

Shawn Whirl

On April 18, 1990 cab driver Billy G. Williams was shot in the head and killed. His death was blamed on Shawn Whirl, age 20, who was arrested, charged, and incarcerated for over twenty years, until 2015 when he was exonerated. As tragic as the death of Billy Williams is, no justice is served when the wrong person is incarcerated.

Whirl's story of wrongful conviction and incarceration is tragic, and centers around police abuse and torture. On April 18, 1990, Shawn Whirl (then 20 years old) was out purchasing feminine products for his fiancée, when he went to head back to his mother's house where he lived. He arrived at the el station at 87th and Dan Ryan which he was going to take back toward his home when he was approached by three known gang members. They asked him about the hat and jacket and he was wearing at the time and then knocked him down onto the train platform. Whirl's left leg got scraped on the edge of the platform when he fell. Whirl quickly got up, pushed the other gang member over, and ran toward the front of the approaching el train. He quickly got on and the train to evade these men but was unsuccessful in doing so. Whirl arrived at 95th and Dan Ryan, got off the train, and saw that the three gang members were still following him. He ran over to a gas station and hid behind a parked cab there.

At this point the prosecution wove a very persuasive story, saying that Whirl got into the cab driven by Billy Williams, and asked Williams to take him to several places before eventually telling him to go to 820 E. 103rd St., which is the parking lot of Gately Stadium. Here, the prosecution claimed that Whirl told Williams that this was a stick up and that he was going to rob him because he saw a bag of change in his cab. According to the prosecution, Whirl shot Williams in the head, took the bag of change and ran away, dropping the gun in some unknown location.

Whirl was arrested in the following days by the Chicago Police, and was interrogated by Detectives William Marley & James Pienta. When Whirl refused to confess to the murder of Billy Williams. Detective Pienta, who had at that point, a twenty-year history of abuse and torture under his supervisor, Commander Jon Burge, handcuffed Whirl to a wall in the interrogation room and began instructing Whirl in what to say to the detectives. Whirl had been kept in the interrogation room for several hours and had fallen asleep. Pienta returned and woke Whirl by stepping on his ankle, calling him the n-word, and beating him. Pienta attempted to coach into a confession. When Whirl refused, Pienta took a key from his keychain, and dug it into the already existing leg wound that Whirl had (from his injury on the el platform). He continued to torture Whirl in this way until Whirl repeated a scripted confession correctly. In order to muffle Whirl's screams while Pienta carved his key into Whirl's leg, Pienta took a potato chip bag (from the snack they had given Whirl) and stuffed it into Whirl's mouth.

Under these conditions, and after about twenty times of having his leg carved into, Whirl eventually provided a confession to the Assistant State's Attorney, Richard A. Stevens. Detective Pienta was present while Whirl gave his confession and even signed the statement after Whirl finished giving his confession. This confession was given in an interrogation room at the Area 2 Headquarters at 727 E. 111th St..

Prior to trial, his attorney, Mark Lyon, motioned to suppress Whirl's confession, but this was denied by the Honorable William Cousins Jr.. The prosecution gave their version of the story of the murder of Billy Williams, and the defense attested to the lack of evidence against Whirl: no murder weapon was ever found, no forensic evidence was found, save for one fingerprint found on the front passenger door of Williams' cab. This was believed to have been found on the cab due to the fact that Whirl hid behind the cab while running from three gang members. Had he actually been inside of the cab, and sitting behind the driver as the prosecution alleged, his fingerprints would have been on the rear driver's door and inside of the cab—which they were not.

Ultimately, Whirl pled guilty to the crime, in fear of capital punishment if it went to trial. On October 7, 1991, he was sentenced to sixty years in prison for first degree murder and attempted armed robbery.

In 2008, Whirl files a post-conviction petition seeking to vacate his plea, citing that he had not been informed at the time of his plea that he would face three years of mandatory supervised release. This petition was dismissed as "frivolous."

In 2011, Whirl filed another post-conviction petition citing his actual innocence. He attached records and affidavits from other defendants alleging a pattern of physical abuse of suspects from Detective Pienta. Included in this petition was a signed statement by a witness who saw the gang member chase Whirl back in 1990 and this gang member get into Billy Williams cab. According to this witness, it was common knowledge in the community that the gang member who chased Whirl was the murderer of Billy Williams. In April 2011, the trial judge refused to allow Whirl to file this petition, due to the fact that Whirl had not consistently claimed police torture in previous petitions.

Yet by this time, plenty of allegations of police torture and abuse had been made against Chicago Police Lt. Jon Burge and the detectives under his command. So, Whirl appealed the decision dismissing his petition. In February 2012, attorneys from the Exoneration Project at the University of Chicago Law School and the People's Law Office filed another post-conviction petition on Whirl's behalf. This petition was based on findings from the Torture Commission that concluded that Whirl's case did include sufficient evidence of police torture and merited judicial review for appropriate relief.

In 2013, Whirl amended his post-conviction petition and cited evidence of the pattern and practice of detectives under Jon Burge's command coercing false confessions through torture and physical abuse. In November of 2013 the petition was dismissed. The judge agreed that there was enough evidence of torture by other detectives, but that Whirl was not credible and had not established that he had been tortured.

Finally, in August of 2015, the Illinois Appellate Court reversed this dismissal. The appellate court vacated Whirl's conviction and ordered that he be granted a new hearing on a motion to suppress his confession. The court also noted that Detective Pienta repeatedly invoked his 5th amendment right against self-incrimination when questioned about the interrogation. The appellate court stated: "The new evidence presented at the post-conviction hearing, when weighed against the prosecution's original evidence was conclusive enough that the outcome of the suppression hearing likely would have been different if Pienta had been subject to

impeachment based on evidence of abusive tactics he employed in the interrogation of other suspects.” They further noted: “Indeed, it is impossible to conceive of how the prosecution could prevail at a new suppression hearing with the officer alleged to have coerced a suspect’s confession invoking his privilege against self-incrimination.”

Thus, on October 13, 2015 the prosecution dismissed the charges and Shawn Whirl was released. Whirl filed a federal civil rights lawsuit that was settled by the City of Chicago for \$4 million in January 2017.