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**Thaddeus Jimenez Released from Prison 16 Years After Being Wrongfully Convicted of Murder**

Thaddeus “T.J.” Jimenez, who was arrested in 1993 at age 13 and later wrongfully convicted for a murder he did not commit, was released from the custody of the Illinois Department of Corrections at 7:00 p.m. on Friday, May 1, after 16 years, 2 months, and 27 days of wrongful confinement. Jimenez, who is now 30 years old, is believed to be the youngest person in Illinois history convicted of a crime he did not commit, who was later fully exonerated. He may, in fact, be the youngest person in United States history to be wrongfully convicted of a crime and then later fully exonerated.

**The Exoneration**

Jimenez’s exoneration and release came Friday after the Cook County State’s Attorney’s Office and Jimenez’s defense attorneys filed a joint motion seeking to vacate his conviction and sentence, and release him from custody. Cook County Circuit Court Judge Joseph Claps entered the release order on Friday afternoon, May 1. At the same time, the State’s Attorney’s office dropped the charges. The case against Jimenez has therefore been dismissed in its entirety.

Jimenez was released at approximately 7:00 p.m. from the Hill Correctional Center, an Illinois Department of Corrections medium-security facility, in Galesburg, Ill.

Early on the morning of May 1, the Cook County State's Attorney's Office also arrested an individual in Indiana who is suspected of the murder for which Jimenez was wrongly convicted. This individual, referred to herein as "Carlos," has not yet been charged, and out of deference to the State's continuing investigation, Jimenez's attorneys are not commenting about this individual at this time.

### **The Murder**

On the evening of February 3, 1993, at approximately 6:30 p.m., the victim, 18 year-old Eric Morro, was walking eastbound on the 3100 block of Belmont Avenue on Chicago's north side with his friend, Larry Tueffel, then 14. As Morro and Tueffel walked down Belmont, two other boys – 12 year-old Victor and 14-year-old Carlos approached Morro and Tueffel from behind. After a brief altercation between the four boys on the sidewalk, Carlos pulled a handgun from his jacket, put the gun directly to Morro's chest, and pulled the trigger. Morro died at the scene.

None of the eyewitnesses identified Jimenez at the scene, although several of them knew him from the neighborhood, including Tueffel, who was standing next to Morro when he was shot. One of the eyewitnesses, however, called police later that night and stated that Jimenez (whom he had not mentioned to police when first interviewed) was the shooter. Police then drove to Tueffel's home, dragged him out of bed, and took him back to the station, where, without his parents present, they interrogated him for several hours until he also identified Jimenez as the shooter. Jimenez was then arrested and charged in the early morning hours following the murder.

Although the police focused their investigation on Jimenez, there was substantial evidence at the time that suggested that Carlos, not Jimenez, was the shooter. Victor, Carlos's accomplice, told the police that he did not know Jimenez and identified Carlos as the shooter. Moreover, the police were given a taped confession from Carlos, which Victor's father, Ezequiel R., had secretly recorded at a meeting with Carlos shortly after the murder. Carlos is heard on the tape stating, "I had to shoot him" and "after I shot him, I ran." Carlos also expressed relief on the tape that authorities had already "pinned the blame" on another young man.

### **The Trials**

Although Jimenez was only 13 at the time of the murder, he was transferred to criminal court and tried as an adult. Jimenez was tried first in October 1994, but after that trial was reversed due to legal errors during the jury selection process, he was tried again in November 1997. Jimenez presented the testimony of his co-defendant, Victor R., who was tried separately in juvenile court and has always maintained that the shooter was Carlos, not Jimenez. Neither jury ever heard the tape-recorded confession of Carlos, however, because the trial judges excluded the tape on hearsay grounds. No physical evidence ever connected Jimenez to the crime, and the State relied solely on eyewitness testimony. Following the second trial, Jimenez was found guilty and sentenced to 45 years in prison.

### **The Recantations**

In July 2006 and May 2007, two key eyewitnesses recanted their testimony. Tueffel, who was 14 at the time the police woke him in the middle of the night and brought him down alone to police headquarters, initially told the police that Jimenez was not the shooter of Morro. Having already arrested Jimenez, however, the police interrogated Tueffel for several hours until he agreed to testify that Jimenez was in fact the shooter. On July 31, 2006, Tueffel gave Jimenez's

lawyers a videotaped statement in which he recanted his trial testimony that Jimenez was the shooter and stated that the shooter was, in fact, Carlos. On May 15, 2007, a second eyewitness, Tina Elder, also recanted her testimony in which she previously identified Jimenez as Morro's shooter. Elder also provided new details of a suggestive police lineup which may have led to her mistaken identification of Jimenez.

In September 2007, Jimenez's lawyers presented the recantations to Celeste Stack of the Special Litigation Unit of the Cook County State's Attorney's Office, which began re-investigating Morro's murder. In April 2008, based on the Tueffel and Elder recantations, Jimenez filed a Petition for post-conviction relief with the Honorable Judge Stanley Sacks, the same judge that presided over his second trial. Judge Sacks dismissed the petition in June 2008 without even granting a hearing, calling it "frivolous." Despite the dismissal of Jimenez's formal petition, the State's Attorney's Office continued to investigate Jimenez's innocence for the next several months, simultaneously building a case against Carlos. On May 1, 2009, the State's Attorneys Office agreed to join Jimenez in a petition to vacate his sentence and conviction. The Honorable Judge Joseph Claps granted that motion on May 1, 2009, at approximately 2:00 p.m.

After all of the paperwork was completed, Jimenez was released on Friday, May 1, 2009, at 7:00 p.m., and several of his lawyers were there to greet him.

### **The Attorneys**

Jimenez is represented by Steve A. Drizin, Alison R. Flaum, and Joshua A. Tepfer of the Center on Wrongful Convictions at the Northwestern University School of Law, and Stuart J. Chanen, Rachel M. Vorbeck, Patrick C. Harrigan, and Aaron M. Chandler of Katten Muchin Rosenman LLP. Katten's 4-year participation in this case has been on a wholly *pro bono* basis

and the firm has generously devoted more than 1,200 hours of attorney time to help secure Jimenez's release.

Founded in 1999, The Center on Wrongful Convictions is dedicated to identifying and rectifying wrongful convictions and other serious miscarriages of justice. The Center has three components: representation, research, and community services. Center faculty, staff, cooperating outside attorneys, and Bluhm Legal Clinic students investigate possible wrongful convictions and represent imprisoned clients with claims of actual innocence. The research component focuses on identifying systemic problems in the criminal justice system and, together with the community services component, on developing initiatives designed to raise public awareness of the prevalence, causes, and social costs of wrongful convictions and promote reform of the criminal justice system. In addition, the community services component helps exonerated former prisoners cope with the difficult process of reintegration into free society.

Founded in 1974, Katten Muchin Rosenman LLP is a full-service law firm with more than 600 attorneys in locations across the United States and an affiliate in London. Katten offers an extensive range of legal services across numerous industries, including corporate, financial services, litigation, real estate, commercial finance, intellectual property and trusts and estates. Through the Firm's *pro bono* program, attorneys and other legal professionals give their time, resources and talent to serve individuals and organizations in need, to engage in important national litigation, and to partner with local legal service providers, such as the Center on Wrongful Convictions, to ensure access to the justice system.