alagna (Star #6049) were the first on the scene and provided the Reporting Detectives with a general overview of the crime. The Reporting Detectives attempted to interview witnesses who patronized various places of business near the shooting to no avail.²

On January 23, 1999, Gang Specialist Investigators Peck (Star #60052), and Johnson (Star # 60084) were able to locate a witness to the murder: Tara Coleman. Coleman recalled to Reporting Detectives she'd been at "*It's All About Me*" Barber Shop when someone named Harold "Hubba" Blalock came into the barbershop to place a call at the pay phone. While Blalock was on the phone, three other men came into the barbershop; all four of the men began a conversation which ultimately escalated to an argument. Coleman recalled the argument ended when the 3 men and Blalock left. She reported Blalock got into the front passenger seat of a 2-door black car driven by another man while the remaining three men walked away from the barbershop. Coleman told Detectives she'd looked outside and observed Blalock in the front passenger seat of the same black car shooting a gun out the window; she heard 5 shots while she put her kids on the floor of the shop and covered them up. After giving the statement, Coleman positively identified Blalock from a photo array.

Reporting Detectives and Officers of the Gang Investigation Section then scoured areas Blalock was known to frequent. Detectives were given Harold Blalock's girlfriend's address after speaking with Michael Blalock, Harold Blalock's brother. Officers ultimately arrested Harold while he was getting into his girlfriend's car. Blalock was taken into custody and transported to Area 1.³

¹ See Exhibit 1. Chicago Police Department, Area 1 Supplementary Report (closing) dated April 21, 1999.

² *Id* at 6-7..

³ *Id* at 7-8.

FINDINGS OF FACT

The Police Investigation

Investigative Detectives transported Harold Blalock to Area 1. Upon arrival, Reporting Detectives conducted a show-up where Tara Coleman positively identified Blalock as the offender she'd observed shooting from the black vehicle on January 22, 1999.⁴ After Coleman's identification, Detectives interviewed Blalock for the first time in Area 1. Blalock denied being involved in the shooting; he instead gave investigating officers an alibi. Blalock maintained he'd dropped off some groceries at Patricia Gibson's home and subsequently stayed to watch movies from 3pm to 11pm on January 22, 1999.⁵ Officers then interviewed Patricia Gibson who denied the truthfulness of Mr. Blalock's alibi aside from his having dropped off groceries on the day in question.⁶

After Detectives interviewed Patricia Gibson at her home, Reporting Detectives returned to Area 1 and resumed their interrogation of Mr. Blalock. Mr. Blalock, again, denied any knowledge of or involvement in the shooting death of Veronica Bailey. Within this segment of the interrogation, Detectives informed Mr. Blalock that (1) he'd been identified by a witness and (2) his alibi had been refuted by Patricia Gibson.⁷ Thereafter, Blalock admitted he was a member of the Blackstone gang and had been present for an earlier shooting where Bryant Riley shot his fellow gang member and again when Veronica Riley was shot and killed. Blalock admitted he was walking to "It's All About Me" barber shop on 51st and Racine when he saw one of his friends. Blalock acknowledged he had stopped to talk with his friend, then used the pay phone in the barber shop to make a call. Blalock told police, after he used the payphone, two members of the rival gang, the Bar None Stones, came into the barber shop. Blalock argued with the Bar None Stones before leaving the barber shop. After the arguing with members of the Bar None Stones, Blalock got into a friend's car and sat in the passenger seat. Blalock confessed he'd fired 3 shots in the direction of one of the Bar None Stones (named and referred to only as "Rasou") he'd argued with in the barbershop.

Assistant States Attorney Clarissa Palermo conducted the felony review process and approved both Tara Coleman's witness statement and Harold Blalock's handwritten confession with Detective Murray taken at 3 a.m. on January 24, 1999.⁸ Authorities collected a few more statements from witnesses and took Blalock's suspected co-assailant, Marcus Carpenter, into custody. Authorities charged Blalock with First Degree Murder.⁹

⁴ *Id* at 9.

⁵ *Id* at 9 .

⁶ Patricia Gibson is also referred to in Exhibit 1 as Patricia Barber (*See Exhibit 1* at 10) .

⁷ *Id*.

⁸ *Id* at 12 (January 24, 1999). *See Also* Exhibit 2. Chicago Police Department, Statement of Harold Blalock (January 24, 1999).

⁹ EXHIBIT 1 at 12 – 14.

Pre- Trial Proceedings

On or around May 27, 1999, Assistant Public Defender Frank Madea filed a Motion to Suppress on behalf of Harold Blalock.¹⁰ The motion alleged detectives O'Brien and Murray along with Assistant States Attorney Clarissa Palermo violated Mr. Blalock's rights by failing to provide Miranda warnings. Additionally, the motion also detailed Mr. Blalock's torture allegations for the first time, stating,

*“that detectives O'Brien and Murray slapped, yelled at, threatened and cut [Mr. Blalock's] finger nails and any statements were therefore not the free and rational choice of the accused and were not made voluntarily, knowingly and intelligently in violation of the 5th and 14th Amendments to the Constitution of the United States.”*¹¹

The Motion to Suppress was heard August 23, 1999; only Detective Murray testified.¹² Although Madea cross-examined Murray, both Madea and the state waived any opening or closing arguments on the motion. The court ruled that “the statement was made voluntarily” and denied Blalock's Motion to Suppress.¹³

Subsequently, on June 21, 2000, Assistant Public Defender Madea made two motions in limine: one to preclude evidence of other crimes from being included in the trial and the second to preclude testimony about gang activity.¹⁴ The first motion was denied on the grounds that the evidence relating to an earlier shooting, as referred to in Marcus Carpenter's Statement, could contribute to establishing a motive for Mr. Blalock's alleged crime.¹⁵ The second motion in limine was granted on the grounds that “gang evidence would [have been] unduly prejudicial, and there [was] not a sufficient tie between the shooting and the fact that Mr. Blalock was in a gang.”¹⁶

Trial Proceedings

Harold Blalock's trial began on June 22, 2000.¹⁷ In opening arguments, Public Defender Frank Madea laid out the elements of a self-defense claim, alleging that Mr. Blalock returned fire at Rasou, a member of a rival local gang, who'd fired first following an argument.¹⁸ In his trial

¹⁰ Exhibit 3. Motion To Suppress- Defendant at 1, People v. Harold Blalock, No. 99- CR-04956 (Cook County Circuit Court May 27, 1999).

¹¹ *Id* at 2 (May 27, 1999).

¹² Record of Proceedings at TIRC Page 10, People of the State of Illinois v. Harold Blalock, 99-CR-04956 (Circuit Court of Cook County August 23, 1999).

¹³ *Id* at TIRC Page Number 42-46.

¹⁴ *Id* at TIRC Page Number 49-51.

¹⁵ *Id.* See Also Exhibit 4. Chicago Police Department, Statement of Marcus Carpenter (January 24, 1999).

¹⁶ Record of Proceedings at TIRC Page Number 52-58, People of the State of Illinois v. Harold Blalock, 99-CR-04956 (Circuit Court of Cook County June 21, 1999).

¹⁷ Record of Proceedings at TIRC Page Number 190, People of the State of Illinois v. Harold Blalock, 99-CR-04956 (Circuit Court of Cook County June 22, 1999).

¹⁸ Record of Proceedings at TIRC Page Number 201-213, People of the State of Illinois v. Harold Blalock, 99-CR-04956 (Circuit Court of Cook County June 22, 1999).

testimony, Blalock largely repudiated the handwritten statement he'd given to police January 24, 1999. He testified that he'd seen Marcus Carpenter across the street from the barber shop located at 1156 W. 51st Street and that after briefly waving 'hello' to Carpenter, Blalock proceeded to the barbershop where he saw, greeted, and hugged Tara Coleman;¹⁹ Blalock further testified he and Rasou argued while in the barbershop. Blalock testified that he and Marcus Carpenter left the barbershop; that Mr. Carpenter had given Mr. Blalock a ride to his car a few blocks away. Blalock testified after getting into his own vehicle he returned to the crime scene with the intention of giving Veronica Riley a ride to a local restaurant. When Blalock returned to the neighborhood, however, Rasou fired at least four shots at him and Mr. Blalock then fired two shots back at Rasou. Blalock testified that, when he tried to tell the Assistant State's Attorney the truth about what happened, specifically, that Rasou had fired first, the ASA responded she didn't believe him and he felt pressured to recount the details of that day differently.²⁰ However, Blalock specifically testified that he was read his Miranda rights by detectives²¹, that was not threatened to produce the written statement that he had given,²² and he made no mention of any abuse he had previously alleged during his motion to suppress, nor did he make any allegations of being choked, having a gun pointed at him or urinating on himself.

In addition to Mr. Blalock's repudiation, Witness Tara Coleman also repudiated her statement at trial. Ms. Coleman recalled very few of the statements she'd provided police. Ms. Coleman repeatedly denied portions of the statement she allegedly gave investigating detectives as well as testimony she'd provided during her Grand Jury testimony. Notably, Ms. Coleman alleged that at least 10 investigating officers attempted to interview her and that the officers stuck her with pens.²³

On June 26, 2000, Detective James O'Brien testified he'd solicited a statement from Ms. Tara Coleman during his investigation that identified Mr. Blalock as the person who fired a gun and killed Veronica Riley.²⁴ While being cross-examined, Detective O'Brien contended that Tara Coleman had been cooperative with officers when giving her statement, that she had made edits to State's Attorney Clarissa Palermo's handwritten recollection of Ms. Coleman's statement, and he denied he'd ever stabbed or poked Ms. Coleman with pens or pins.²⁵ However, Officer O'Brien did admit during cross examination that Tara Coleman had never specifically indicated that she'd seen Harold Blalock shoot Veronica Riley; that Tara expressed some angst

¹⁹ Record of Proceedings at TIRC Page Number 571-644, People of the State of Illinois v. Harold Blalock, 99-CR-04956 (Circuit Court of Cook County June 26, 2000).

²⁰ *Id* at TIRC Page Number 583.

²¹ Record of Proceedings at TIRC Page Number 615, People of the State of Illinois v. Harold Blalock, 99-CR-04956 (Circuit Court of Cook County June 26, 2000)

²² Record of Proceedings at TIRC Page Number 626, People of the State of Illinois v. Harold Blalock, 99-CR-04956 (Circuit Court of Cook County June 26, 2000)

²³ Record of Proceedings at TIRC Page Number 251- 330, People of the State of Illinois v. Harold Blalock, 99-CR-04956 (Circuit Court of Cook County June 26, 2000).

²⁴ *Id* at TIRC Page Number 402-403.

²⁵ *Id* at TIRC Page Number 412-420.

about providing the statement and that there was some unconfirmed knowledge that Tara was intimately connected to the intended victim of the shooting, Rasou. Assistant State's Attorney Palermo also testified. Prosecuting Attorney Erin Farrell attempted to use Attorney Palermo's testimony to contest Blalock and Coleman's repudiations. Palermo testified Ms. Coleman and Mr. Blalock indicated they'd been treated well by officers and gave their statement voluntarily.²⁶ Ms. Palermo also read both Mr. Blalock and Ms. Coleman's statements into the record. When called as a rebuttal witness; Ms. Palermo denied coercing Mr. Blalock into giving an inculpatory statement and denied Blalock had ever stated Rasou fired first.²⁷

In closing arguments, the state challenged Mr. Blalock's alibi and insisted Mr. Blalock was both motivated and reckless in his actions which ultimately killed Veronica Riley. Prosecutors largely relied on Blalock's confession and Tara Coleman's statement to police to secure a conviction. Blalock's counsel maintained there was a lack of evidence to support the prosecution's case and that Mr. Blalock, at worst, acted in self-defense. The jury found Mr. Blalock guilty of first degree murder.²⁸

Appeals and Post-Conviction Proceedings

On July 25th, 2000 Attorney Madea filed a Motion for New Trial on behalf of Mr. Blalock. The motion alleged: (1) Mr. Blalock's Motion to Suppress Statements was erroneously denied, (2) the trial court erred in its refusal to provide a second-degree murder provocation instruction to the jury and (3) the prosecution had failed to prove Mr. Blalock guilty beyond a reasonable doubt. The State argued second degree murder instructions were provided to the jury and were sufficient. The motion for new trial was denied.²⁹ Additionally, the court heard arguments regarding the State's Motion for the Death Penalty and Mr. Blalock's Motion to Bar the Death Penalty.³⁰ The court denied Mr. Blalock's Motion to Bar the Death Penalty, found Mr. Blalock eligible for the death penalty, and ruled "there [were] sufficient mitigating factors to preclude the imposition of the death penalty."³¹ Mr. Blalock was sentenced to 40 years in the Illinois Department of Corrections. Attorney Madea also filed a Motion to Reconsider Sentencing; the court also denied this motion.³²

Blalock also appealed the trial court's decision alleging the trial court had failed to give the jury a provocation instruction.³³ The appellate court affirmed the trial court's decision on June 24, 2002.

²⁶ *Id* at TIRC Page Number 469-471.

²⁷ *Id* at TIRC Page Number 644-645.

²⁸ *Id* at TIRC Page Number 754.

²⁹ *Id* at TIRC Page Number 762-764.

³⁰ *Id* at TIRC Page Number 764-771.

³¹ *Id* at TIRC Page Number 780.

³² *Id* at TIRC Page Number 782-787.

³³ *See Exhibit 7. People v. Blalock*, 1-00-2769 (2002) (unpublished order under Supreme Court Rule 23).

In his initial post-conviction petition filed July 10, 2003, Blalock asserted actual innocence. To support his claim, Blalock proffered to the court newly discovered evidence including the affidavit of a new witness named Andre Cross. According to Blalock, Cross' testimony supported his innocence claim. Additionally, as it pertains to Blalock's torture allegations, Blalock noted the involuntariness of his confession:

“Mr. Blalock, who voluntarily testified at trial, also repudiated his earlier statement implicating him in the murder. At trial he testified only that he fired a gun that night in self defense – an individual with whom he had been arguing began shooting at him so he shot back. Mr. Blalock also testified that he gave the written statement because the prosecutors responsible for obtaining the statement refused to believe the true facts when he recounted them, and then badgered him into giving the implicating statements.”³⁴

Blalock's post-conviction claim relitigated Mr. Blalock's trial testimony.³⁵ On September 2, 2003, defendant's petition was summarily dismissed as frivolous and patently without merit.

Blalock also filed a Successive Post-Conviction Petition on July 8, 2009.³⁶ His successive post conviction petition did not make allegations of police torture or misconduct. Blalock did, however, make claims of ineffective assistance of counsel and allege his own innocence.

TIRC Investigation

TIRC Claim Form, Correspondence, and Interview

Harold Blalock submitted two torture claim forms: once on notebook paper September 30, 2013, and again on a formal TIRC Claim Form submitted November 18, 2013. In both versions Mr. Blalock detailed his torture allegations. Blalock alleged that officers used unnecessarily rough treatment during his arrest despite his willingness to accompany officers.. He alleged that four officers removed him and his family from their car, held them all at gunpoint, refused to allow the mother to tend to the baby in the car's back seat, forced his head roughly onto the trunk and escorted Blalock to the Area 1 Police Station. Claimant alleged that one of the detectives sat in the back seat of the squad car with him while he was being transported to Area 1 and questioned Blalock as to why he hadn't come to the station as officers had asked earlier that day. That the same officer then tightened Blalock's handcuffs while they rode from the scene of the arrest to Area 1. One of the claim forms elaborated on an aspect of the motion to suppress – the nail clipping allegation. Blalock explained that Detective Halloran had, under the guise of examining his hand for gunpowder, used a silver-looking metallic object

³⁴ See Exhibit 8. *People v. Blalock*, 99-CR-4956, Post-Conviction Brief on Behalf of Blalock at Page 2-3.

³⁵ See Record of Proceedings at TIRC Page Number 583, *People of the State of Illinois v. Harold Blalock*, 99-CR-04956 (Circuit Court of Cook County June 26, 2000). Where Blalock testifies interrogating officers and Assistant States Attorney C. Palermo refused Mr. Blalock's attempts to "tell the truth" about the crime in question.

³⁶ See Exhibit 8A. *People v. Blalock*, 99- CR-4956, Petitioner's Successive Post-Conviction Brief.

to split his pinky fingernail, causing it to bleed. The forms stated that O'Brien had slapped his head with a clipboard at least three times.

He also alleged in the forms, for the first time, that Halloran had choked him into unconsciousness, that he had urinated on himself while unconscious, and that Halloran had hit, slapped and kicked him, and that Halloran had pulled out his gun and pointed it at Blalock.³⁷

On September 9, 2016 in the presence of TIRC Staff and TIRC-appointed attorney Joel Flaxman, Mr. Blalock signed the TIRC Waiver Form and TIRC Limited Attorney-Client & Work Product Privilege Waiver Form.³⁸ Subsequently, TIRC Staff interviewed Mr. Blalock regarding his experience with officers with specific regard to Mr. Blalock's torture allegations.³⁹ Mr. Blalock in large part recalled the claims made in his motion to suppress. Mr. Blalock, in congruence with his TIRC Claim form, elaborated upon torture allegations he'd lodged in his Motion to Suppress. In the interview, Blalock alleged the following in addition to the allegations lodged in his Motion to Suppress:

- Four police officers arrested him with their guns drawn upon their approach; placed him face-down on the trunk of the car; startled his 1 year old son; tossed his son's diaper bag from the car; handcuffed and put Blalock in the back seat of their squad car.
- In an interrogation room, Detective Halloran choked Blalock until he lost consciousness. While unconscious, Blalock urinated on himself, and he was still wet when interviewed by ASA Palermo. Halloran also pushed his face and kicked him in his chest. Blalock alleged for the first time that Halloran also bent his fingers back to obtain a confession.
- After Halloran split his fingernail, Blalock wrapped his finger in his T-shirt to stem the bleeding, leaving a blood stain about the size of a quarter.
- Contrary to his testimony at trial, Blalock contended that by the time he was interviewed by ASA Palermo he'd resigned to telling the concocted story to the ASA which is reflected in his statement. He twice told TIRC staff that he did not try to tell ASA Palermo what actually happened because Detective Murray was there the entire time. When confronted with his trial testimony, Blalock changed his story, saying he'd forgotten that he'd once attempted to tell Palermo the truth as Murray was headed out of the door, and that Palermo said she didn't believe him, and Murray returned, so he dropped it.

³⁷ See Exhibits 12 and 13: Blalock claim forms 1 & 2.

³⁸ See Exhibit 5. Torture Inquiry and Relief Commission, TIRC Waiver & TIRC Limited Attorney Client Work Product Waiver, Harold Blalock 2014.232-B (September 9, 2016).

³⁹ Hear Exhibit 6. Interview with Harold Blalock, TIRC Claimant No. 2014. 232-B, TIRC Waiver Session in Chicago, IL (September 6, 2016).

- Contrary to his trial testimony, Blalock also contended that, except for moments when he'd been transferred from room to room, he'd been handcuffed constantly while in police custody.
- Further contrary to his trial testimony, Blalock contended he was not read the necessary Miranda Rights prior to giving his statement.
- Blalock alleged he'd told medical officials at the jail at the time of his intake about the abuse he'd endured at the hands of officers. Blalock claimed he'd shown the jail intake nurse(s) injuries to his neck and chest sustained from his altercation with officers.
- Blalock claimed that he was first photographed in a Polaroid photograph when he arrived at the police station, but was not photographed after his confession, and that Cook County Jail booking authorities did not photograph him either, but used an older photograph of him to book him.
- Blalock claimed that when he first visited with his Public Defender Frank Madea in the jail, it was approximately a month after his arrest and his injuries were largely gone, but the split in the fingernail was still visible. He said Madea said without physical proof he would "withhold" Blalock's testimony from the motion to suppress.

When asked why he did not testify to his torture at his trial, Blalock attributed his omission to his impression that his opportunity to discuss his torture allegations before the court expired with the denial of his Motion to Suppress.

Pattern and Practice Evidence

Detective Halloran

TIRC investigators reviewed Detective Halloran's complaint file. The list of complaints alleged against him is extensive and includes two dozen allegations similar to those made by Mr. Blalock. The events spanned a 24-year period from 1990 to 2014.

In 1991, a Cook County Jail worker testified that when police removed a defendant, Johnnie Plummer, from the jail, he observed no injuries on him. When he was returned to the jail by police, the worker observed a lump under Plummer's left eye, swelling on the left side of his forehead and he appeared to have been crying. One of the officers told the worker that they "put another murder on [Plummer]." *People v. Tyler*, 2015 IL App (1st) 123470, ¶168. The detectives involved in Plummer's interrogation were detectives Clancy, Foley, Boudreau, and Halloran. *Id.*

In 1992, Halloran was involved in a confession that was proven to be false after DNA evidence exonerated the accused. In that case, Harold Hill testified in a civil deposition that Halloran did not hit him, but stood by and did nothing as Detective Kenneth Boudreau grabbed Hill on March 20, 1992 and screamed at him in order to secure a confession to the murder and rape of Kathy Morgan. Hill testified Halloran came in and out of the room as Boudreau

interrogated him, slapping him and punching him in the ribs. Hill alleged both detectives took him to the scene of the crime where Boudreau again slapped him. Hill finally confessed. *Hill v. City of Chicago, et al.*, (06-C-6772, Northern District of Illinois, Aug. 30, 2011, J. St. Eve) (2011 WL 3840336, at *1) In addition to Hill's confession, detectives also secured confessions from Dan Young and Peter Williams, after which it was determined that Williams had been incarcerated at the time of the Morgan murder, and charges against Williams were dropped. Young and Hill were convicted (despite confessions that implicated Williams) and imprisoned until DNA testing showed someone else's DNA under Morgan's fingernails. Young and Hill's convictions were vacated and the state dropped all charges. *Id. at* *1–2. Hill filed a civil suit which the city settled for \$1.25 million. Hill insisted that Halloran and Boudreau each pay \$7,500 out of their own pockets in contribution to settle.⁴⁰

In 2004, Murder witness Romelle Coleman testified that he was smacked around a little bit by detectives after he lied to them about what he knew about a crime. One of the detectives who interrogated Coleman was John Halloran. A jury convicted the defendant, Arthur Dent despite Coleman's testimony alleging abuse. *See People v. Dent*, 2011 IL App (1st) 091384-U, 2011 WL 9688888.

Detective Halloran's wife has filed a complaint against him, alleging that he slapped her during a domestic dispute. However, this complaint was not sustained because the complainant refused to cooperate and did not want criminal charges to be pressed against her husband. Halloran has denied ever striking his wife.

Detective O'Brien

A pre-2000 Complaint Register History lists 25 complaints against O'Brien. Of the 25 complaints, two were sustained, 14 were not sustained, four exonerated O'Brien, and four were deemed unfounded. One complaint's final finding was not available. A post-2000 complaint listed eight complaints. Four were not sustained, two were unfounded, and for two of them the outcomes were not available.⁴¹

One of the complaints deemed "sustained" related to Detective O'Brien taking a statement from a juvenile without an adult present. It was recommended he receive a ten day suspension. A complaint deemed "not sustained" filed by Robert Wilson resulted in a lawsuit against O'Brien. Mr. Wilson had been arrested for an alleged attack of a woman at a bus stop. A trial judge refused to admit evidence at trial relating to similar attacks on several other women that occurred after Wilson was taken into custody. A federal judge ordered a retrial, admitting into evidence all the subsequent attacks, and the victim recanted her statements identifying Mr. Wilson. Mr. Wilson was released from prison and received a \$3.6 million settlement against O'Brien in 2012

⁴⁰ See Exhibit 9 Summary of Complaints against Det. J. Halloran.

⁴¹ Illinois Torture Inquiry and Relief Commission, Pre-2000 Mainframe Complaint Register History, 01-Jan-1967 to 31-Dec-1999, requested Jan. 7, 2015.

after filing a Section 1983 case against him and several other Chicago police officers, alleging that they had (a) physically abused him, (b) denied him adequate sleep and food, (c) denied him necessary blood pressure medication, (d) intimidated him, (e) promised him leniency if he confessed, and (f) threatened him with violence if he did not, all to elicit a confession to a crime that Mr. Wilson did not commit. Several investigations of O'Brien deemed "not sustained" later resulted in dismissals of the civil cases pertaining to such torture allegations.⁴²

Detective Murray

Det. John Murray's employee complaint history consisted of 18 complaints, none of which the Office of Professional Standards or the Independent Police Review Authority sustained.⁴³ Of those complaints, 5 involved allegations of mental or physical coercion of suspects or witnesses during interrogation,⁴⁴ including one by Donald Williams, whose confession was suppressed by Judge Marcus Salone.⁴⁵ The resulting civil lawsuit from that acquittal was dismissed when a judge ruled that Williams should have filed his civil complaint *before* he had been acquitted.

Another complaint related to an allegation of threatening measures used against a murder witness during interrogations and before grand jury and trial proceedings.⁴⁶ The complainant alleged that on one occasion, Murray's colleague Det. Boudreau wrote "RIP" on pieces of paper and handed them to the witness⁴⁷. On another occasion, the complainant alleged, Murray placed the witness in a courtroom holding cell with the murder suspect he was going to testify against (although cell records contradicted that claim).⁴⁸

Medical Records

On September 4, 2019, after obtaining a HIPAA waiver from Mr. Blalock, TIRC Staff requested Harold Blalock's medical records. The Director of Correctional Health Information reported Mr. Blalock's health records could not be located.

Interview with Blalock's Trial Counsel

Blalock's trial attorney, Frank Madea has lodged torture allegations on the behalf of his clients in the past. For example, in the trial of Anthony Jakes, Madea boldly proclaimed in his opening argument in the Anthony Jakes case, "Detective Kill whomped on my client, basically. He beat a confession out of him. He made him, a fifteen year old boy, tell him a statement which

⁴² See Exhibit 10, summary of complaints against Det. James O'Brien.

⁴³ See Exhibit 11, Summary of complaints against Det. John Murray.

⁴⁴ See CR 208812, 252093, 283016 and IPRA Log Nos. 1035792, 1070948.

⁴⁵ See CR 1035792.

⁴⁶ See CR252093 and IPRA Log No. 1070948.

⁴⁷ See CR252093.

⁴⁸ See *id.*

he wanted to hear.”⁴⁹ On August 16, 2018, TIRC Staff attempted to interview Attorney Frank Madea regarding his interactions with Harold Blalock. Unfortunately, Attorney Madea made it very clear that although he remembered Blalock’s name, he did not remember anything about the case. On August 10, 2018, TIRC Staff subpoenaed the Public Defender’s Office, requesting all unprivileged materials for copying and all privileged materials be made available for Attorney Frank Madea to review. On October 1, 2018, the Cook County Public Defender’s Office responded to TIRC’s subpoena indicating they were unable to locate Harold Blalock’s file and Atty. Frank Madea did not know where it might be.

STANDARD OF PROOF

Section 40(d) of the Illinois Torture Inquiry and Relief Act permits the Commission to conduct inquiries into claims of torture. *See* 775 ILCS 40/40(d). “ ‘Claim of torture means a claim on behalf of a living person convicted of a felony in Illinois asserting that he was tortured into confessing to the crime for which the person was convicted and the tortured confession was used to obtain the conviction and for which there is *some credible evidence* related to allegations of torture.’”⁵⁰ If five or more Commissioners conclude by a preponderance of the evidence that there is sufficient evidence of torture to merit judicial review, the case shall be referred to the Chief Judge of the Circuit Court of Cook County. If fewer than five Commissioners conclude by a preponderance of evidence that there is sufficient evidence of torture to merit judicial review.⁵¹

The Commission is not tasked by the General Assembly to conduct full, adversarial, evidentiary hearings concerning the likelihood of torture, or even to make a final finding of fact that torture likely occurred. That remains the role of the courts. Instead, the Commission has interpreted Section 45(c) through its administrative rules, as not requiring that it be more likely than not that any particular fact occurred, but rather that there is sufficient evidence of torture to merit judicial review.

Under the Commission’s Administrative Rules a “tortured confession includes any incriminating statement, vocalization or gesture alleged by police or prosecutors to have been made by a convicted person that the convicted person alleges were a result of (or, if the convicted person denies making the statements, occurred shortly after) interrogation that the convicted person claims included torture.”⁵²

⁴⁹ *People v. Jakes & Day*, ROP – Opening Statements of Frank Madea, (September 9, 1993).

⁵⁰ 775 ILCS 40/5 (Emphasis added).

⁵¹ Although this claim involves a former Burge supervisee (O’Brien), in 2016, the Illinois legislature expanded the Commission’s jurisdiction to all Cook County convictions and beyond only those cases connected to Burge. *See* P.A. 99-688.

⁵² In general, the approach the Commission has taken is akin to the concept of “probable cause”, that is, there must be enough evidence that the claim should get a hearing in court. *See* FAQ No. 8, *available at* <https://www.illinois.gov/tirc/Pages/FAQs.aspx/>. The Illinois Appellate Court has noted that “the Commission is asked to determine whether there is enough evidence of torture to merit judicial review, the circuit court is asked to determine whether defendant has been tortured. These are two different issues determined by two different entities.”

ANALYSIS

Factors Supporting Blalock's Claim

1. Blalock's torture claims were made early. Mr. Blalock's written motion to suppress brief indicates he made some claims of torture (slapping, yelling and nail-splitting) as early as May of 1999.
2. Detectives Murray, Halloran, and O'Brien's patterns of misconduct are concerning. There is an extensive history of abuse allegations among these officers.
3. Blalock's repudiation of his confession at trial. Blalock completely changed his testimony at trial. He denied the validity of his confession and indicated that he was not allowed to be honest with Assistant State's Attorney Palermo when providing his final, handwritten, statement. At trial, Blalock contended he'd attempted to give ASA Palermo his honest recollection of the events leading up to the shooting in question, but his offers were repeatedly silenced. Blalock insisted he was coached as to what his statement needed to be.
4. Tara Coleman also recanted her statement to police at trial. Ms. Coleman alleged she'd been poked with pens while in police custody as a witness. Though Ms. Coleman's allegations do not compare to the severity of Mr. Blalock's allegations, Ms. Coleman's testimony did include allegations that investigating officers had physically abused her. In his closing argument, Attorney Madea alleged Ms. Coleman had lied in her trial testimony.

Factors Discrediting Blalock's Claim

1. Blalock told three distinctly different stories regarding torture allegations in succession. His motion to suppress alleged slapping and nail-splitting. However, his trial testimony repudiated all allegations of torture; he specifically testified that he was not threatened into giving a statement, and he made no allegations of physical abuse whatsoever. His post-conviction petitions also alleged no torture, only verbal badgering. His failure to testify to his specific torture allegations when given the opportunity during his trial discredits his torture claims. Mr. Blalock, while testifying at trial, was asked why his statement to officers differed from his trial testimony; Blalock explained he'd attempted to share his honest recollection of the event in question but was coached into giving another, false, narrative. While this sort of coaching would certainly be frowned upon, it would not rise to the level of torture. In his TIRC allegations, he not only went back to his motion-to-suppress version, but added expansive new allegations such as being choked into unconsciousness, being kicked repeatedly, and being threatened with a gun. The large variance between each version of the stories damages his credibility.

See People v. Christian, 2016 IL App. (1st) 140030 (comparing the Commission to a court deciding whether a postconviction petition can advance to the third stage).

2. Mr. Blalock's story accounting for his failure to testify at trial about the torture is unconvincing. He explained that he was under the misguided impression that his motion to suppress was the only opportunity he had to voice his torture-related claims; that the denial of that motion to suppress ended that argument with finality. However, Blalock's attorney has, on at least one other occasion, revived torture claims at trial even after an unsuccessful suppression hearing. Additionally, Mr. Blalock's TIRC interview indicates that he had a blood-stained shirt to use as evidence and that his nail was still split when he first conferred with Madea, both of which are arguably inconsistent with his story that Madea underplayed his motion due to a lack of physical evidence.
3. The contradictions between Blalock's testimony at trial and Blalock's interview with TIRC Staff about other details also challenges the credibility of Mr. Blalock's claims. During his interview with TIRC Staff, Mr. Blalock twice contended that by the time he was interviewed by ASA Palermo he'd resigned to telling the concocted story reflected in his statement, and that he did not try to tell ASA Palermo that Rasou fired at him first because Detective Murray was present the entire time. When confronted with his trial testimony where he'd maintained he'd tried to tell Palermo the truth, Blalock reversed his story in the midst of the TIRC interview, saying he'd forgotten that he'd once attempted to tell Palermo the truth.
4. Police had an eyewitness identifying Blalock as the shooter, slightly lessening the motive to procure a statement by torture.
5. Blalock's length of detention before giving a signed statement was approximately 5½ hours (9:30 p.m. to 3 a.m.), short by CPD standards, and not necessarily indicative of coercion.
6. A Polaroid picture authorities contend was taken after Blalock's confession does not show injuries or the blood stain Mr. Blalock contends exists. It must be noted, however, that Blalock now contends this picture was taken *prior* to his interrogation.

Weighing the Evidence

While there is subjective evidence to lend credibility to Mr. Blalock's claim, there is little to no objective evidence of the torturous acts Mr. Blalock claims he endured at the hands of investigating officers.

Subjectively, although Blalock made a relatively early outcry via his motion to suppress, that same claim is severely undercut by his contradictory testimony soon after, at trial. His post-conviction petitions are generally consistent with his trial testimony disavowing torture. Although he has again raised original allegations of abuse, he has done so by broadly expanding such claims, and in an unconvincing manner.

In terms of objective evidence, the investigation was hampered by the loss of the public defender's file and Cermak medical records. However, there is some indication that Frank Madea, Blalock's trial attorney, would have re-raised torture allegations at trial if they were

meritorious. In addition, there is no indication that the objective Cermak medical records were sought at the time of the suppression hearing as relevant evidence, a possible indication that Madea and Blalock did not believe they would show abuse. Additionally, evidence that Blalock claims would have objectively demonstrated torture – a nail still split at the time of his conference with Madea and a blood-stained shirt – was not sought or produced at the time of the suppression motion nor is it available now.

The Commission has traditionally acknowledged the reasonably low evidentiary standard applicable to cases within the Commission’s jurisdiction. It also recognizes that it has in the past referred to court claims where there has been some drift between what was originally claimed at a motion to suppress and in a TIRC interview. *See In re Claim of Jackie Wilson* and *In re Claim of Jerome Johnson*. Some variance in memory in decades-old cases is to be expected, and claimants will sometimes gild the lily.

However, in those cases there was either significant objective evidence supporting the original claim, or the claimant had been consistent about original, core allegations.

At issue in this this claim, however, is the claimant’s complete reversal of his original subjective claims, and then reversal of that story again, accompanied by a paucity of objective evidence to support any of those versions. We do not think Blalock’s allegations can be termed as even somewhat consistent when he has twice completely reversed course. The evidence in Mr. Blalock’s case fails to satisfy the standard of proof necessary to advance his TIRC claims to a court hearing.

CONCLUSION

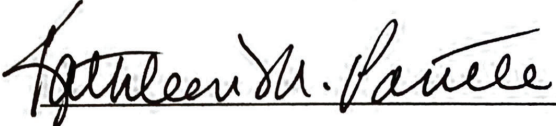
The Commission concludes by a preponderance of the evidence that there is insufficient credible evidence of torture to merit referral of Harold Blalock’s claim for further judicial review.⁵³ This determination shall be considered a final decision of an administrative agency for purposes of administrative review under Illinois Administrative Review Law (735 ILCS 5/3-101).⁵⁴

⁵³ 775 ILCS 40/45(c).

⁵⁴ *See* 775 ILCS 40/55(a) of the TIRC Act. Although this determination does not concern a “contested case” as defined in Section 1-30 of the Illinois Administrative Procedures Act (5 ILCS 100/1-30) because no opportunity for a hearing is required (*See also* 775 ILCS 40/45 (a)), the Commission notes that the rules of the Commission do not require any motion or request of reconsideration before appeal under the Administrative Review Law, and notes that the service address of interested parties listed in the Notice of Filing certificate that accompanies the filing of the determination with the Court.

The Commission instructs its Executive Director to file its written findings and conclusion with the court and to notify Mr. Blalock of its decision to deny referral of his claim to court. It further instructs the Director to notify Mr. Blalock of his right to judicial review of the Commission's decision under Illinois Administrative Review Law.

Dated August 19, 2020

A handwritten signature in black ink, reading "Kathleen M. Pantle", written over a horizontal line.

Alternate/Acting Chair Kathleen Pantle