

Harvey Allen

On December 7, 1985 a fire started on the third floor in an apartment building at 1575 E. 70th Street. The victims were Ora Johnson, age 29, her two sons Anthony, age 10, and Willie Tabb, age 11, and their grandmother, Marguerite Stafford, age 51. They were in their third-floor apartment and were killed when a fire (suspected arson) burned through their building.

Within 24 hours the police had a suspect in custody: Harvey Allen, 35 years old. His story of police abuse is detailed here: The prosecution alleged that Harvey Allen was at 1575 E. 70th St. on the evening of December 7, 1985 to purchase narcotics from Sherman Young at his second-floor apartment. According to prosecutors, Allen purchased the narcotics, and then returned home to wait for the delivery. When the narcotics did not arrive, Allen called Young's girlfriend, Sarah Davis, who was at the house demanding delivery and threatened to harm Young if he did not show up with the drugs. All of this allegedly happened between the hours of 11:30 pm on December 6, 1985 and 4:30 am on December 7, 1985.

That same night between 1:30 and 3:00am, the night manager at a local gas station, Howard Borden, saw Allen come to the station and fill up an empty Black Flag Insecticide can with gasoline. The night manager claimed Allen was a friend from the neighborhood, and after he saw Allen fill up the can with gasoline, Allen walked back toward Young's apartment. Borden picked Allen out of a photo array and identified the jacket he was wearing that night. Borden testified to all of this during the trial. The prosecution alleges that the gas insecticide can was used as the accelerant to light the fire outside the door of Young's apartment, which tragically killed the family living upstairs.

After the fire on the morning of December 7, 1985, Harvey Allen was arrested at his apartment by four police officers, Detectives James Swistowicz, George Carey, Richard Popovits, & Leo Wilcosz. According to his testimony, he was not advised of his Miranda rights at this time. He was taken to Area 1, a third district Police Station at 51st & Wentworth, where he was interrogated. Around noon, he was moved to the Chicago Police Department at 11th & State St. (in Area 3) by Det. Carey & Switowicz, where he took a polygraph test that proved inconclusive. The detectives then transported him back to 51st & Wentworth, where his interrogation continued. At this point, he was formally arrested and read his Miranda rights by Det. Anthony Lowrey & Det. Robert Fields. Later that evening, Det. Guy Habiak & his partner, Det. Coffman brought Allen back to his apartment, under the guise of "searching for evidence," where they met Detectives Glynn and Regan. It was unusual that they brought Allen, who was now an arrested suspect, back to his own apartment during their search. Allen testified that they twisted his arms behind his back and dragged him up and down the stairs of his building, in an attempt to get him to confess.

After the torture at his apartment, police brought Allen back to the Area 1 Police Headquarters where he was left in an interrogation room all night without food. On December 8, 1985, Allen was still in the interrogation room, and it wasn't until late in the afternoon that a homicide detective brought him a hamburger. Allen had gone over 36 hours without food. An unnamed detective repeatedly told Allen that if he did not confess he would get the death penalty, and that Allen should just confess to the fire and say that he did not mean to kill anyone. It was then that

Allen asked for his lawyer, and the detective responded by kicking Allen and then moving him into another interrogation room and continuing the interrogation there. Allen again was kept in this room all night and was not allowed to use the bathroom.

On December 9, 1985 at 3 a.m., multiple officers entered the room and continued to question Allen. Allen again asked for his lawyer, and the detectives continued to interrogate him, ignoring his constitutional right to counsel. After these police officers left the room, one police officer re-entered and physically abused Allen by kicking him in the groin. He threatened Allen by holding a sharp object to his throat. Det. Popovits told him to confess to make it easy on himself. Det. Popovits brought two other detectives into the interrogation room, and coached Allen on what to say for his confession. Allen says in a sworn affidavit that out of fear for his life he repeated what the detectives told him to say. Later that morning, Assistant State's Attorney (ASA) James Kogut came to speak to Allen. He told Allen that he would not get the death penalty if he confessed to the fire. Allen then explained that Det. Switowicz said that the ASA would make a deal with Allen for 6 years in a state penitentiary in exchange for his confession. However, Kogut stated that he was not going to issue a deal for Allen, nor was he interested in Allen's explanation of the abuse he suffered at the hands of detectives. Allen continued to ask for his lawyers, but the interrogation continued illegally. After almost two days of abuse with little to no sleep, food, and water, Allen provided an oral confession to the case.

At trial in 1993, the defense noted that there were no eyewitnesses to the crime who could place Allen at the apartment building at the time it caught fire. There was no DNA evidence, and in fact the jacket Allen was wearing (according to Howard Borden) tested negative for any kind of chemical accelerant, including gasoline. This is in direct contradiction to the arson investigator who claimed that the gasoline that started the fire would have had to be splashed all over the apartment door and stairs. It is nearly impossible that Allen would have been able to splash the amount of gasoline needed to start that kind of apartment fire, without getting any gasoline on his clothing. Furthermore, Allen had an alibi: He was at home styling a friend's hair on the night of the fire, then drank some liquor, and went to sleep. Allen did testify that he bought a small amount of gasoline in a Black Flag insecticide can to fill up his car which had ran out of gas down the road from the station. Allen also maintained that he did not know anything about the fire or alleged threatening phone calls.

Before the trial began, Allen and his defense attorney filed a motion to suppress his confession through a motion to quash his arrest based on lack of probable cause. Ultimately this suppression was denied due to Allen's attorney choosing to question Allen on the arrest and not questioning him regarding the police abuse. Allen has always maintained that he experienced police abuse, which is consistent with the fact that the prosecution's case against Allen was not strong, and thus needed a confession in order to prosecute. Allen was convicted in a jury trial and sentenced to concurrent terms of seven years and natural life imprisonment for the arson and murder charges respectively.

Allen has filed numerous appeals and petitions in the past years, citing ineffective trial counsel, unreasonable assistance of appellate counsel, and physically coerced confession. All of these were denied until Edward Egan came onto the scene. Special State's Attorney, Edward Egan, was overseeing the cases of police abuse perpetrated by Jon Burge and his men in Area 2 and 3,

and when he saw Allen's case he put forth a petition that Allen was physically abused while staying at an Area 3 police station, and it was due to this abuse that Allen was forced to submit a false confession. Without this confession there only would have been circumstantial evidence: Borden testifying to seeing Allen walk towards the apartment building the evening of the fire, and Young's girlfriend claiming to receive threatening calls from Allen. Without this coerced confession, it is believed that Allen would have never been convicted.

As of November 2016, the referral from the TIRC that led to Allen's most recent petition, was rejected by the courts because Allen's case did not involve Jon Burge and his associates. The case was remanded from the Illinois Supreme Court to local circuit courts. Then, the TIRC expanded its purview to include non-Jon Burge cases, so Allen's case is now able to be heard again, although the date of a future hearing has not been set yet. Currently, Allen is incarcerated at the Pontiac Correctional Center.