

## **Tony Anderson**

On April 18, 1990, two police officers followed a car in Chicago, checked the registration and found that it was stolen. The officers stopped the car and questioned Tony Anderson, his wife, and Robert Allen. Anderson and Allen were arrested for auto theft and taken to the police station at 11th and State. There Anderson, age 24, was read his rights and at this time he invoked his right to silence and repeatedly asked to call his family to contact a lawyer. Questioning did not stop, but instead Anderson was taken to Area 2 where he was questioned by Detectives Michael McDermott and Tony Maslanka. McDermott threatened Anderson by placing a gun to his head and saying he would “blow his damn brains out” if he did not confess. Additionally, Anderson claims that Maslanka physically tortured him by jabbing him in the chest, ribs, and back with his nightstick. Anderson states this happened over 12 times and it was enough to make him cry out in pain. Anderson also states that he made seven requests for permission to make a telephone call and was denied each time.

After enduring repeated threats and beatings, Anderson made an oral statement implicating himself in numerous offenses committed in March and April 1990. He also signed a written confession to the murder of Leonard Cox which occurred on March 30, 1990. Evidence showed the same gun used to shoot Cox was retrieved from a jacket that was in the car Anderson was driving at the time of his arrest on April 18. Anderson signed a written confession for at least eight other crimes. As a result, Anderson was indicted on over 100 charges in 13 separate cases.

Prior to trial, Anderson’s defense attorney, William Heenan, moved to suppress Anderson’s confessions because they were the product of police coercion. Based on the verbal and physical torture alleged by Anderson, Heenan stated that his inculpatory statements should not be introduced in trial. Judge Themis Karnezis held a suppression hearing March 19, 1991 through May 1, 1991. Both Detectives McDermott and Maslanka denied any coercion taking place and testified that at no point did Anderson request an attorney. After hearing all of the evidence, Judge Themis denied Anderson’s motion to suppress finding that they were given “freely and voluntarily without coercion or threat.” Judge Themis stated that the evidence they choose to accept is the testimony of the police officers indicating that Anderson at no time was abused or physically threatened.

Anderson proceeded with a bench trial and was found guilty of attempted murder, armed violence, and armed robbery because one of his three confession (oral) was used against him. He was sentenced to 3 concurrent terms of 25 years in prison. Anderson then proceeded with a jury trial and was convicted of a separate armed robbery. Anderson was sentenced to 25 years in prison. On August 5, 1991, Anderson was scheduled to have a third trial, but his new lawyer, Thomas Hoffa, failed to show up in court. Hoffa was found in his apartment two days later, intoxicated and injured, and was sent to the hospital. Judge Karnezis warned Anderson that he had serious reservations regarding the capacity of Hoffa to represent Anderson. Disregarding this warning made by Judge Karnezis, on August 9, 1991, Anderson plead guilty to charges in 11 cases including one count of first degree murder and ten additional crimes. Anderson plead guilty as part of a negotiated plea where in exchange for his plea of guilty, he would be sentenced 50 years for first degree murder, 30 years for attempted first degree murder, 30 years for armed robbery, and 5 years for attempted escape. The Assistant State’s Attorney informed

Anderson that there were witnesses who would identify Anderson in each case and they had other incriminating evidence involving Anderson having the murder weapon.

Anderson filed four post-conviction petitions that were all denied without a full hearing. In 1991, Anderson moved to vacate his guilty pleas, claiming that they were coerced, he wasn't aware that he couldn't receive the death penalty, and he was unaware that he could receive consecutive sentences. Judge Karnezis denied the motion saying it was frivolous and without merit. Anderson did not appeal.

In 2000, Anderson alleged that he had been deprived of effective counsel because his lawyer advised him to plead guilty saying if he proceeded to trial, he would receive the death penalty. Anderson also argued that his counsel was ineffective for failing to file any motions, and for appearing drunk in court on the day of his guilty pleas. Judge James B. Linn dismissed the petition as frivolous. Anderson appealed and the Appellate Court Affirmed the lower court's decision.

Anderson filed his third post-conviction petition in 2004 for his guilty plea to first degree murder. Anderson brought up the coercion and torture that led to his confession and also addressed the newly discovered evidence that coerced confessions were routine at Areas 2 and 3. This included coercion by Detectives McDermott and Maslanka. Judge Linn denied the motion, noting that the voluntariness of Anderson's confession had been adjudicated, all issues had been waived, and the plea had been negotiated. The Appellate Court affirmed, ruling that Anderson had waived the claim that the confession was coerced by failing to raise it in an appeal of any of his post-conviction petitions.

In 2008, Anderson filed a motion covering all of his guilty pleas and claimed actual innocence. Anderson again claimed that his guilty pleas were made as a result of police coercion and ineffective counsel. Judge Linn denied leave to file the petition. The Appellate Court affirmed claiming that this matter had already been decided in previous petitions. The Appellate Court also found that the new evidence of police torture was insufficiently similar to Anderson's claim to justify the petition.

In 2015, Anderson's case went before the Torture Inquiry and Relief Commission. The Torture Commission decided that by a preponderance of the evidence there is sufficient evidence of torture to merit a new hearing. The Commission referred 12 of 13 cases back to the circuit court for further review. The case involving Anderson's attempted escape on 4/20/1990, was left out due to Anderson not confessing to the crime, therefore taking it out of the Commission's referral.