

Tamon Russell



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Tamon Russell is serving a 45 year sentence for the murder of one man and attempted murder of two others in a drive-by shooting on the south side of Chicago in 2001. He has continually maintained his innocence.

On May 4, 2001, at approximately 6 PM a white Dodge Intrepid car drove past 8901 S. Cottage Grove. Someone in the front passenger seat leaned out the window and fired numerous shots. A man named Joseph Mitchell was killed, and two others, Damon Royal and Edward Geddes, were wounded. A fourth victim at the scene, Jarod Jackson, did not sustain any injuries. The victims dispersed but returned to the scene of the crime moments later after the Intrepid had left the scene.

Police officers arrived shortly after the shooting occurred, responding to a call that a man had been shot. What follows is an account from police records: Det. P. Dityrk and Det. J. Carlassare took an initial statement from Royal and Geddes. They identified the shooter as 19 year old Tamon Russell. Jarod Jackson gave police the same account of the shooting as Royal and Geddes, though he claimed there were three people in the car, and that he could not recognize or identify the shooter. Royal, Geddes and Jackson identified themselves as members of the Vice Lords, a street gang. Russell was affiliated with the Black P Stones, a rival gang.

Following the initial questioning by police, Royal was transported to Jackson Park Hospital to be treated for a wound to his arm; Geddes declined any further medical attention and was consequently taken by police to Area 2 Homicide. Upon arrival at Area 2, Geddes was re-interviewed by Detective Adduci and G.S Skroch. Geddes stated he had seen Tamon Russell driving alone, southbound on Cottage Grove Avenue 20 to 30 minutes prior to the shooting in a Chevrolet Monte Carlo.

Det. Michael M. Baker, Det. P Durkin, and G.S J. Fitzmaurice obtained a Polaroid photo of Tamon Russell from CPD files. At approximately 9:45 PM they showed Geddes the photo, and he positively identified Russell as the shooter. The detectives then went to Jackson Park Hospital where Royal also positively identified Russell as the shooter. They went next to Russell's home where they spoke to Russell's sister, Gianna, at 10:30. She informed them that Tamon had left thirty minutes earlier. The police were unable to speak to Regina Russell, Tamon's mother, who was not home at the time.

The police officers went to the home of Russell's girlfriend, Laneva Batiste. They spoke with Eva Batiste, Laneva's mother, who said that she had not seen her daughter or Russell since 7 PM. The

detectives conducted surveillance of the Batiste home. At 2:10 AM, Laneva Batiste was seen exiting a vehicle and walking toward her home. As the car started to leave, detectives stopped it. Tamon Russell, Lackland Sanchez, Kory Cole, and Wardell Williams were inside the vehicle. The police arrested all four of them. Laneva was also taken from her home to the police station for questioning.

Detectives called Ms. Russell to inform her they had arrested her son. The State's Attorney ASA Navarro and Det. Carlssare later came back to Ms. Russell's home to ask questions. According to Ms. Russell's account, upon arrival, the detective made a racist comment about the home being "surprisingly" nice. They requested entrance to Tamon Russell's bedroom, but Ms. Russell denied them access.

Tamon Russell gave this account of what happened in police custody: He was handcuffed and placed in the back passenger side of the police car. He was not read his rights. When he asked why he was being arrested, one officer responded that was for "him to know and for me to find out. The officer on the passenger side turned around and hit me about the head and face with an open hand." After Russell was taken to Area 2, the detectives refused him the use of the bathroom and kept him handcuffed to the wall for over 24 hours. During the interrogation police continued to assault him. At first they asked him about a robbery. He told the officer he didn't know anything about a robbery. Again he was hit, and the "officer would say things like, you know who is doing the robberies." Russell repeatedly asked for a lawyer and was denied. Eventually Russell told them "sure, whatever" to their accusations, "anything" to get them to "take their hands off me." He was charged with the murder of Joseph Mitchell less than 24 hours after the crime.

On advice of counsel Russell had a bench trial before Judge Evelyn Clay. On November 18, 2004, Russell was convicted of the homicide of Joseph Mitchell and attempted homicide of Damon Royal and Edward Geddes and sentenced to 45 years in prison. He was sent to the Menard Correctional Center. The Dodge Intrepid and weapon (a 9mm gun) were never recovered. Gunpowder tests were never performed, and cell phone records were never recovered.

Russell maintained his innocence and began a long process of post-conviction appeals, some filed on his own behalf, and some with attorneys. At each stage between 2006 and 2012, he was denied. But in 2014 an appellate court ruled that Russell was entitled to a (third stage) evidentiary hearing to determine whether his lawyer had coerced him into waiving his constitutional right to a jury trial and right to testify on his own behalf. Evidently, the court found the lawyer's behavior sufficiently problematic to warrant further investigation of the case "... promising (Russell that) he had influence over the judge... (who) owed him a favor and would have information about one of the State's witnesses that a jury would not receive...Counsel told him not to testify because if he did, the State could ask him questions that 'will make the judge go back on our deal'."

The Appellate Court also ruled that Russell "arguably suffered prejudice as a result of his lawyer's alleged deficient performance. This case basically involves the credibility of State

witnesses Damon Royal and Edward Geddes and their identification of defendant as the shooter. Royal and Geddes were both long-time gang members with criminal histories. In his affidavit, defendant stated that if he had been called to testify at trial, he would have testified 'he was not a gang member and was at home at the time of the shootings.' The defendant's testimony might have affected a jury's assessment of the truthfulness of the State's witnesses."

In the appeal, Russell also submitted an affidavit drafted in October, 2011 by an inmate at Menard who had witnessed the drive-by shooting in May, 2001. He knew the shooter to be Wesley "Skip" Ray. The appellate court ruled that his affidavit was "inconclusive", because the witness did not explicitly state that Russell was not present during the drive-by shooting.

But, in September, 2015, a second witness came forward claiming that Tamon Russell was innocent. He contacted Russell's sister, Gianna Russell, via Facebook and said he was present at the scene of the crime. He expressed guilt for letting an innocent man stay in prison for a crime he did not commit for so long. He stated that he had remained silent because he did not want to get involved personally, though he urged fellow gang member Edward Geddes not to lie about the identity of the shooter. In 2017, this second witness also gave a video interview to an attorney. The attorney sent the interview to Russell's attorney. In the interview, the witness stated that he had been a member of the Vice Lords, the same gang as the victims of the shooting. He also stated that Wesley "Skip" Ray, who was well known to him, was the shooter in the murder of Mitchell. Ray, now deceased, was the same person identified by the witness who submitted an affidavit in 2011. Further, this second witness stated that, "Tamon Russell was not in that car. There were only two people in that car". "... I let someone sit in jail when I knew they were not even there in that car. I can't say where he was, but it bothers me that I let him sit in jail. You know, I feel like I have a responsibility...it hurts me to my core that I've let him sit in jail for 16 years."

Russell was not successful at his third stage evidentiary hearing in 2017. He hoped that his attorney would file a motion to appeal that decision, but his attorney did not act on the new evidence given by the second witness. Russell filed a complaint against his attorney with Illinois Attorney Registration and Disciplinary Commission of the state Supreme Court for failure to act on his case. He obtained another lawyer and in November 2018, filed a motion to the Circuit Court claiming his innocence and asking the court to reconsider his case. The court responded that they had "lost" paperwork regarding his first trial, including the original copy of his post-conviction petition as well as the transcripts from the evidentiary hearing. Nevertheless, in January, 2019 the Circuit Court ruled against Russell, commenting that Russell's claim was "frivolous and without merit." Russell has appealed.

In addition to his efforts in the courts over the years, Russell also filed an application with the Cook County State's Attorney Conviction Integrity Unit. The CIU investigates claims of actual innocence, to determine whether new evidence substantially increased the probability that the convicted defendant was not the person who committed the crime. His application went unanswered.

Russell's mother, Regina, has tirelessly sought justice for her son, trying to interest the Northwestern University Law Clinic's Center on Wrongful Convictions and the Exoneration Project in his case. She has become an active and vocal advocate in CFIST, a campaign to free the wrongfully incarcerated and survivors of police torture, and she currently serves as a co-chair of the Chicago Alliance Against Racist and Political Repression. Commenting about the Circuit Court's ruling she said, "How can you say something like that about somebody's life--frivolous?"