

Antonio Porter

Framed on a murder charge by police through torture of witnesses

The following is from the *Chicago Tribune*, April 1, 2018, by Gregory Pratt. For a *Tribune* video interview with Porter click [here](#).

Six witnesses said Antonio Porter wasn't the shooter



Antonio Porter

At Antonio Porter's murder trial, prosecutors called four eyewitnesses to testify about who killed Laymond Harrison during a dice game at a South Side school.

One by one, each witness said Porter wasn't the shooter, reversing their previous statements. The key witness, a teenager, claimed he was coerced by authorities to ID Porter. Prosecutors had no physical evidence pointing to Porter. And Porter, who was overweight, did not match the description of the shooter, who witnesses called tall and lanky.

No other testimony or evidence presented at the 2003 trial implicated Porter, but a Cook County jury convicted him. He has always maintained his innocence and remains incarcerated on a 71-year sentence.

Now recent DNA testing casts fresh doubt on Porter's guilt.

The gunman who shot Harrison snatched up cash from the dice game before he left, according to witnesses. Testing on \$5 bills reportedly dropped by the gunman as he fled shows Harrison's DNA but excludes Porter.

Porter's attorney, Kathleen Zellner, said the absence of his genetic material on the money is "the last straw" for what she calls a "fundamentally flawed" case.

"What is the evidence that convicted Porter?" Zellner said. "It's four people getting on the stand saying he didn't do it? What's the evidence?"

Prosecutors under Cook County State's Attorney Kim Foxx disagree with Zellner. In a statement last week, Foxx spokesman Robert Foley said the office has conducted an "exhaustive review" and does not intend to further investigate Porter's innocence claim.

"The Conviction Integrity Unit reviewed and concluded the DNA results are not exonerating and there is insufficient new evidence to demonstrate that (Porter) is probably innocent of the crime," Foley said.

In response, Zellner said she plans to speak with the office further to see if prosecutors will reconsider. If not, Zellner said she is prepared to fight in court.

“Antonio Porter is innocent and his conviction is a disgrace,” Zellner said.

In a February interview with the *Chicago Tribune* at Stateville Correctional Center, Porter said he’s hopeful the new DNA results will eventually lead to his freedom. And he’s still mystified he was convicted despite all six eyewitnesses testifying at trial — four for prosecutors and two for the defense — that he wasn’t the shooter.

“I didn’t even fit the description,” Porter said.

‘This is for Doogie’

Laymond Harrison, 28, was killed July 9, 2002.

He’d been rolling dice in a group of six on James Madison Elementary School’s porch in Chicago’s Grand Crossing neighborhood. One of the participants, 16-year-old Vernon Andrews, later recalled a festive gathering as the crew gambled.

“We was drinking and smoking, sitting and gabbing (at the school),” Andrews testified in 2003.

A man walked up to their game and joined. Andrews recognized the man, who he knew as “Black” from the Far South Side area where his mother lived, he told a grand jury.

Eventually, the gunman pulled out a handgun and took the players’ money. But, prosecutors said, the gunman let them know “that’s not the reason I’m here.”

“This is for Doogie,” the man declared, before firing nine bullets into Harrison. “Doogie” referred to Robert Kizer, who was killed at a gas station near 76th Street and South Chicago Avenue in October 2001 while reportedly with Harrison, police said.

The gunman fled Madison Elementary and ran into a waiting car. Police gave chase, but the suspect escaped after a pursuing officer’s car engine stalled.

A witness, Giovanni Turnipseed, told police the shooter was tall and skinny. He watched the shooting from across the street and saw the gunman pick up cash as he made his getaway. Someone else told police Andrews knew the gunman, but investigators weren’t able to talk with the teenager until weeks later, when he was taken into custody on suspicion of a battery.

From Andrews, police said they learned the shooter’s nickname, Black, and put the alias into a computer database. Cross-referencing the nickname with people in Andrews’ mother’s neighborhood, police found Porter.

Charged with murder

Police took in Andrews at 7 p.m. Aug. 28. Nine hours later, at 4:15 a.m., authorities took a statement from the teenager, who also picked out a photo of Porter from a lineup. Boosted by Andrews, police brought in other dice players. Otis Burns gave a statement and identified photos of Porter as the gunman. Kenneth Brooks and Ricky Cook did the same.

Porter told the *Tribune* he was on his way to pick up wine for his mother's birthday when police pulled him over in a traffic stop and he "never came home again." "If I ever get out of this, I'm coming to get that bottle of wine to drink with you for your birthday," Porter said he tells his mother.

Porter thinks he was at his mother's home during the shooting, but phone records that could prove he called his girlfriend at the time are gone. He said he doesn't know anything about the shooting and didn't know Doogie, either.

While at the police station, Porter said he remembers sleeping between rounds of lineups and interviews. "When I woke up, I was charged with murder," Porter said.

An arrest report lists Porter at 235 pounds and 6 feet tall. He was 27.

That height conflicts with the Illinois Department of Corrections listing of 5 foot 9. His mother, Rosemary Porter, said he's 5 foot 8. When a Tribune reporter met with Porter in prison, he appeared to be about 5-foot-8 or 5-foot-9.

'You all crooked'

Prosecutor Peter Goutos delivered the opening statement and promised jurors would hear from "the four people" who identified Porter as Harrison's killer. But, he warned the jury, each witness would be "reluctant" to testify.

Almost immediately, the case took a turn against prosecutors, who called Andrews as their first eyewitness. Andrews testified that an officer threatened to choke him and slam him to the wall if he didn't identify Porter as the gunman. Andrews, then 16, said he was held for hours without a chance to talk to his mother.

From the witness stand, Andrews repeatedly called the statement police took from him "a lie." He declared Porter "didn't do it." He said police pressured him into identifying Porter, and he gave in so he could go home. At one point, when the prosecutor pressed Andrews to confirm his previous account given to police, Andrews responded, "I swear to God, you all crooked."

Other witnesses also clashed with prosecutors. Burns testified he told police in August 2002 that the gunman was a "skinny male." Brooks testified that Porter resembled the gunman, but

“that can’t be the guy.” In response, the detective told him the suspect had “gotten fatter,” Burns testified.

Cook called Harrison his “good friend” and testified that he wanted the gunman brought to justice, but Porter wasn’t the gunman.

In Porter’s defense, attorney Benjamin Starks called Turnipseed and Ronald Robinson, a dice player present at the slaying who never identified Porter. On the stand, Robinson said Porter was too short to be the gunman.

‘No reason to lie’

During closing arguments, prosecutor James Lynch told the jury that the earlier statements taken by police have “the same weight as someone testifying in the trial before you.”

Part of Lynch’s argument focused on discrediting the prosecution’s own witnesses. Lynch told the jury that Andrews “doesn’t like law enforcement” or the prosecutors on the case and had “no desire to testify.” “He wanted to hide the truth from you,” Lynch said.

Starks defended Porter by saying Andrews and other witnesses were coerced into giving their statements to police. “Now, where is the reasonable doubt? The reasonable doubt is that the people that they first got the statements from all came in here and to a man, to a man, got up and looked over and said, ‘No, I don’t see the (gunman) here,’” Starks said.

The witnesses had “no reason to lie,” he said, particularly not those who were friends with the victim. Porter recalls thinking the witness statements were “of so little substance” compared with the trial testimony that he didn’t think a jury could find him guilty. But it took jurors less than 3½ hours to come back with a guilty verdict — a moment Porter said felt like his soul left his body.

“It’s like losing everything all at one time,” Porter said.

New DNA evidence

At the time of his sentence, Porter had a young daughter who’s now 22. His 4-year-old grandson comes to see him sometimes in prison. He previously had been convicted for possession of a stolen motor vehicle, unlawful use of a weapon and possession of cannabis. Since his murder conviction, Porter said he’s been writing letters to people and organizations who might help.

In April 2015, prosecutors agreed to conduct DNA tests on items at the crime scene, including a pair of dice, an empty glass of Hennessy cognac and a bottle of beer. That round proved useless in assessing Porter’s case, though, because there was limited genetic material.

Last August, prosecutors agreed to another round of testing requested by Zellner, this time on three \$5 bills left at the scene. In January, the prosecutors and Porter received the findings from a private lab's testing paid for by Zellner.

Porter was excluded on all DNA results, which included the victim plus a mixture of three other unidentified individuals, Zellner said.

The state's attorney has received other leads in the case. In September 2003, during a session in the judge's chambers just before the trial, Porter's attorney told them about another suspect who was 6-foot-2 or 6-foot-3 and weighed 200 pounds.

Prosecutors responded that they were "confident" they had the "correct shooter" in Porter.

The test results give Porter hope, he said, but he tries to temper any optimism.

"I'll holler and scream when I walk out the front door," Porter said.