

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of Daniel Vaughn

TIRC Claim No. 2011.023-V

CASE DISPOSITION

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Adm. Code 3500.385(c), it is the decision of the Commission that there is not sufficient evidence of torture to conclude that the Claim is credible, and therefore it does not merit judicial review. This decision is based upon the Findings of Fact and Conclusions set forth below, as well as the supporting record attached hereto.

Findings of Fact

1. Claimant Daniel Vaughn ("DV") alleges in his Claim Form attached as Exhibit A that he was struck in the face at Area 2 by Detective John Yucaitis (now deceased), that he was subject to "threatening (*sic*) behavior" by Detective Michael McDermott, and that he was told if he didn't sign a statement they "were really going to 'trim my ass'".
2. DV signed a statement which said that the child he was caring for died as a result of an accidental fall to the floor.
3. At the hearing on DV's motion to suppress, DV testified that the Assistant State's Attorney ("ASA") who wrote the statement DV signed never advised him of his rights and refused to leave the room when DV said he didn't want to talk to her and he wanted an attorney. (Transcript of Proceedings dated November 29, 1988 at 66-67) He also testified that he signed the statement because he was "tired" and denied that he was "beaten or beaten up". (*Id.* at 101, 104) DV was at Area 2 approximately 3-4 hours before he signed the statement. (*Id.* at 73)
4. The ASA who DV accuses later worked for the State Appellate Defender's office, and was working there in 2005 when she was interviewed by the Special State's Attorney. She denied DV's accusations, as she had when she testified at the hearing on the motion to suppress, and pointed to her position with the OSAD as evidence of her desire to respect the rights of the accused. The Commission notes that she referred to DV throughout the statement as "Mr. Vaughn", rather than by his first name as is often done.

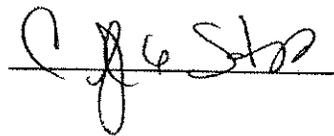
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5. DV gave a sworn statement to the Special State's Attorney on November 19, 2004, the relevant portions of which are attached as Exhibit B. In that statement DV twice states that Yucaitis never struck him. (Ex. B at 17, 32)
6. In his TIRC interview DV first denied that he had ever given a sworn statement to the Special State's Attorney. When shown the transcript DV then denied that he had stated that Yucaitis never struck him, but the transcript demonstrates otherwise.

Conclusions

1. There is not sufficient evidence of torture to conclude that the Claim is credible because:
 - a. Given DV's contradictory statements regarding Yucaitis, and his unfounded accusations against the ASA, the Commission believes that DV lacks credibility;
 - b. His Claim is not corroborated in any fashion;
 - c. The statement was clearly thought by DV to be exculpatory, reducing the likelihood that it was coerced; and
 - d. He testified that he signed the statement because he was tired, and denied being beaten or beaten up.
2. Since there is not sufficient evidence of torture to conclude that the Claim is credible, the Claim should not be referred for judicial review.

DATED: July 26, 2013



Cheryl Starks
Chair
Illinois Torture Inquiry and
Relief Commission

EXHIBIT A:

Daniel Vaughn Claim Form

STATE OF ILLINOIS
Torture Inquiry and Relief Commission

FORM TO FILE CLAIM OF TORTURE WITH ITIRC

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

Daniel VAUGHN N-20916
P.O. Box 99
Pontiac, IL 61764

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

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

a. Circuit Court: COOK [REDACTED] COUNTY, Illinois
b. Year: 1987
c. Crime(s) of Conviction: MURDER
d. Sentence: NATURAL LIFE
e. Case Number (if known): 87 CR 11296

4. Details of alleged torture:

a. Law enforcement agency: AREA 2 Police Station
b. Date(s): 8-8-87
c. Names of persons committing alleged torture: Detectives
John YUCAITIS Michael McDERMOTT
d. Brief description of alleged torture: Physical Abuse
Punches To the Face by John YUCAITIS
Threatening behavior by Michael McDERMOTT
working together to force me to sign a
CONFESSON. IF NOT they were really going
to "Trim my ASS".

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

- a. This information is only in my possession
- b. but there are several pieces of evidence
- c. to support my claim of the similar treatment
- d. to other suspects along with an independent
- e. report compiled by a special prosecutor

6. Location of documentation supporting your Claim: These documents
are in my possession. They are also a part of
the public record.

Dated: 5-11-11

Daniel Vaughn N 20916
Claimant or Person signing on Claimant's Behalf

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EXHIBIT B:

Excerpts of Sworn Statement by Daniel Vaughn to Special State's Attorney
on November 19, 2004

IN RE:
INTERNAL INVESTIGATION BY SPECIAL PROSECUTOR
APPOINTED BY JUDGE BIEBEL

Sworn interview of DANIEL VAUGHN,
taken at the Department of Corrections, 100 West
Randolph Street, 4th Floor, Chicago, IL 60601,
commencing at 1:52 p.m. on November 19, 2004, upon
oral interrogatories propounded by Ronald F. Neville.

PRESENT:

Office of the Special Prosecutor
221 North LaSalle Street
Room 607,
Chicago, Illinois 60601
(312) 696-0330
By: Mr. Ronald F. Neville;

STATE OF ILLINOIS
DEPARTMENT OF CORRECTIONS
100 West Randolph
4th Floor
Chicago, Illinois 60601
(312) 814-3017
By: Ms. Monica Saulsberry,
Video Assistant.

1 MR. NEVILLE: My name is Ron Neville.
2 I'm an assistant prosecutor. We're investigating
3 allegations of alleged brutality at Area 2 by certain
4 Chicago police officers. And the reason we're
5 talking to you is because of the letter that you sent
6 to Judge Ed Egan, who is the special prosecutor.

7 Do you recall that?

8 THE WITNESS: I do.

9 MR. NEVILLE: We have checked, and our
10 understanding is that you are not represented by any
11 attorney at the present time; is that correct?

12 THE WITNESS: That's correct.

13 MR. NEVILLE: And you're willing to
14 talk to me without an attorney present; is that
15 correct?

16 THE WITNESS: Yes.

17 MR. NEVILLE: We're going to swear you
18 in so that we can use this for what purposes we deem
19 necessary.
20 (Witness sworn.)

21 DANIEL VAUGHN
22 having been called as a witness and having been first
23 duly sworn, was examined and testified as follows:

24 EXAMINATION

1 BY MR. NEVILLE:

2 Q Mr. Vaughn, would you state your full name,
3 and spell your last name.

4 A Daniel Vaughn, V-a-u-g-h-n.

5 Q Your intimate number, please?

6 A 820916.

7 Q And your date of birth?

8 A 6-14-63.

9 Q June 14th of '63?

10 A Yeah.

11 Q Do you know what your Social Security
12 number is?

13 A If I'm not mistaken, it's 350-56-9099.

14 Q Just so my record is clear, it is correct
15 that at the present time you are not represented by
16 an attorney, and you're willing to go forward and
17 give me a statement at this time?

18 A Yes, I am.

19 Q The letter that we were referring to I have
20 in my possession, and I'm going to read portions of
21 it and then tell you what information I'm looking
22 for, okay?

23 It's dated January 26th of '03. It
24 says: Dear sir, my name is Daniel Vaughn, and I was

1 convicted for first degree murder in 1989.

2 It was correct that you were convicted
3 of first degree murder?

4 A That's correct.

5 Q And the victim was a Matthew Tayborn?

6 A (Nodding.)

7 Q Continuing on with your letter: I was in
8 Area 2 when I was struck, threatened by detectives
9 that if I didn't sign a confession, they would do all
10 sorts of things to me. I eventually signed the
11 statement.

12 This is the only evidence that they
13 had against me, because my efforts to have statements
14 suppressed was unsuccessful.

15 Did I read that correctly?

16 A Yes, you did.

17 Q My understanding is you were front of Judge
18 Meekins.

19 Does that sound right?

20 A Yes.

21 Q What was the name of your defense attorney?

22 A Michael McInerny.

23 Q Can you spell the last name, Mr. Vaughn?

24 A I think it's M-c-i-n-e-r-y, (sic), but I'm

2 But I know what they intentions was as
3 far as what they were saying, they mentioned they was
4 trying to get across to me.

5 Q And all of this happened within the first
6 25 minutes, approximately 25 minutes?

7 A Oh, yeah. That happened soon as we got in
8 there, soon as they had me handcuffed to the wall.

9 Q But I'm just trying to understand what
10 happened in the first 20, 25, 30 minutes that you
11 described to me.

12 Did either of them strike you or do
13 anything else to you during that period of time?

14 A Yucaitis or McDermott did not strike me.

15 Q Ever?

16 A Ever. It was this other detective. I
17 don't know his name, but I remember his face. And
18 I'm thinking maybe that's him, but I'm not sure.
19 Meanwhile, he came in the room, Yucaitis was already
20 in the room and McDermott was already in the room,
21 walked over to me, struck me in the mouth, walked
22 out.

23 Q Now, we had first talked about a period of
24 25 to 30 minutes that Yucaitis and McDermott are
playing good cop/bad cop with you.

1 Was it after that 25- to 30-minute
2 period that this other detective came into the room
3 and struck you or was that --

4 A Yes.

5 Q And how long had you been at Area 2 when
6 the detective whose name you don't know came in and
7 struck you?

8 A About 25, 30 minutes.

9 Q Did he say anything to you before striking
10 you?

11 A No.

12 Q Did he say anything after he hit you?

13 A He just turned around and walked out the
14 room.

15 Q Did he cause any injury to you as a result
16 of that?

17 A Not anything that you can really see. But
18 there's a little -- like a little puff on my lip, you
19 know, but it wasn't like a real big, like, injury.
20 But he struck me in the mouth where I felt it.

21 Q Could you put your fist on your face where
22 the unidentified detective hit you.

23 A Right here, like this.

24 Q So he hit you on the right side of your

1 face near the corner of your mouth?

2 A Left side. I was handcuffed. My right
3 hand was handcuffed to the wall. I was sitting like
4 this, handcuffed. Can you see me? (Indicating.)

5 Q I can see you very well.

6 A He just came in the room, walked over to
7 me, struck me in the mouth, turned around, and walked
8 out.

9 Q Did you ever see him again?

10 A I never saw him again.

11 Q I just want to make sure I'm describing for
12 my record exactly where he hit you.

13 This was a closed fist, correct?

14 A Closed fist.

15 Q And he hit you below your nose on the left
16 side of your face, approximately at the corner of
17 your mouth; is that a fair description?

18 A That's correct.

19 Q If one was a little tap and ten was as hard
20 as a man could hit you, how hard would you say he hit
21 you?

22 A About three or four.

23 Q Were Yucaitis and McDermott there when it
24 happened?

1 A Yes, they was.

2 Q Did they do anything as a result?

3 A No, they did not. No, they did not.

4 Q And you never saw this other detective
5 again?

6 A Never saw him again.

7 Q Not in court or anywhere else?

8 A Not in court -- not that I recall. I don't
9 recall seeing this gentleman, this particular
10 gentleman, again.

11 Q At least you don't have a conscious memory
12 of seeing him?

13 A That's correct.

14 Q Have you told me everything that's happened
15 up to the time that this detective, whose name you
16 don't know, hit you?

17 A Everything that I recall.

18 Q Okay. That's fine.

19 What happened after you were struck in
20 the mouth?

21 A Yucaitis was saying, yeah, that ain't all
22 you got coming. That ain't all you got coming. He
23 just -- Yucaitis, basically that's all he said
24 throughout the whole interrogation, what he going to

1 injury to your lip, if somebody else could have seen
2 that if they were with you.

3 A The injury to my lip, it wasn't like a real
4 profound injury as far as, you know -- because he
5 didn't hit me that hard, but he was hitting me where
6 I felt it. But only thing I can feel in my mouth was
7 just a little bit of puffiness on the inside of my
8 lip.

9 Q On the inside of your lip?

10 A Yeah, on the inside of my lip.

11 Q So somebody who was looking at you probably
12 wouldn't have seen that?

13 A They probably wouldn't recognize it.

14 Q And it wasn't bleeding or anything?

15 A No.

16 Q Who is the first person after the assistant
17 state's attorney that you told you had gotten hit in
18 the mouth like that?

19 A Was my attorney.

20 Q And that would have been -- let me just
21 turn my piece of paper here. That would have been
22 Mr. McInerny?

23 A Right.

24 Q And did you tell Mr. McInerny essentially

1 what you've told me here today?

2 A Yes.

3 Q And did he file a motion to suppress
4 statements on your behalf?

5 A Yes, he did

6 Q Did you testify during that motion?

7 A Yes, I did.

8 Q Do you recall who else testified?

9 A McDermott.

10 Q Did Detective Yucaitis testify?

11 A I can't recall if he testified. But I
12 remember McDermott testified.

13 Q But you're pretty sure that the officer who
14 hit you did not testify, because you don't remember
15 seeing him?

16 A No, he did not. No, he did not.

17 Q And Judge Meekins denied your motion, if I
18 understand it correctly.

19 A Yes, he did.

20 Q And then he went to trial, and you were
21 convicted?

22 A That's correct.

23 Q Then you were sentenced to natural life?

24 A That's correct.

1 Q And then that brings us full circle back to
2 the appeal.

3 You believe there was an appeal, but
4 you haven't seen the decision?

5 A That's correct.

6 Q And you're going to mail me those pieces of
7 paper?

8 A I most certainly am.

9 Q I just want to make certain, Mr. Vaughn,
10 that I have allowed you to tell me everything that
11 the police did. This is your opportunity. I don't
12 want to miss anything.

13 So I just want to go back to the time
14 you were arrested. You weren't struck or abused at
15 any time at your house or en route to Area 2; is that
16 correct?

17 A That's correct.

18 Q And then you were taken to an interview
19 room and handcuffed to the wall, as you've explained?

20 A That's correct.

21 Q You've told me everything that McDermott
22 and Yucaitis did.

23 A That's correct.

24 Q And in summary, basically, Yucaitis was

1 threatening you with the statements that you've told
2 us here today?

3 A That's correct.

4 Q And McDermott was suggesting that if you
5 confess, Yucaitis won't do the things that he said
6 he's going to do; is that a fair statement?

7 A That's exactly what happened.

8 Q And you're also telling me that Detective
9 McDermott and Detective Yucaitis did not strike you
10 at any time?

11 A No.

12 Q They did not strike you?

13 A No, they did not strike me.

14 Q And then the only time you were struck was
15 by this officer who you've described for me but you
16 cannot name?

17 A That's correct.

18 Q And you did tell the assistant state's
19 attorney that you were struck, but she didn't say
20 anything one way or the other about it?

21 A No, she did not. That's correct. That's
22 correct.

23 Q Did she threaten you in any way?

24 A No.