

## John Galvan

### “ A Fair Shake?”



**John Galvan**

John Galvan was 18 years old when he was shaken awake by police, dragged out of his home, arrested without a warrant, and charged with double murder and aggravated arson. Galvan is now serving life without parole. His wrongful conviction is the result of police misconduct, perjury, and a failure of the judicial system.

On September 21, 1986, at approximately 4 AM, a fire swept through a two flat house at 2603 West 24th Place in Chicago. The Martinez family lived in the upstairs apartment. Siblings Blanca Martinez and Jorge Martinez escaped, but their two brothers, Guadalupe and Julio, who were recent immigrants from Mexico, died. The police suspected arson and spent nine months investigating the case.

#### **THE INVESTIGATION**

Initially, a woman named Lisa Velez was the prime suspect. Velez believed that the Latin Kings gang had killed her brother in a shooting one year prior to the crime. Jorge Martinez was a member of the Latin Kings. According to statements made to police by several witnesses in this case, Velez had threatened to burn the Martinez house down in retaliation for the killing of her brother.

Police began by interviewing victims and neighbors. Velez managed to avoid investigators until several months into the investigation. When brought in to be questioned, she confirmed that she and Jorge Martinez were arguing in front of the house a day or so before the crime. Velez alleged that she had seen John Galvan, Vincent Vega and Michael Almendarez walking by during the argument, and that Vincent Vega had claimed that he would avenge the death of Velez's brother.

#### **POLICE MISCONDUCT: THE ARRESTS AND INTERROGATION**

Nine months after the fire the police investigation led to John Galvan and two others: Arthur Almendarez and Francisco Nanez. Galvan was arrested without a warrant on June 8, 1987. Police had no verbal or written consent to enter his home where he was living with his mother. He was 18 years old at the time of his arrest. He was taken to Area 4 Police Headquarters on Harrison and Kedzie and handcuffed to a steel ring on the wall. Galvan was interrogated for about 13 hours. His interrogation was largely handled by Detective Victor Switski.

According to the police, Galvan's alleged motive for setting the fire was retribution for a shooting in which he had been targeted two weeks earlier.

Detective Switski repeatedly punched him in the back and side of the head and threatened him with the death penalty. The confession that Galvan ultimately signed at the police station was admitted as

evidence in the case. Galvan stated during his testimony at trial that “the detective who interviewed him told him that if he said the others threw the bottle and all he did was throw the match, he could go home, but if not, he would get the death penalty.”

Jorge Martinez & Blanca Martinez	Survivors of the fire Jorge was a member of the Latin Kings
Lisa Velez	Made threats of arson to the Martinez family
John Galvan	Co-defendant charged with starting the fire in the Martinez house. Prosecutors said it was because members of the Martinez family were allegedly in a rival gang
Isaac Galvan	Brother of John Galvan
Arthur Almendarez	Co-defendant of John Galvan
Michael Almendarez	Brother of Arthur Almendarez
Francisco Nanez	Co-defendant with John Galvan & Arthur Almendarez
Socorro Flores	Eyewitness of the burning of the Martinez home and witness for the defense
Frank Partida	Witness for the defense
Jose Ramirez	Witness for the prosecution
Jorge Rodriguez	Witness for the prosecution

Galvan’s brother, Isaac, an electrician, was also arrested at their mother’s home in Cicero that day. Isaac was questioned for 11 hours before being let go. During the interrogation he was verbally abused and threatened with motions that he would be assaulted. He testified that he could hear yelling and crying from the room where his brother was being interrogated. At the lineup he saw his brother who looked “like a zombie” with red and bloodshot eyes and marks on his forehead.

Codefendant Arthur Almendarez testified that on June 8, 1987, police officers went to his home and asked him to come to the police station. Almendarez, who was married and working two jobs at the time, went willingly to the station. He later testified that he was taken to a small room at the police station where an officer backhanded him, grabbed him by the throat, and told him that if he cooperated, “this will all go smoothly.” Almendarez testified that several officers, including Detective Switski and Detective Hanrahan, punched, kicked, and grabbed him, telling him he would tell them “what [they] wanted to hear” no matter how long it took. Detective Switski’s threats and abuse resulted in him signing a statement implicating Galvan and Nanez. Detectives told Almendarez that he would be allowed to go home. He signed, believing that he could explain why he had done so later. Instead he was taken to Cook County jail. He told medical staff he was injured, but nothing was done about it. Almendarez Michael Almendarez, the brother of Arthur Almendarez, was also arrested and brought in for questioning. Michael testified that he was not with his brother Arthur, Galvan or Nanez on the night of the fire. He testified that officers pressured him

to confess, hitting him in the stomach and threatening his life. They handcuffed him, took him to a rival gang's neighborhood and said they would leave him there. So, Michael gave in. He was taken back to the station, where a group of officers wrote a confession stating that Galvan and Nanez admitted that they were responsible for the fire. Michael signed, but the next day he went to the grand jury and repudiated his statement.

## **THE TRIAL**

Galvan was tried by a jury in 1989. Galvan stated that on the night of the fire his girl friend Maria Gellagos picked him up at his grandmother's house at 2617 W. 24th St. Her sister Monica was with her. They then picked up his brother Isaac and all four of them went out together to celebrate Isaac's birthday. At approximately 3 AM an unmarked police car pulled them over, asked how old Monica was, issued a curfew slip, then followed them back to Galvan's grandmother's house for him to be dropped off. Galvan testified that he did not have a key, so his grandmother let him in. He went to bed.

Socorro Flores lived across the alley from the Martinez home. She testified that she woke up around 4 AM to make her husband's lunch for work. From her second floor kitchen which looked out onto the alley she heard and saw boys (teens) talking and walking. One threw something that landed on the porch of the Martinez house and started burning. She ran out of her house to alert people to the fire. She stated on the witness stand that John Galvan was not among that group of boys she saw in the alley, nor did she identify Galvan in a police lineup.

Frank Partida left work as a security guard at a bar at 3:30 AM and was walking home. He saw Rene Rodriguez and Jose Ramirez, two young men that he knew, a block from the Martinez house, just before the fire started. Rodriguez and Ramirez were allegedly intoxicated from drinking beers and high from smoking "wicky sticks"- marijuana blunts dipped in PCP. According to Partida, Rodriguez was so intoxicated that he needed help standing up. Partida saw three young men pass by and enter the alley as he was helping Ramirez assist Rodriguez in walking. When the three young men were halfway down the alley a car pulled up and Partida saw something exchanged. Partida, Ramirez and Rodriguez then passed the alley and continued walking. When Partida heard the shouts about fire, he ran to the scene and tried to assist a woman who was escaping from the building. Partida submitted witness statements that Galvan was not at the crime scene. He knew Galvan, because he had coached him years earlier in a sports league.

At trial Ramirez claimed to be friends with Galvan and denied being high or drunk that night, although he told police that he had been drinking with Rodriguez for four hours. He implicated Galvan saying that he had seen him and three others at the crime scene before the fire had started.

Rodriguez denied seeing anyone in the alley before the fire but claimed to police that he later saw Galvan and Galvan's brother standing on the street watching the fire. Rodriguez did not testify at the trial. Police Detective Hanrahan later testified at Galvan's suppression hearing that Rodriguez (who is since deceased) did not see Galvan.

Jorge Martinez, who had argued with Lisa Velez a few days before the fire and had been able to survive the fire in his family's house, testified that he had never heard of Galvan or seen him anywhere near the crime scene.

Galvan was found guilty of two counts of first degree murder and one count of arson. Arthur Almendarez and Francisco Nanez were also convicted and ordered to serve life sentences.

## **POST-CONVICTION APPEALS: THE STATE FIGHTS BACK**

In 1995, Galvan filed a post-conviction petition with an affidavit from Frank Partida. Partida stated that Ramirez and Rodriguez were both high during the night of the fire and that he was certain that Ramirez could not identify the people in the alley.

In March, 2001 Galvan filed post-conviction petitions that a life sentence was unconstitutional. His case was assigned to Judge Epstein who appointed a public defender.

Over the next several years Galvan continued to file post-conviction petitions on many issues, including the State's disregard of evidence concerning police abuse, failure to call witnesses, and jury selection bias. In 2004 Judge Epstein denied the state's request to dismiss his petitions and set an evidentiary hearing.

Meanwhile Galvan and his counsel had continued to work on unearthing evidence to demonstrate patterns of police misconduct taking place in the headquarters Chicago Police Department Area 4. Requests for police records were granted, and in May, 2005 the court granted a motion to inspect evidence in an unrelated criminal case where a confession was allegedly also coerced by Detective Victor Switski.

The State continued to file multiple motions to stop the progress of the appeal. This culminated in a motion to try and ban Galvan from calling certain witnesses in support of his allegations related to police torture. Judge Epstein denied the motion, and expressed his "frustration at the length of time it was taking to set a final date for the evidentiary hearing." More than 15 years after Galvan's initial guilty verdict, a final date was set for July 31, 2006.

However, before the hearing could take place, Judge Epstein was transferred to the Civil Division. The case was then assigned to several different judges over a period of 14 months. Before a hearing occurred, each new judge would grant the State's motion to reconsider, dismissing Galvan's petition. Eventually his case was assigned to Judge Brosnahan, who initially agreed with Epstein's rulings. But on September 23, 2008, Judge Brosnahan reversed her ruling, stating that "after reviewing the record a second time, she did not believe Judge Epstein had given the State 'a fair shake' at the earlier motion to dismiss."

## **POST-CONVICTION APPEALS: THE REVERSALS**

Galvan continued to appeal. The appeals court reviewed Brosnahan's and Epstein's opinions regarding the actions of State attorneys. In their analysis of the case in 2012, the appellate court judge wrote,

"...While we commend Judge Brosnahan for her thorough and conscientious consideration of the record...we hold that the trial court erred in reversing the denial of the motion to dismiss. This case is remanded for a third-stage evidentiary hearing on defendant's post-conviction claims."

At the third stage hearing Galvan's lawyers called 23 witnesses. Seven of them had been defendants in other cases involving Detective Switski. All of them testified that they had been physically abused by Switski. At least one had sent a letter to the Office of Professional Standards about Switski's conduct. But at the hearing Switski denied having any memory of investigating Galvan or of taking confessions from Galvan, the testifying witnesses or other witnesses.

It is more than 32 years since Galvan's arrest and 30 years since his conviction. But the case is still not resolved. The State's Attorneys have continued to affirm that Galvan is guilty and the appellate court has

concluded, consistently denying Galvan's post-conviction petitions. Galvan continues to seek justice. For the last several years he has been represented by an Exoneration Project attorney at the University of Chicago who has filed several appeals on his behalf.

On October 24, 2019 a glimmer of hope appeared for Galvan. A three judge panel of the appellate court reversed the trial court's ruling and ordered a "new suppression hearing, and if necessary, a new trial". In their ruling the judges found that previous decisions had essentially declined to consider evidence of abuse by police—"...whether any of the officers who interrogated petitioner (Galvan) may have participated in systematic and methodical interrogation abuse and whether those officers' credibility at petitioner's suppression hearing or at trial might have been impeached as a result. Without petitioner's confession, the State's case was nonexistent." Further, "The witnesses all testified at the evidentiary hearing that they did not gain anything in exchange for their testimony, and several of the witnesses testified that while their convictions were reversed, they plead guilty as a direct result of the State's offer of a lesser sentence."

In their ruling the judges also found that "admissible statements by someone other than petitioner (implying Lisa Velez) of the intent to commit the very unique crime of arson during the relevant time period is strong evidence of actual innocence, especially in light of the fact that the only evidence against petitioner were his own statements. No physical evidence or eyewitness testimony tied petitioner to this crime, and he contends that his statements were not voluntary. However, because we have determined that petitioner is entitled to a new suppression hearing and, if necessary, a new trial, we need not address petitioner's additional claims for post-conviction relief, although as stated above, we find many of them compelling."