

Robert Smith

On September 19, 1987, 39-year-old Robert Smith was arrested and questioned for approximately 18 hours in regards to the double homicide of Edith Yeager and Willie Bell for which Smith claimed innocence. Edith and Willie were Robert's mother-in-law and grandmother-in-law, and they were found in Yeager's home with their throats cut and house set on fire. Smith was initially arrested for obstructing justice but was later charged with both murders after confessing while in custody, which he says was coerced. Assistant State's Attorney Ray Brogan and Detective William Higgins were present at the time of the confession. Detectives William Pedersen, Steven Brownfield, and Daniel McWeeny, the latter of the two having numerous allegations of abuse, were assigned to the case in the Area 2 Violent Crimes Unit. The Illinois Torture Inquiry and Relief Commission has determined that Smith was beaten, kicked, choked, and threatened with further violence if he did not confess to the murder.

In February 1989 there was a motion to suppress hearing, in which Smith wanted to quash his confession and claimed that it was coerced. He told that he was taken into a questioning room in Area 2, handcuffed to a wall, and kicked in the chest by one detective. After that detective left, two more came in and one called him a "cold-blooded killer" and said they had found something with his blood on it, which led Smith to scream and call for help from his wife and uncle. The officer responded to this by shoving a handkerchief down his throat and choking him until the second detective told him to let go. These officers then proceeded to tell Smith that he had committed the perfect crime, which angered Smith. To calm him down the detectives then offered him cigarettes and coffee. 10 to 15 minutes later, two more officers came into the room and accused the defendant of the murders. Smith began cursing after this and one of the officers responded by slapping him on the head.

After further questioning, Smith began asking if he could see a doctor as he had been in the hospital earlier that day. The officers refused his request to see one and told them he could not until they were finished. They then proceeded to slap Smith again before leaving to check his alibi. Two more detectives came in after he left, with one calling him a "piece of shit husband." The officers continued to question him, but Smith responded that he had did not know who committed the murder as he had been playing pool in a tournament all night. After Detectives Pederson and Brownfield left, another two came in that were described as being "harder" than the last two. One told Smith that he "didn't like n*ggers" and he was going to "splatter [his] black butt all against this wall." Then, the officers told Smith to pull down his pants, which he obeyed. He was not wearing underwear due to having a rash on his penis. The officers then showed him some bloody underwear and asked if they were his, to which he responded yes. Though they were his, Smith never told them that he had dropped the underwear while washing his clothes after committing the murders.

Two more officers came into the interview room after this. One told Smith that he was a man of God, and the other told him that he had a party to get to and he "didn't have time to mess with no n*gger all night." Smith testified that at this time he was very tired, scared, and his sides hurt as if he had some broken ribs. He also said he was coming down from a high. All of these concerns were voiced to the detectives. After this, another two detectives came into the room.

One made Smith take off his shoes and saw blood on the side of his foot and took a blood sample to the lab. The other one told Smith to just make it easy on himself and tell them what he did. Lieutenant Cline told Smith that he could go to the hospital if he gave the statement before a state's attorney. Smith testified that he had told the Assistant State's Attorney Raymond Brogan that the detectives had beaten him, to which Brogan replied, "they ain't doing nothing like this to you." He brought in another detective, until eventually finally agreeing to cooperate. By this time his nerves were shot, he was not given his medication, had been up since 6 a.m., and had not eaten since arriving at Area 2. Hungry, exhausted, beaten, and physically deteriorated, Robert Smith then gave in to their demands.

In August 1990, the case went to trial. The judge found Smith guilty of first-degree murder for both Yeager and Alexander and was sentenced to natural life in prison. Following the trial, Smith filed for a direct appeal. In this appeal he argued that "he was not proven guilty beyond a reasonable doubt, his motion to suppress was improperly denied, he was unlawfully arrested without probable cause, the physical evidence and statements obtained after his arrest were the fruits of an illegal arrest, his confession resulted from physical and mental coercion, he did not voluntarily waive his Miranda rights, and the trial counsel was ineffective for failing to present evidence of his severe head injury, subsequent complications, and medication." The appellate court still affirmed his conviction and sentence.

Smith then filed his first post-conviction petition on April 24, 1996. In this petition he asserted two claims: "the trial counsel improperly allowed him to testify at trial" and the "trial and appellate counsel were ineffective for failing to assert that his right to fitness hearing was violated because he was on psychotropic medication at the time of the trial." The circuit court dismissed this post-conviction petition at the first stage after deciding that the defendant had not been on any medications and that his attorney had clearly discussed whether he should testify at trial and decided that he should not. The appellate court affirmed the trial court's dismissal of his post-conviction petition on appeal.

Robert Smith also filed a habeas corpus petition in federal court in 1998. In this habeas petition, Smith alleged: "ineffective assistance of counsel for failure to present evidence of his medical conditions", "appellate counsel was ineffective for failure to argue that trial counsel should have requested a fitness hearing", "the police lacked probable cause to arrest him and that his confession was coerced", and "there was insufficient evidence to convict." The district court denied the petition.

In 1999, Smith filed a petition for mandamus relief requesting records and reports from his psychological and psychiatric evaluations in 1987 and 1988. The court denied this petition as well.

In October 2006, Smith filed a section 2-1401 petition for relief from judgment, arguing that there was new evidence of systemic police abuse by officers and detectives in Area 2 during the time he was in custody, citing the Report of the Special State's Attorneys Edward Egan and Robert Boyle on systemic police abuse in Chicago (2006 report). Upon reviewing the section 2-1401 petition, the trial court made the observation that give the newly alleged discovered evidence, the court would have granted Smith's motion to suppress with his murder charges. It

is a due process violation and it states that this is a constitutional claim, so this will be appointed to the public and docket it as a post-conviction and appoint the Public Defender's office. After the petition was redocketed as a post-conviction petition and the court ordered a public defender to be appointed, the matter was transferred to a new judge.

During the transition, the Attorney General's office took over the case from the State's Attorney's office. The Attorney General then filed a motion to dismiss the 2-1401 petition. A public defender never appeared on behalf of Smith for the motion, and the Attorney General's office served a copy of the motion to Smith personally. Smith asked for extra time to respond, but he ended up not responding, which led the court to end up dismissing the case. The attorney general was responsible for sending Smith a copy of the order dismissing his petition, however he reported that he did not receive notice of this dismissal until May 2011, and there is nothing recorded to counter this.

In August 2011, Smith filed a post-conviction petition, which claimed: "his confession was involuntary and given as a result of physical coercion" and "the state violated Brady V. Maryland (1963) by failing to disclose the evidence of torture at Area 2." His claim that Area 2 detectives tortured him is also based on his testimony that was at the suppression hearing as well. Additionally, at this hearing the Report of the Special State's Attorneys Edward Egan and Robert Boyle that was released in 2006 was brought into attention alongside his ability to specifically link detectives names to their actions of abuse during his interrogation. Smith claims that Officer Martin Rios kicked him in the chest, Detective McWeeny punched him in the sides with handcuffs wrapped around his fist, Detective McGovern choked him and stuffed a handkerchief in his mouth until he lost consciousness, Detectives William Higgins and William Pederson struck him in the face, and Detectives Robert Rice and Steven Brownfield threatened to "slam [his] n*gg*r *ss all over this room." Lastly, Lieutenant Philip Cline refused to let Smith see the doctor until he confessed, signaling a huge red flag for a reason to confess to something that he may not have been guilty of.

On September 8, 2011, the trial court denied Smith to file his successive post-conviction petition and dismissed the petition. This was due to the trial court interpreting the petition as making a Brady, which means that was claiming he was actually innocent. Due to Smith not raising the abuse in Area 2 prior to publication of the 2006 report and it perhaps not changing the outcome of his initial trial, they waived this petition. There was no discussion in the trial court's order denying him leave to file his successive post-conviction petition of his due process claim that his confession was a result of coercion.

Smith filed an appeal in a timely manner. The last decision was filed under Supreme Court Rule 23. Presiding Justice Howse delivered the judgment of the court. Justices Lavin and Epstein agreed in the judgment. The final decision states that they affirm the trial court's denial to leave to file a successive post-conviction petition with respect to Smith's Brady claim, as that claim was waived. However, they reversed the trial court's denial of leave with respect to Smith's coerced confession claim and decided that he has established the requisite cause and prejudice necessary to be granted leave to file a successive post-conviction petition due to that claim. Thus, prior proceedings were affirmed in part but also reversed in part and remanded for further proceedings.

Accusations of torture were corroborated during the Commission's review through the subpoenaed medical records of Robert Smith, which confirm that he was indeed treated for a skull fracture. Though a motion to dismiss was filed and ruled against, Smith's medical records were not introduced as evidence in the motion's hearing. The judge then did not have access to evidence that would exonerate Smith and refused to dismiss the testimony based on issues of credibility. Since only Smith had testified to the mistreatment, the judge assumed it must not have happened.

The Commission asserted, in a decision on July 25, 2013, that the confession "exhibits many of the standard characteristics of a coerced, false confession case," the prosecution's case "without the confession was almost nil," and "the confession was a quick, 'easy' solution to the case." Robert Smith remains, almost 5 years after it was determined that he was tortured, incarcerated based on a coerced and unsubstantiated confession which he refused to sign.

Robert Smith has been incarcerated for almost 30 years after a trial that relied heavily on an unsubstantiated, flawed, and minimal confession that was gathered through torture. Smith should have his case reheard immediately due to the understanding of the context surrounding his statement.