

## **Alnoraindus Burton**

### **Torture Survivor Serving a Life Sentence**



**Alnoraindus Burton**

On January 29, 1989, Lonnie Gee discovered the body of Anthony Watkins in his garage on the 5600 block of South May Street in the Englewood area. Watkins had been shot in the head, and his hands and feet were bound with electrical cord. Gee called police, and at 2:30PM Officer Joseph Avila responded to the call. Avila found Anthony Watkins bound with electrical cords and bleeding from his head; he was not responsive. Officer Avila called for an ambulance, detectives, and the Crime Lab. Detectives Kelly (Star No. 3644) and Foley (Star No. 8108) were assigned to the Watkins' case, they arrived at the crime scene between 3:30PM and 4:00PM.

Ultimately, Alnoraindus Burton was arrested, charged and convicted of murdering Watkins. He was 21 years old. The path to Burton was circuitous, involving several others who mentioned his name and that of Marcus Shaw. The chief witness against Burton became Shaw, who shortly after Burton's trial recanted his testimony, charging that police coerced him, beat him, and forced him to testify.

In a complaint filed with the Torture Inquiry and Relief Commission (TIRC) Burton claims that he was arrested on January 23, 1989, and from then until to the early hours of January 30th, 1989 he was "stripped of [his] clothing, handcuffed to a ring in the wall" and beaten by detectives Michael Kill, Kelly and other unknown Chicago Police Detectives. Burton says he was kicked, punched, and hit with a steel pipe by Detectives Kill and Kelly. He was denied food, water, sleep and was forced to urinate and defecate on himself during this time. This interrogation led to his coerced confession to the kidnapping and murder of Anthony Watkins.

Burton also participated in a recorded interview with the TIRC in which he repeated these allegations. In his interview he told the Commission he was originally brought to the police station and questioned about the separate shooting of Anthony Williams on January 21, 1989. He said he was picked up from his home on January 23rd and arrested. His mother was told not to follow the officers to the police station, or she would be arrested for obstruction of justice. Burton said he denied any knowledge of the shooting of Williams. He said that early on January 24, 1989, Detective Kill and three other unknown detectives entered the interrogation room and threatened him. Detective Kill took out a phone book from the desk that was in the room and hit Burton in the face, body and back 50-70 times. While Detective Kill continued to hit Burton, the other officers grabbed his legs so he was essentially "suspended" from the ring in the wall. This beating went on for about 10-15 minutes at which point Burton urinated and defecated on himself, prompting the detectives to joke that they had "beat the sh\*\* out this ni\*\*\*\* ."

Burton said the detectives then left the room but was soon after repeatedly interrogated again by several unidentified officers and he and his family were threatened, but he was not beaten by those other officers. Burton did not see Detective Kill again until 1:00-2:00 a.m. on January 28, 1989. Detective Kill returned with other officers who Burton later recognized as Detectives Kelly and Burge. Burton said he had not yet slept since being arrested. Burge asked "what's taking so long to get his confession?" and commented that it was "alright" because he would "get [Burton's] confession before the end of the night."

At some point Detective Kelly grabbed a steel pipe or flashlight and hit Burton on the "hands and wrist" while he was "handcuffed to a ring in the wall." According to Burton during the interview, Detective Kelly hit him on the left hand first. When he covered his left hand with his right hand to protect it, Detective Kelly hit his right hand. He said he was struck one more time with the steel pipe when he attempted to cover his hands with his body. Detectives Kelly and Kill continued to kick and hit Burton. And in response to Burton's cries of pain, Detective Kill "choked [Burton] until [he] passed out." Burton had no recollection of the length of time he was unconscious.

When he regained consciousness, Detectives Kelly and Kill were standing over him and no longer questioning him about the Anthony Williams shooting, but demanded that he "sign a confession of killing Anthony Watkins or they would kill [him]." About 30 minutes later the detectives returned with a prepared Watkins murder confession ("Confession 1"), which he refused to sign and requested appointed counsel. Detective Kill again choked him until he agreed to sign the confession. In the interview Mr. Burton states that he signed the confession "because I thought this guy was going to kill me. " After Burton agreed to sign the confession, the detectives rehearsed the statement until about 5:30-6:00 a.m. on January 29, and told him to repeat it to the State's attorney. He was then left alone until that night on January 29th, when the officers took him for the first time to the restroom. According to Burton's interview, he was given his clothes back and told to wash his soiled underwear in the toilet.

Sometime later right around midnight, he said that Assistant State's Attorney Frenzer came into his interrogation room alone. Burton notified Frenzer that the detectives had beat him and forced him to confess to the murder. Frenzer left the room and returned with Detectives Kill and Kelly. Out of fear of being "beat down some more," Burton gave the rehearsed confession. Burton noted that if he forgot a piece of the confession, Detectives Kill and Kelly would fill in the missing pieces. After the prepared confession was written down by State's Attorney Frenzer ("Confession 2"), Mr. Burton was asked to sign, and again he refused and asked for an attorney.

At this point, Frenzer left the room again and the detectives resumed the beatings. Later Detective Kill took out his gun and "put it to my head and in my mouth." He threatened to kill him if he did not sign the confession. Mr. Burton agreed to sign the confession. State's Attorney Frenzer returned and stated that they would need to make corrections to Confession 2. Mr. Burton was told to sign the confession and initial the changes to Confession 2.

About an hour later State's Attorney Frenzer returned with the detectives and Mackel Washington's statement. In his TIRC interview Burton said that Detective Kelly told him that Washington had implicated Burton in the murder of Anthony Watkins. State's Attorney Frenzer then stated that Mr. Burton's confession must be re-written, using Mr. Washington's confession "as a guide" ("Confession 3"). The confession was re-written, and Burton signed it "out of fear."

Burton said he next saw Kelly at the Motion to Quash hearing, and told his attorney that Kelly was the officer who beat him with the pipe. He said he was not abused once he signed the final confession, and was transferred to a police station at 35th and Lowe to be booked at 5:30-6:00 a.m. on January 29. He reiterated that he had spent 6 days in the same room without being allowed to eat, drink or go to the bathroom.

Asked again about the timeline, Burton now stated that he had seen the state's attorney in the "a.m. hours" on the 29th, shortly after midnight, and interacted with the ASA until he was transferred to booking around 5:30-6:00 a.m. on the 29th. He arrived at the jail February 1, 1989. Asked why he hadn't identified Kelly at his motion to suppress, Burton said it was because his attorney, James Burke, never gave him Kelly's name. Burton said he learned the name Kelly during his appeal. Burton was asked why, during the suppression hearing, when his attorney queried him about the identity of the officer with the pipe, he didn't at least identify him as an officer who had testified at his motion to quash hearing. "I didn't think that. I mean, it would have been something smart to say. My attorney, what I was thinking, was my attorney was going to say, 'OK, this is the guy,' because I didn't know his name. I didn't want to just throw anything out there."

Burton said he later discussed identifying Kelly with his attorney, who said Burton could testify to it at trial, but later decided against that strategy, telling Burton "they're going to impeach you with your confession" if you testify.

A major problem with Burton's account is his insistence that he was arrested on January 23, 6 days before the police record of his arrest. But he insists that this is what happened, as does his mother. If this is the case then there is no way he could have been present when Watkins was killed. He might have been confused about the date, but confusion cannot account for his clear memory of being held for 6 days without clothes, chained to a wall, and denied food, water and a bathroom. Although medical authorities suggest that a person cannot go without water more than 3 days, there is at least one instance in which a person survived for much longer without food and water. Andreas Mihavec was 18 years old when police placed him in a cell and forgot about him that long.

### **Police version of the investigation**

According to their record, Detectives Kelly and Foley interviewed the owner of the garage where the victim was found. They also interviewed witnesses Sharon Welch and her mother, who told them that they saw two Black males running towards a car in the alley.

Later, on January 29th between 10:00PM and 12:00AM, Detective Kelly interviewed Anthony Williams, who said he had been shot earlier in the day. Williams said he sold drugs with Watkins, but that Burton was attempting to take over the "turf" that Williams and Watkins controlled. Williams told the officers that Alnoraindus Burton was one of three individuals who came to his house earlier in the day on January 29th. One of the individuals shot through the door and hit him.

The detectives ran a search for Burton in the warrant system and discovered an outstanding warrant for failure to return from work release.

They report that on January 30th around 4:30-5:30 a.m. several officers including Detectives Kelly and Foley proceeded to 7345 S. Oakley, Burton's home. The officers knocked on the front door and Burton's mother, Dorothy Davis, answered. Davis directed the officers to the basement of the house and Burton was found hiding in a plastic garbage can.

There were four other people in the basement when the officers arrived - Mackel Washington, Theodore Elmore, Anthony Smith and a woman named Shawn. The arrested Mr. Burton and the other 3 males were brought to the police station.

At Burton's trial the officers testified that the investigation was passed to Detectives John McCann (Star No. 8137) and Louis Caesar (Star No. 7208) ("the day crew") However, according to Detective Michael Kill (Star No. 4123), the next interaction that Burton had was with him and Detective Byron (Star No. 13435) at 4:15 PM. (John McCann and Michael Kill have been named as torturers trained by Jon Burge in scores of cases.)

Detective Kill claimed he advised Burton of his rights and then interviewed him for 15 minutes. Kill testified that at 6:00 PM on January 30th, Kill and Byron again entered the interrogation room holding Burton, advised him of his rights, and interviewed him for 45 minutes. Finally, Detectives Kill and Caesar had a conversation with Burton at 11:00 PM; at this time they called the State's attorney Timothy Frenzer to come and take a statement from Burton. Frenzer took Burton's signed statement around 3:00 a.m. on January 31st. His signed confession minimized his culpability, and said that Mackel Washington had pushed Watkins out of the window of the second floor apartment and then shot him twice.

The Detectives also interrogated Mackel Washington. Detective McCann testified that on January 30, 1989, between 7:30 PM and 9:30 PM, Washington agreed to take the officers to the crime scene and explain his involvement; Detectives McCann and Byron visited the abandoned garage (where the Watkins body was found) and the second floor of 5730 South May Street. Washington explained that 5730 S. May was Burton's grandmother's house. Additional evidence was found there relating to the crime. At 2 a.m. on January 31, 1989, Washington gave a signed statement. In it, Washington identified Burton as the person who first shot Watkins, and either Burton or "Marcus" as the person who shot Watkins the second time.

**So who is "Marcus"?**

The most important witness offered by the State was Marcus Shaw. Marcus Shaw, then 19, was originally charged as a co-defendant the kidnapping and murder of Anthony Watkins. Shaw was arrested because Mackel Washington named him and Burton in his statement to the police as the shooters of Watkins. He was arrested over two weeks after Burton and the other three men were detained. He was told by the police that he had been implicated in the murder by Burton and Washington, and he gave a statement to police. He then filed a motion to suppress it, asserting that the statement was false and was the product of coercion.

When the court denied his motion to suppress, Shaw entered into a plea agreement with the State and agreed to testify against Burton and Washington, in exchange for a reduced sentence (15 years for conspiracy to commit murder and aggravated kidnapping).

Shaw testified as follows:

On the morning of January 29, 1989, at around 10:00 AM, Shaw went to Burton's home to borrow a clothing iron to press his pants. Shaw had known Burton for 15 years, and had also known Watkins for the same amount of time; all three of them were members of the same street gang. When Shaw arrived at Burton's home, he saw Washington pointing a gun at Watkins, who was not wearing a coat, shoes, or a hat at this time. Burton then told Washington to give Watkins back his clothes and the four men went into the basement.

After a brief conversation between Burton and Watkins which Shaw did not hear, the four men left Burton's basement and drove to Burton's grandmother's apartment near the vicinity of 57th and May Street on the South Side of Chicago. Watkins went along voluntarily to Burton's grandmother's apartment. After arriving at the apartment, all four men went to the second floor and Shaw and Washington stayed in the front room for about 20 minutes while Burton and Watkins talked in another room.

Burton asked Watkins to get some cocaine for him; Watkins responded that he could not do that. Burton left the room and retrieved some cord or wire and then told Shaw and Washington that they were going to tie Watkins to a chair. Burton then bound Watkins' hands, but when the men attempted to bind Watkins' feet he freed his hand and hit Shaw in the mouth with his fist. Washington and Burton struggled with Watkins and forced him back into the chair and tied his hands behind him and also tied his feet.

Shaw, in anger, grabbed a crowbar from another room in the apartment, came back, and hit Watkins on the back of the head causing a severe laceration on the back of Watkins' head and neck. Watkins stood up, and Washington pushed him out of the window causing Watkins to fall two stories onto the concrete below. Shaw, Burton, and Washington ran downstairs and found Watkins lying on the ground with his hands and feet still bound by cord and wire.

Burton put Watkins in the back of the car and held Watkins down toward the car floor. Washington and Shaw got in the front of the car, Washington driving and Shaw in the passenger seat. Shaw heard a gunshot; he turned around and saw that Watkins was bleeding and Burton was pointing a gun towards him. Washington then stopped the car and Burton pushed Watkins

out of the car; Washington drove 10-15 more feet down the alley until the men realized that Watkins was still alive. Burton and Shaw got out of the car and went back to Watkins while Washington stayed by the car. Burton dragged Watkins into a garage. Burton shot Watkins in the head. Burton and Shaw ran back to the car, and the three men, Washington, Shaw and Burton, drove to Burton's cousins/uncle's house where Burton changed his clothes.

Shaw was arrested on February 16, 1989, more than two weeks after Burton and Washington were arrested. Shaw also testified that he and Burton had a conversation in the back of the courtroom in May or June of 1989, prior to Shaw making a deal with the State, where Shaw asked Burton why he killed Watkins. Burton purportedly said that Watkins was planning to take over the drug trafficking around Burton's house.

### **What really happened?**

At closing, defense counsel argued that Shaw was the real perpetrator of the crime. They highlighted Shaw's credibility issues. Sharon Welch and her mother witnessed a police line-up that included both Burton and Washington and could not identify either as the men they saw running from the murder scene. Also significant is the fact that the murder weapon and the car into which Watkins had allegedly been placed were never found.

Alnoraindius Burton was referred by the TIRC to the court for an evidentiary hearing, at which it is possible that his conviction could be vacated and a new trial ordered. At that point the State should drop the case, because with Shaw's testimony, which he has recanted and which was tainted by the tortured confession of Burton, there is no case.