

Robert Ornelas sentenced to die in prison Victim of police torture and attorney malfeasance?



Robert Ornelas

Imagine that you are 18 years old. It's November 1990. You live on Chicago's East Side, a "tough neighborhood." You and your friends, - Robert Rangle and Keith Hopkins - are into drugs. You've hooked up with a new friend, William Luedtke, 16, who has run away from a rehab center in Indiana. He's been in trouble before. Rangle and Hopkins are about your age. You've all taken some LSD, and you want more. Hopkins has a car. Rangle jumps in behind the driver's seat and says, "Let's Go!" You have heard you can "score" from a dealer at 59th & Wentworth. But you're all tripping on LSD. You get lost, really lost. After driving quite a while, you end up in Frankfort Illinois, about 30 miles away. The car breaks down and you start walking, back to the White Hen Pantry you saw a couple of blocks away.

At the White Hen some people are bothered by you. Local police come, see nothing wrong, but then come back. You're very high and you decide to leave, to walk back to Chicago. The cops bring you back. They stop and frisk you all. They find drugs on Rangle and Hopkins - 21 hits of LSD and a vial of PCP. They also find 2 pairs of brass knuckles. The police report that all of you appear to be seriously compromised - incoherent and delusional. They take you to the station. You are charged with murder.

This is the nightmare that unfolded that night almost 30 years ago to Robert Ornelas on November 15, 1990. He was charged with the murder of Robert Cheeks and Jay Mosqueda four days earlier on the South Side of Chicago. Ornelas was not clear on where he was at that time; he had gone to a party, but they wouldn't let him in. He walked back across the 106th St. Bridge, back to the East Side to his friend Ernie Cole's house, and went to sleep.

Mosqueda and Cheeks were killed as they sat in a stolen car on the South Side, near Trumbull Park. They were killed by shotgun blasts that shattered the driver's side window. The car was discovered by CPD Officer John Boitch, who was in the area checking out a call regarding a stolen car when he received another call reporting people shot in a car one and a half blocks from the location of the stolen car report.

Robert Ornelas, William Luedtke, Robert Rangle, and Keith Hopkins were arrested by Frankfort police four days later at the White Hen Pantry. Someone nearby at a gas station had told Illinois State Troop Kim Hoffman-Davis that there was a fight going on at the White Hen. She called the Frankfort police, and they went to the White Hen. There was no sign of any fight but they see the four youth and hold and search them all. The four seemed to the cops to be very high on some drug, incoherent and delusional.

Frankfort police took them all into custody and brought them to the local police station. Peter Hwang, a Special Agent of the Illinois State Police Division of Criminal Investigations, was sent to the Frankfort police station to conduct a narcotics investigation. According to Hwang, he obtained a written waiver of rights under *Miranda* from Luedtke, who told him that Ornelas had been involved in a double homicide two nights earlier in Chicago on the South Side. He said that Ornelas had told him that he had shot two people with a shotgun near a party at which Ornelas had been denied entry.

Hwang called the Chicago Police Area 2 Violent Crimes unit and was told they were looking for Ornelas in conjunction with the murders of Mosqueda and Cheeks. Ornelas was handcuffed to a wall in the Frankfort police station. Hwang said he appeared to be confused and under the influence of a narcotic drug. He told Ornelas that Chicago police detectives were coming to talk with him and that he would take him to the Illinois State Police District 5 Headquarters in Romeoville. At trial Hwang testified that Ornelas told him he had been with a woman named Dawn at the time of the murders. Ornelas has never known anyone named "Dawn."

Chicago Police Area 2 Violent Crimes Detectives John Yucaitis and Steven Brownfield at Ornelas' trial said they came to Romeoville and spoke with Ornelas briefly. Then they said they went to the Will County Jail where Leudtke was being held and spoke with him. Leudtke had run away from home in Indiana and was afraid of the police. They then went back to speak with Ornelas, whom they say told them he was a member of the Vice Lords and that the Mosqueda and Cheeks were members of the King Cobras. Yucaitis and Brownfield said that Ornelas claimed he shot at the pair twice with a shotgun in self-defense because he thought they were going to run over him. He did not tell them this; they made it up.

Ornelas, in his claim before the Illinois Torture Inquiry and Relief Commission, charged that in the State Police HQ Yucaitis and Brownfield had cuffed his ears, kicked him in the shins, slapped and punched him several times, and squeezed his testicles. To stop the abuse he signed a statement confessing that he had shot Mosqueda and Cheeks in self-defense. He was convicted 6 years later in a bench trial before Judge Ralph Reyna.

Ornelas filed a post-conviction petition for relief in 1999 and it was ultimately denied in 2010. The court conducted an evidentiary hearing regarding that petition at which ISP Officer Hwang testified that he never left Ornelas alone with Yucaitis or Brownfield and that they did not abuse him. This was despite the fact that in 1994 at Ornelas' trial he had testified that he did leave them alone with Ornelas. He had testified that Ornelas' public defender, Phillip Mullane, testified that Ornelas never told him about the abuse before his trial. Mullane said he had volunteered to take the case because he had known Ornelas for several years; they lived in the same neighborhood, but Ornelas says he never knew or met Mullane.

In pre-trial motions, however, Mullane had moved to quash his arrest and statements arguing that Ornelas was under the influence of drugs at the time of his statement and was physically, psychologically, and mentally coerced. Those motions were denied. Mullane advised Ornelas not to testify about the abuse because, he said he thought the state "had no case."

Ornelas was convicted without a jury by Judge Ralph Reyna on May 23, 1996, six years after his initial arrest.

At the trial Scott Byron testified that he had been at a party on Nov. 11, 1990 near 104th St. and Calhoun Ave. and that between 11:00 and 11:30 pm he heard a noise that could have been a gunshot or a car backfiring. Officer Boitch testified how he had discovered the bodies of Mosqueda and Cheeks in the car. Chicago Police Detective James Boylan testified that he was assigned to investigate the crime. Boylan testified that the police reports were inconsistent with his own notes. He also said he spoke with Dion Castillo, whom he said had told him she had attended the party and that Ornelas had come to the door but was not admitted. Boylan further testified that Castillo had told him that Ornelas had a gun that he fired before he left, at approximately 11:45 p.m.

At Ornelas' trial, however, Castillo testified that she had not seen Ornelas at all on that day. Castillo said she thought she had told Detective Boylan that she had not been at the party at the time these events supposedly occurred and that she was reporting something she had heard from someone else to the detective. In fact, it was Michael Roa who said that Ornelas had come to the party and had been denied entrance. Roa never testified, however. He disappeared shortly after these events.

Luedtke testified at the trial that Ornelas came to his house at about 11:30 pm that day and seemed "edgy and nervous." The next day Leudtke said, Ornelas told him he was wanted for a double homicide he had committed. Luedtke said that Ornelas had told him that he was under the influence of LSD the previous night and "blew off a round" in the backyard after he was denied admittance to the party. Luedtke said that Ornelas had told him that while he was walking home, "there were two guys in a car, and they were looking for trouble, and he proceeded to shoot them both" with a sawed-off shotgun. Actually, Luedtke testified that he did not know how mention of a "sawed-off shotgun" got into his statement to police, because he never said that, and he also testified that he had not known the car was stolen. Only the police knew that, but they put it in his alleged statement.

CPD Detective Mike Gerhardstein testified that in November 1990, he was on a leave of absence and was serving as an Assistant State's Attorney. Detective Gerhardstein took a written statement from Ornelas on November 15, 1990 and read the statement into the record.

In the statement Ornelas admitted firing his 12-gauge shotgun in a backyard after being denied entrance to the party near 104th and Calhoun. Later, his statement says that as he walked down an alley between Bensley and Calhoun, he saw Jay Mosqueda and "a black guy" in an automobile. Ornelas statement says that Mosqueda used to beat Ornelas when they were both young. He knew that Mosqueda was a member of the King· Cobras, whereas he was a Vice Lord. He said he thought that Mosqueda and Cheeks were going to run him over in their car.

The statement continued that Ornelas and Mosqueda yelled at each other, though Ornelas could not remember what was said. He fired his shotgun through the passenger side window, hitting Mosqueda in the face. Cheeks said something and he fired at him also. He said he then ran, destroyed the shotgun and walked to Whiting, Indiana to hide with friends.

Problems with this conviction

It is 5 miles from 104th and Calhoun in Chicago to Whiting, Indiana. That's an hour and a half walk sober.

William Leudtke told police Ornelas had come to his house at about 11:30. Leudtke, who was 16 years old at the time, also testified at the trial that the police had threatened that if he did not name Ornelas as the murderer of Mosquesda and Cheeks they would charge him with the murders. Leudtke was not well known by Ornelas. He was 16, a runaway. Ornelas and his two friends had only recently met him. The record doesn't specify in whose possession they found the rather large amount of drugs, only that it wasn't Ornelas. Neither Rangle nor Hopkins, whom Ornelas says actually had the drugs that the police found, were ever charged. Leudtke, committed suicide in 1998, at age 24.

Castillo said she heard from friends that Ornelas tried to get into the party at 11:45, around the time that Leudtke said Ornelas was at his house.

John Yucaitis had been one of the "Midnight Crew" under the notorious torture cop, Jon Burge. Yucaitis and Burge, were fired a year later for their role in torturing Andrew Wilson, although Yucaitis was reinstated two years later. Steven Brownfield was implicated in the torture of Larry Scott, who falsely confessed to murder. Six years later his conviction was overturned. He was awarded over \$400,000 by the court for the abuse and wrongful conviction he suffered from the police and prosecutors.

The shotgun allegedly used by Ornelas to "blow off a few rounds" and to murder Mosqueda and Cheeks was never recovered. Ornelas lived at home with his family at the time of the arrest, and his father insists that although he "got mixed up in the wrong crowd" as a youth, he never had a gun of any type as far as he knows, and certainly not a sawed-off shotgun, which is not very easy to conceal. In his "confession" Ornelas said he "destroyed" the gun. How? Regardless, it was never found.

Ornelas did not testify at his trial. Mullane advised Ornelas not to tell the court that he had been tortured by Yucaitis and Brownfield because it would be his word against theirs. Instead, Mullane entered an affirmative defense on behalf of Ornelas that Ornelas shot Mosqueda and Cheeks in self-defense. He did not discuss this with Ornelas in advance.

In an evidentiary hearing in the first of Ornelas' post-conviction petitions Steve Rymus testified that he had known Ornelas since they both were children and that he lived across the street from him in November, 1990. He said that after the murders, two police officers arrived at his house without a warrant, "grabbed" him, handcuffed him, and took him to the police station. There, the officers placed him in a small room and began asking him about the murders. They asked Rymus whether he had been at the party on Calhoun Street, and he confirmed that he had attended it. Rymus was also asked whether Ornelas attended the party; Rymus denied that Ornelas had been there. The officers then began to abuse Rymus. He testified that they punched him, slapped him, and squeezed his testicles. The officers said that they wanted Rymus to make a statement saying that Ornelas was at the party and that Ornelas left the party and committed the murders. When Rymus refused to make such a statement, the officers continued to beat him and threatened to implicate him instead if he continued to refuse to cooperate.

Mary Rymus, Steve's mother, testified that when she arrived at the police station to pick up Steve, her son's face was swollen and puffy and she saw evidence of a bruise on one of his cheeks. She also observed that Steve kept touching his

crotch. She said that her son told her that police officers had beaten him up and squeezed his testicles while they questioned him. Rymus also told his mother about the statement that the officers were trying to get him to make implicating Ornelas in the murders of Mosqueda and Cheeks.

The Torture Inquiry and Relief Commission (TIRC) considered a claim of torture by Ornelas and rendered its opinion on July 26, 2013. The TIRC held that there was insufficient evidence to conclude that Ornelas's claim was credible. In their finding they note that Ornelas did not submit any evidence to contradict the decisions of Judge Nicholas Ford, who heard Ornelas's post-conviction petition on the grounds of ineffective assistance of counsel and denied it. However, Ornelas says that the TIRC never asked Ornelas whether there was evidence contrary to the rulings of Judge Ford; he only submitted evidence that his tortured statement conflicted with the crime scene. The TIRC also held that since Ornelas' coerced statement alleged that he shot Mosqueda and Cheeks in self-defense, and his attorney argued self-defense, Ornelas' "confession" was not actually a confession. Ornelas says he never agreed to this strategy because he wasn't there and didn't shoot the victims. Ornelas was coerced and tortured by police into making a false statement.

Ford had been an Assistant State's Attorney who took the "confessions" extracted by some of the Burge torture cops. The TIRC also claimed that Mullane testified before them that Ornelas never alleged the abuse by Yucaitis and Brownfield to him, even though he had argued at a pre-trial hearing on a motion to suppress the statement that they had done so.

There are too many questions surrounding this case and conviction, and they will never be resolved. After Ornelas was sentenced, all the files in his case went missing-- a pattern in many Jon Burge detective cases. Robert Ornelas has been incarcerated since 1990 and is serving a natural life sentence. He insists that he was not involved in the deaths of Mosqueda and Cheeks. It is time to undo this injustice and give him back what's left of his life.