

Free Gerald Reed



Gerald Reed

On October 3, 1990, 27-year-old Gerald Reed was arrested and questioned regarding the murder two days earlier of Willie Williams and Pamela Powers. He was questioned by Detectives Michael Kill and Victor Breska at Area 3 Homicide, members of the notorious "Midnight Crew" of torturer Jon Burge. On October 4, 1990, Reed was questioned by Kill and Breska. They beat him and kicked him repeatedly and broke a metal rod that was in his right thigh along with the surgical screws that held it in place, causing him excruciating pain. The rod had been surgically placed years before to repair his thigh bone, which had been shattered by a gunshot.

It was clear to Reed that the beatings would continue until he agreed to confess, and he did. Prior to trial, Reed filed a motion to suppress his confession stating that he had been physically abused. He repudiated the confession at his trial and has proclaimed his innocence ever since. There was no other material evidence against Reed at his trial. Gerald Reed was convicted of both murders and sentenced to life in prison without possibility of parole.

But that did not stop the torture. For 27 years Reed has repeatedly requested medical intervention to fix the horrible and excruciatingly painful damage done by his torturers. He has been unable to walk. Finally, last year, he was taken from Stateville Correctional Center to Dreyer Medical Center in Aurora, where orthopedic surgeon Steven I. Rabin performed the first step required to repair the terrible damage to his thigh bone and ease his suffering. Dr. Rabin made it clear that a second follow-up surgery was necessary to improve his condition and end his pain, along with physical therapy.

Gerald Reed was returned to the hospital at Stateville in January where he waited for the second surgery. Dr. Rabin, however, had a heart attack and was unable to complete the task. Since then had minimal physical therapy and is still suffering from serious pain in his leg.

The Illinois Torture Inquiry and Relief Commission held, in a decision rendered on June 18, 2012 and further amended on March 19, 2014, that there was a "preponderance of evidence" that Reed had been tortured and forced to confess. In late 2018, nearly 7 years after the TIRC ruling an evidentiary hearing on the police torture of Gerald Reed finally commenced with Judge Thomas V. Gainer presiding .

In Dec 2018 Judge Gainer, after reviewing all the evidence, vacated Reed's conviction and ordered that he should have a new trial in which the coerced "confession" would not be allowed into evidence. Judge Gainer subsequently retired and Judge Thomas J. Hennelly* was assigned to the case in Jan 2019.

Judge Hennelly spent the following 14 months refusing to rule on any of the motions filed by

Gerald's attorneys, including his constitutional right to a bail hearing, since he was now legally "innocent until proven guilty". Meanwhile Reed was held in Cook County Jail where his already seriously compromised health continued to deteriorate. He suffered a heart attack and after contracting a serious case of influenza was in coma for two days.

On Feb 14, 2020, Judge Hennelly, without a trial, declared Reed guilty and sent him to prison for life, again. He explicitly ignored the decision of the TIRC and the irrefutable finding of Judge Gainer based on the physical evidence on which his decision was based

The decision by Judge Hennelly was unprecedented and illegal, overturning the ruling of his predecessor -- a judge of equal standing. Hennelly also revealed during his illegal ruling that over the past months he had been conducting his own private judicial acts of 'discovery'. He played in court a heavily edited excerpt of a sound recording from a discussion by the TIRC on the Reed case. In a racist rant he then accused Gerald of attempting to hop on the "Burge torture bus," a phrase used by another judge in dismissing th post-conviction claim of torture by another imprisoned Burge survivor.

So, fifteen months after his conviction had been vacated and a new trial ordered, Reed was sent to the Northern Reception Center if the Illinois Department of Corrections at Stateville just as the COVID 19 pandemic began to sweep through Illinois prisons, jails and detention centers. He is still there today, almost a year later. The "normal" wait in Reception for assignment to a prison is a few weeks.

During the pandemic The IDOC is not moving prisoners to General Population from Reception. There they have severely limited access to telephone, commissary, and medical care.

Like all those incarcerated Gerald now faces the double threat of death from COVID-19 and incarceration. He has many untreated underlying serious medical health conditions stemming from the torture in 1990, including hypertension and heart disease that make him especially vulnerable.

A motion to reconsider was filed with Judge Hennelly by Reed's lawyers on March 18, 2020, accompanied two days prior by an amicus brief from the [Illinois Association of Criminal Defense Lawyers](#), where they stated outright: "This Honorable Court's February 14, 2020 order vacating Judge Gainer's orders of December 14, 2018 some fourteen months after the fact respectfully was an overreach, unconstitutional, and void." There have been many court delays because Judge Hennelly can't seem to keep track of the documents filed by Reed's lawyers. After eight months the "Special Prosecutor" Robert Milan* has not responded to any of them.

An emergency hearing was called before Chief Criminal Court Judge LeRoy Martin, Jr., on a motion filed by Reed's attorneys for "substitution of judge for cause." Martin ordered the motion to heard by Judge Dennis J. Porter***, the administrative supervisor of Judge Hennelly.

Since appearing with Judge Porter vital documents electronically submitted to his court have

now also gone missing, causing yet another continuance. Court observers are frustrated by a system in which a \$180,000 a year salaried judge cannot keep tabs on documents submitted to his court.

While Reed sits and suffers in the Reception Center at Stateville an [emergency petition for Executive Clemency](#) has been filed on his behalf by the Illinois Prison Project, which has been supported in an [amicus brief filed by nine major organizations](#).

The Chicago Alliance Against Racist and Political Repression is urging that people call Governor J. B. Pritzker and demand that he act immediately to grant a full pardon to Gerald Reed and release him from this continuing torture. The Governors phone numbers are 217-782-6830, 217-782-6831, 312-814-2121, 312-814-2122.

*Judge Hennelly presided over Gerald's case with the full knowledge that he had served as legal counsel for the State as an assistant cook county state's attorney (ASA) who defended the State in the case of **Aaron Patterson**. Patterson was tortured at Area 2 of CPD in the early-to-late 1980's. He was sentenced to death, but eventually pardoned by Governor George Ryan because the evidence showed that his case rested entirely on a false confession.

**The Cook County Special Prosecutor in Reed's case is Robert Milan, who worked for the Cook County State's Attorney's Office (CCSAO). Milan was one of Cook County State's Attorney Richard Devine's chief deputies, defending many Chicago police torture cops—and was also the boss of Judge Hennelly for a short time in which they both worked at the CCSAO.

Since 2016 former Chief Criminal Court Judge Paul Biebel made various rulings excluding the Cook County State's Attorneys office (CCSA) from investigating and handling Burge related post-conviction cases, including CCSAs Richard M. Daley, Richard A. Devine, and Anita Alvarez. Biebel ruled that a "conflict of interest" existed because of the CCSA's consistent involvement with Jon Burge and his crew in many cases. Robert Milan became one these special prosecutors, through processes not as yet made transparent to the public. In 2019 Presiding Chief Criminal Judge Leroy Martin (son of former CPD commander LeRoy Martin) took the Burge cases away from Milan, reassigning them back to Kim Foxx's office—but not Gerald Reed's case. Martin argued that it was far too long and assigning a new prosecutor would case further delays, noting that Reed had already been in Cook County Jail without a bail hearing for a long period of time!

***Judge Porter is the judge who notoriously dismissed manslaughter charges against Dante Servin, the Chicago cop who murdered Rekia Boyd in 2012. Judge Porter, in a directed verdict even before Servin's defense had opened, declared that the charging document prepared by then CCSA Anita Alvarez was faulty because Servin should have been charged with first degree murder. Because of prohibitions of "double jeopardy" Servin could not be re-indicted, and remains retired on full pension today.