



February 4, 1993 A second suspect in the murder, 12-year old Victor tells his father, Ezequiel, about the shooting and identifies Carlos as the boy who killed Morro.

February 5,1993 Victor's father, Ezequiel, meets Carlos at the Golden Nugget restaurant at the corner of Diversey, Elston, and Damen. Ezequiel secretly tape-records the conversation to prevent Carlos from later inflating his son's role in the shooting.

During this discussion, Carlos confesses to shooting Morro, stating, "I had to do it" and "when I fired the shot I ran." Carlos also states on the tape that the police had "pinned the blame on the, the other gang boy and "he is in jail. . . they think he's the one that did it."

(It was legal to make secret tape recordings in 1993; the Illinois legislature made one-party taping illegal in 1994.)

February. 10, 1993 Ezequiel takes his son Victor to Chicago Police Area 5 headquarters and informs detectives that Morro's killer was Carlos.

After detectives read Victor his Miranda warnings, Victor denies knowing Jimenez at all and told detectives that he was with his friend Carlos on the day of the shooting, but he did not know that Carlos had a gun until Carlos shot Morro.

CPD detectives then travel to Carlos's home. Carlos had thick curly hair, matching the description given by several eyewitnesses. Police question Carlos in the presence of his family, and Carlos denies being at the crime scene or owning a jacket similar to the one witnesses described the shooter as wearing.

Police do not attempt to corroborate Carlos's alibi or arrange a lineup in order to show Carlos to the witnesses in the case or even take a photograph of Carlos to show to witnesses.

March 1993 Ezequiel gives a copy of the Carlos confession tape to Victor's defense lawyer, who gives it to an Assistant

State's Attorney, who then gives it to the police investigating Jimenez's case.

The police report documenting receipt of this evidence suggests that law enforcement may have never even listened to the tape. The report describes the tape as containing "an alleged *telephone* confession from Carlos concerning the murder" and notes that "the conversation was *allegedly* taped in Spanish" and "[a]llegedly . . . contained an admission by . . . [Carlos] that he shot the victim."

After the police receive the tape, the police briefly re-interview Carlos, once again at his home, and again in the presence of his family. The police report of this interview indicates Carlos "denied ever making such admission" and denied ever having "*a telephone conversation* with Victor's father."

No further investigation of Carlos is conducted. Police make no efforts to investigate Carlos's whereabouts at the time of the shooting; to question any witnesses about Carlos; to search Carlos's home for any of the clothing witnesses described the shooter as wearing or for the murder weapon, or test his hands or clothing for gunshot residue; or to investigate whether Carlos was affiliated with the Triangles, the gang that victim Eric Morro referred to when he yelled "Triangle Killers" at the assailants just before he was shot.

June 11, 1993

After a hearing before Juvenile Court Judge Arthur Rosenblum, Jimenez is transferred to Criminal Court for trial.

October 1994

Jimenez, now 15-1/2, is tried for Eric Morro's murder. Prior to trial, Judge Christy Berkos excludes the tape-recorded confession on hearsay grounds. At trial, Jimenez presents the alibi testimony of five different family members and friends that he was at his grandmother's house at the time of the murder, both doing his homework and playing video games with his cousins.

Co-defendant Victor also testifies that the shooter was not Jimenez, but rather Carlos. No physical evidence links

Jimenez to the murder. The jury convicts Jimenez based solely on witness testimony. Jimenez is later sentenced to 50 years in prison.

December 3, 1996 Jimenez's case is reversed by the Illinois Appellate Court. The Appellate Court holds that Judge Berkos committed legal error in prohibiting defense counsel from questioning jurors regarding possible prejudice against gang members. The case is remanded for a new trial. Jimenez remains in custody.

November 3, 1997 Jimenez's case is assigned to Judge Stanley Sacks. Prior to the second jury trial, Judge Sacks excludes the tape of Carlos confessing to co-defendant Victor's father from evidence on hearsay grounds.

November 1997 Jimenez, now 18, is tried for a second time. Jimenez again presents alibi witnesses and the testimony of Victor, who states that the shooter was Carlos and not Jimenez. The jury finds Jimenez guilty. Judge Sacks sentences Jimenez to 45 years in prison.

March 5, 2000 Jimenez turns 21 years old in prison.

January 18, 2000 In an unpublished order, the Illinois Appellate Court affirmed his conviction. The Court holds that Judge Sacks did not commit reversible error in excluding evidence of Carlos's taped confession.

March 5, 2004 Jimenez turns 25 years old in prison.

September 2005 Attorneys from the Center on Wrongful Convictions at Northwestern University School of Law and Katten Muchin Rosenman LLP begin investigating Jimenez's case.

January 20, 2006 Attorneys from the Center on Wrongful Convictions and Katten interview Jimenez for the first time. At this point, Jimenez has been in custody for just short of 13 years.

July 31, 2006 Larry Tueffel recants his testimony in a videotaped statement given to Jimenez's lawyers, stating that the real shooter was Carlos and not Jimenez. Tueffel also

tells how police interrogated him for several hours until he identified Jimenez as the shooter, and how at the lineup, police did not ask him to identify the shooter but, instead, “they asked me if T.J. was in the lineup. And I said ‘yeah’ and pointed him out.”

May 15, 2007

Eyewitness Tina Elder recants her testimony that Jimenez was the shooter. She also offers new information about the suggestive nature of the police lineup in which she identified Jimenez, specifically, that immediately prior to the lineup, police had her sit at a desk on which were only two photographs – one of her murdered friend, Eric Morro, and one of Jimenez, who she see in the lineup moments later.

September 2007

TJ’s attorneys present the evidence of Jimenez’s actual innocence to the State’s Attorney Office, including the recantations of two witnesses. Jimenez’s attorneys also disclose the results of their investigation into Carlos’s whereabouts.

April 4, 2008

With the support of the State’s Attorney Office, Jimenez filed a post-conviction petition based on the two recantations.

June 26, 2008

Without holding a hearing and without hearing from the State, Judge Stanley Sacks summarily dismisses Jimenez’s Petition, calling it “frivolous and patently without merit.”

July 23, 2008

Jimenez files an appeal to the Illinois Appellate Court. Despite the dismissal of TJ’s petition, the State continues to investigate Jimenez’s innocence and Carlos’s role in the murder.

March 5, 2009

Jimenez turns 30 years old in prison.

May 1, 2009

Carlos is arrested in Indiana on a probable cause warrant issued by the Cook County Circuit Court. Carlos has not yet been charged.

In Chicago, the Illinois State’s Attorney and Jimenez’s lawyers file a joint emergency motion before Judge Joseph Claps in the Criminal Division of the Cook County Circuit

Court, to vacate Jimenez's criminal conviction and his sentence. The State's Attorney's Office states on the record that it "*nolle prosses*" (declines to prosecute) the case. Judge Claps grants the motion, and orders that Jimenez be immediately released.

Members of Jimenez's legal team drive to Hill Correctional Center in Galesburg to pick up Jimenez and take him home. Jimenez is reunited with his mother and other family members at his cousin's home in Elmwood Park shortly after midnight.