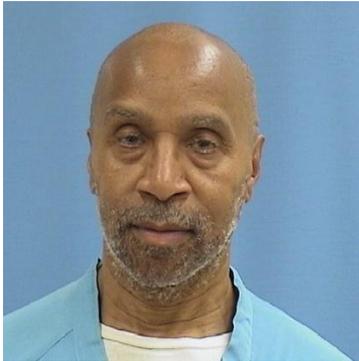


Rudie Bell

Framed for Murder Through Torture



Rudie Bell

On May 19th, 1978 Rudie Bell, 26, was convicted of the 1977 murder of Tyrone Smith and sentenced to 200 years in prison. The murder took place at approximately 2:30 am on a rainy April 2, 1977. Smith had just arrived at his home with his mother, his girlfriend, his young son and his aunt-after picking up his aunt at the airport. Smith stepped out of his car and as he started to bring luggage towards the house a car pulled up with no headlights on and some men jumped out and shot Smith, killing him.

None of the family members (who were still in the car) could see the assailants well enough to make any identification and no other eyewitnesses were present at the scene.

Approximately one month later a police officer from Special Operations informed the detectives investigating the Smith murder that he knew of a person of interest who *might* have some knowledge of the Smith murder. That particular officer and several of the detectives involved in the investigation were all later identified as being a part of the now notorious torture program under Commander Jon Burge.

The person of interest who was "discovered" a month after the shooting of Smith was a woman named Audrianna Thomas. Thomas, who had never met Bell previously, said that she was standing out in the rain in front of a house a few doors from the scene of the crime with a man whose last name she did not know. Thomas, who lived in a different neighborhood far from the scene of the murder, could not say whose house she was standing in front of and she did not know the address of the house. Thomas was the only person to identify Bell as having been at the scene of the murder. She also identified Bell's co-defendant, Orville Miller, as being involved in the shooting. Thomas stated that she did not come forward earlier because of fear in getting involved.

The detectives who arrested Bell repeatedly struck him about his head and attempted to coerce Mr. Bell- not to implicate himself- but to implicate Miller. The detectives told Bell that they were not interested in him and that they knew that he was not involved. The detectives promised to release him if he would provide a statement implicating Miller. Bell, who was not even in the state of Illinois at the time of the murder, refused to make up a false story implicating another person. The detectives told him if he did not implicate Miller he would go down for the murder as well. In this respect those detectives were true to their word.

Among the detectives interrogating Bell were Detectives Joseph DiGiacomo and David Dioguardi, who have taken the Fifth Amendment when brought to testify about their role in cases of police torture. Also questioning Bell was Detective John McCabe, who has been implicated in the

torture of Leroy Orange and Leonard Kidd, and Detective Charles Grunhard was involved in the torture of Darrell Canon. In those cases their commander, Jon Burge, signed off on their reports.

At Bell's trial Thomas could not identify Bell, who was sitting in the courtroom. Thomas eventually recanted her entire identification of Bell, admitting that she did not know him previously and that her testimony identifying him was the result of police coercion. However, Thomas fled the state and refused to come back to testify on the record, for fear of perjury charges. Thomas was a drug addict and a professional witness. Unbeknownst to Mr. Bell and his lawyer, Thomas had testified several years earlier under similarly dubious circumstances in yet another murder trial.

Rudie Bell has spent substantially more than half of his life behind bars. His wife, who never divorced him and begged the Prisoner Review Board to release him in 2017 when he was up for parole, died in 2018; his mother who is now 87 years of age and has remained in constant touch with her son. Rudie calls her every Monday from prison.

Milton Golden, the co-founder and executive director of [Roll Call](#), personally knows Mr. Bell from prison and credits Mr. Bell for being the inspiration that encouraged him to turn his own life around and to help found and establish Roll Call on Chicago's West Side. Mr. Golden has been the executive director of Roll Call for more than 13 years and he helped form the organization to provide assistance to ex-offenders and other individuals who are at risk of getting involved in criminal activity.

Rudie Bell has maintained his innocence from the beginning. Because he does not show "remorse" for the murder for which he was falsely convicted, the Prisoner Review Board has denied him parole in at every hearing. One of the factors taken up by the PRB is also the unfounded accusation that Bell was somehow involved in the murder of the sister of the only witness against him.

Mr. Bell has steadfastly maintained, since the time of his arrest, that he had nothing to do with the murder of Tyrone Smith and that he was not even in Illinois at the time Smith was murdered. The case against Bell was a weak case from the onset - the only witness being Audrianna Thomas. Thomas came forward a month after the crime and claimed to have been near the scene. Several witnesses testified at the trial on behalf of Mr. Bell as to his whereabouts at the time of the murder however, the jury- after deliberating for three days- convicted Bell of that murder.

A review of the trial record by H. Candace Gorman, who prepared his latest petition for parole, shows fundamental errors were made not only by the trial judge, but by both counsel for the prosecution and the defense. Finally, counsel points out (as noted above) that the detectives involved in the investigation of this crime included some of the notorious police officers involved in Chicago's infamous torture program. However, because Bell did not confess, the Illinois Torture Inquiry and Relief Commission (TIRC) Act precludes his claim.

The individuals who have claimed that the murder of the sister of witness Audrianna Thomas was somehow connected to Mr. Bell's case are serial murderers who would (and admittedly did) say anything to save themselves from the death penalty. All of those cooperating witnesses are free today despite admitting their involvement in multiple murders. They include Earl Hawkins, an admitted El Rukn hit man who has testified he killed over 20 people; Anthony Sumner (now deceased), who collaborated with the FBI to implicate several people in murders, including Nathsan Fields, since exonerated. He admitted to the murders of which he accused Fields himself. Another implicating Bell in the death of Thomas' sister was Derrick Kees, who was later released early for testifying against Fields. These "witnesses" themselves had confessed to more than ten murders each.

Bell had nothing to do with the murder of Thomas' sister and submits that this fabricated allegation was used to support a false narrative regarding the gang that Bell had belonged to. That gang no longer exists and has not existed for almost 30 years and Bell was never charged in connection with that murder, nevertheless convicted of the murder of Tyrone Smith.

In his trial the prosecution introduced evidence that two shotgun shell casings found near the scene of the crime has "extractor marks" similar to marks found on shell casings found in his brother's home two weeks earlier when his brother was arrested regarding an unrelated crime. The court heard from the state's expert witness that other marks on the spent shells were "dissimilar." Nonetheless, Judge Louis Garippo allowed this spurious evidence to be heard by the jury and into the record. This is the same judge who, in a bench trial, refused to suppress the tortured "confession" of Anthony Holmes, who was repeatedly shocked by Detective John Yucaitis, working under Jon Burge.

Atty. Gorman and Rudie Bell have received new evidence in the case that is the basis for a post-conviction petition based on actual innocence. In the fall of 2017 Gorman had sought the Cook County State's Attorney's (CCSA) file for the underlying crime. After several months counsel was told that the file could not be located (except for a few random pages). However, while sitting at Bell's PRB hearing in December 2017 and listening to the CCSA presentation on Mr. Bell's petition, she realized that the presentation could not be conducted without a file. During a break during the hearing she approached the assistant state's attorney and asked her if she had a file for the underlying case. The attorney responded that although she did have a file, it was too large to bring to the PRB hearing. The following week Gorman conferred with the FOIA representative at the CCSA. After a delay of several months a copy of the redacted file was provided.

The redacted file contained a startling document-a memo from an assistant state's attorney confirming that he had interfered with a subpoena from Bell's criminal attorney following the trial. In summary, Audrianna Thomas, the only witness who claimed to be at the scene in the early morning hours, standing in the rain, several houses down from the murder scene reportedly told the state's attorney prior to trial that she was at that scene with a man whose last name she did not know. She also did not know the address of the house she was visiting. An investigation by Bell's defense counsel could turn up no one in the vicinity of the murder who corroborated

her account and because Thomas claimed not to know the last name of the man who accompanied her that evening, they could not interview that man.

At the trial Thomas remembered the full name of her male companion and testified as to his name, Robert Anderson. Bell's attorney asked the court for a mistrial or at least a continuance to attempt to find that man; however, the court denied those requests. After the jury deliberated three days and returned a verdict against Bell, his attorney continued to investigate the case while post-trial motions were pending and began a search for Anderson. Thomas later recanted her testimony, admitting she had not been at the scene at the time of the murder, but she refused to sign an affidavit fearing she would be charged with perjury.

Eventually Bell's defense counsel located Anderson, the man that Thomas claimed she was with that evening, and the defense counsel learned that Anderson could not have been with the witness that night because he was working the night shift. In anticipation of filing yet another post-trial motion the attorney subpoenaed the work records of Anderson to prove that Thomas was lying when she claimed she was with him at the scene of the murder that night.

Now Mr. Bell has new proof, from a document long hidden and only now found in the CCSA file, that confirms that an attorney at the state's attorney's office interfered with his attorney's subpoena. The employer of Mr. Anderson, who was responding to the subpoena, was told by a state's attorney that the case was not up before that particular judge on the date the subpoena was issued. That employer then sent a letter to Bell's defense counsel refusing to comply with the subpoena following the advice of the CCSA.

However, that particular egregious misconduct does not end this saga. After interfering with the subpoena, the state's attorney then sought to interview Anderson without Bell's attorney present (*ex parte*). As the memo confirms, Mr. Anderson was asked to come to the state's attorney's office to discuss the matter. The assistant state's attorney then drafted a memo about his interview with this man- an interview in which the man denied knowing Adrianna Thomas and denied being with her on the night in question. Mr. Bell's attorney knew that this was the correct Robert Anderson that Thomas was claiming to be with that night and an admission by that witness that he was not with her that night was crucial impeachment evidence that was never provided to Bell's attorney.

It should be noted that a post-trial motion by Bell's attorney was a legitimate avenue at the time. Anderson would have been an important witness to vindicate Mr. Bell and to further cast doubt on the veracity of the only witness to identify him - Audrianna Thomas.

Atty. Gorman has been engaged in an investigation following the receipt of these documents since receiving them. However, the passage of time (41 years) is making her investigation difficult. Meanwhile, Rudie Bell will come up for possible parole in 2020. His co-defendant, Orville Miller, was paroled in June of this year and did not deny his involvement in the murders. The only thing that apparently stands in the way of Rudie Bell's parole is his insistence on his own innocence.