
Author's Note

This story follows a trail of monumental injustice. At its core is this simple fact: Through the efforts of the Innocence Project at Northwestern University's renowned Medill School of Journalism, an innocent man named Alstory Simon was framed for murders committed by a man named Anthony Porter.

The murders occurred in 1982. Porter was convicted of the crimes in 1983. Early in 1999, owing to the work of the Innocence Project and what can only be characterized as a wholesale collapse of ethical standards on the parts of prosecutors and a defense attorney alike, along with thoughtless cheerleading from the media and a series of political decisions, Porter was freed and subsequently pardoned. Later in 1999, Simon took Porter's place behind bars. Simon remained there for fifteen years.

He might be incarcerated still were it not for two private investigators named James Delorto and John Mazzola. Until around 2010, no one else paid much attention to Simon's plight. But when I was examining a different situation, I met Delorto and Mazzola.

In late summer 2009, I got a call from John Sheehan, an old friend who asked me if I would meet with Bob Dwyer, a Chicago policeman who had been wrongly accused of engaging in torture in the arrest of a man named Madison Hobley. Sheehan said that

Dwyer and his partner, James Lotito, arrested Hobley on January 6, 1987. They took him to Area Two headquarters where Hobley confessed to setting fire the night before to an apartment building in the 1100 block of East 82nd Street. The fire took the lives of Hobley's wife, his infant son, and five other residents.

In 1990 a jury convicted Hobley of seven counts of felony murder, one count of arson, and seven counts of aggravated arson. He was sentenced to death. However, the case was remanded to the lower court by the Illinois Supreme Court in 1998 for an evidentiary hearing after lawyers for Hobley argued that Hobley had confessed only after he had been handcuffed and beaten by Dwyer and other police officers at Area Two headquarters and that his captors had placed a typewriter bag over his head, nearly suffocating him.

Following protracted hearings before Cook County Criminal Court Judge Dennis Porter beginning in 2002, Porter denied Hobley's request for a new trial. Hobley's attorneys appealed again, this time to the Illinois Prisoner Review Board, which conducts hearings on such requests and makes confidential recommendations to the governor. On January 9, 2003, Governor George Ryan granted Hobley a full pardon, saying his conviction was based on "flawed evidence."

Upon his release, Hobley filed a lawsuit against the City of Chicago for his wrongful incarceration. The City settled the suit for more than \$7 million, despite protestations from Dwyer and others that the City defend the case.

Bob Dwyer and I met at a coffee shop in suburban LaGrange where he confirmed Sheehan's account, though with far more specificity, asserting that Hobley had confessed voluntarily to the arson of the building in which he and his wife, his infant son, and the five other victims had lived. After I agreed to look into the Hobley case, Dwyer told me that the entire case record was in the

Batavia offices of two retired Alcohol, Firearm and Tobacco federal agents, Jimmy Delorto and Johnny Mazzola, who now worked as licensed private investigators for several lawyers and law firms.

After introducing myself to Delorto and Mazzola and asking them if I could borrow records of the Hogley case, Delorto replied, “We have all the Hogley materials. You are welcome to take what you need. But I will tell you this. You are looking at the wrong case.”

I made three or four trips to their Batavia office for additional Hogley files, and each time Delorto told me, “Whatever you need is right here. But you’re looking at the wrong case.”

“So what case should I be looking at?” I finally asked.

“The Alstory Simon case,” Delorto said.

“Who in the hell is Alstory Simon?” I replied.

“Alstory Simon is doing thirty-seven years in state prison for a double homicide that was committed by Anthony Porter.”

After providing me with a broad outline of the case and the role Northwestern University’s Medill School of Journalism had played in it, Delorto piqued my curiosity. But then Delorto told me that Simon was innocent even though he had pleaded guilty to the double homicide and had apologized to the mother of one of the victims as he was being sentenced. I immediately said I would be taking a pass. Innocent people don’t confess to a double homicide and meekly agree to a thirty-seven-year prison term.

Then Delorto and Mazzola handed me key materials in the case, grand jury transcripts, affidavits, and, above all, the entire transcript of Alstory Simon’s plea and sentencing hearing in the fall of 1999. I realized immediately that Jimmy was correct. I was looking at the wrong case.

This led directly to the Internet publication of “Chimera” in 2010. This online report is roughly 35,000 words. It is based on the underlying public record, as is this book. It was my main contribution to the effort to free Alstory Simon: I stitched together

the many parts of the tangled Simon injustice into a linear yarn. “Chimera’s” publication helped bring together an ad hoc team that was determined to get a hearing for Simon. That team included Delorto and Mazzola; attorneys Terry Ekl, James Sotos, and Andy Hale; Marty Preib, a Chicago policeman, author, and creator of the blog *Crooked City*; Paul Pompian, a Chicagoan who became a successful Hollywood producer before his unfortunate death in 2014; and Shawn Rech, a Cleveland producer of documentary films who took up where the late Pompian left off.

Copies of “Chimera” were sent to hundreds of individuals, including former U.S. Attorneys in Chicago, leading defense attorneys and prosecutors, virtually every investigative or crime reporter employed by Midwest, West Coast, and East Coast newspapers and periodicals, select members of the electronic media, and even certain members of the general public. Copies also were sent to every faculty member at Northwestern’s Medill School of Journalism, Media, Integrated Marketing Communications (as the venerable journalism school was renamed in 2006) and to every professor at three Chicago-area law schools—Northwestern, the University of Chicago, and John Marshall.

The report received several different receptions. The general public responded with puzzlement. The legal community offered stony silence. The Northwestern faculty reacted with unalloyed hostility. So did the press, which for years had been championing the work of a former Medill professor named David Protess and his Innocence Project, with its ever-changing groups of students.

One of the most interesting responses came from Professor David Protess himself, to whom I e-mailed a copy of “Chimera” in 2010 and followed up with a request for an interview. He replied via e-mail, beginning with a list of every address I’d called home over the previous thirty years, including my current address.

“Tell me which address you are presently living at and I will send

Porter and his friends to pay you a visit,” the professor wrote.¹ Not a serious threat, to be sure. Just the same, the irony is delicious. Protes and his students expended a lot of time and energy freeing Porter from “wrongful” imprisonment for a double homicide for which he was supposedly innocent. Yet when Protes wanted to imply a threat of violence, he invoked the name of Anthony Porter.

Some members of the media were invested in the conclusions that “Chimera” disputed, and perhaps predictably, many chose to go on the attack. For example, *Tribune* columnist Eric Zorn referred to me as a “dyspeptic former investigative reporter.” But aggressive reactions to any criticism of Protes or the Innocence Project were not new, at least for Zorn. Years earlier he had disparaged Simon’s attorneys, Ekl and Sotos. His January 5, 2006, column ran under the headline, “Two Lawyers Cast in Unlikely Roles as Crusaders.” Zorn noted, “Sotos is the attorney for Jon Burge, the former Chicago police commander who was fired for torturing a murder suspect” and was later sentenced to prison for perjury. He described Ekl as “a former prosecutor with close ties to the DuPage County Republican” establishment—as if that fact is sufficient to make a reasonable person question Ekl’s integrity and desire for justice.

The disinclination of the press to take a closer look at Protes’s work cannot be blamed solely on hostility to “Chimera” and the small group of people who felt a right had been wronged when Simon replaced Porter in prison. Several members of the local press had become virtual cheerleaders for the Innocence Project, calling Protes regularly to find out what new developments may have taken place in the investigation du jour.

A June 11, 1996, Zorn column underscores this point.

“Frequently over the past several months I’d call Northwestern University journalism professor David Protes and ask: ‘So what have the kids come up with?’ It was usually something and it was

usually big—a recantation, a confession, an affidavit, a key document. Protes would give me and reporters from Channel Five the leads, which were easy to re-report, and we would then publicly advance the story of the apparent miscarriage of justice” of the latest Innocence Project endeavor.

The fact that a given columnist supported the ideals and goals of the Innocence Project is not the issue. The problem is that every bit of information in “Chimera” and in this book is and was in the public record. The news media’s support of Porter’s “exoneration” might not have been quite so universal if reporters had read the grand jury and trial testimony against him. Had members of the media been a little more diligent, they might have asked questions about Simon’s conviction, because they would have known that no witness put him at the scene of the murder—whereas multiple witnesses put Porter there and identified him as the killer. Some members of the media might have concluded that Simon was going to prison based on a false confession—had they bothered to examine the circumstances of his confession.

Similar questions about diligence come to mind regarding the state’s attorney’s office. I sat down with just one former assistant state’s attorney following the distribution of “Chimera.” In fall 2010, I met with Bob Milan, an attorney who worked under then-State’s Attorney Dick Devine and had become one of his trusted aides. When Devine opted not to run for reelection, Milan tossed his hat into the 2008 race with Devine’s endorsement, but he lost to Anita Alvarez in the primary after picking up only five percent of the vote.

Nothing came of my meeting with Milan. But there is an interesting sidebar to the Milan anecdote that occurred long before he and I met.

After Simon confessed and was sentenced, Milan, with the blessing of his boss, announced a sweeping set of reforms within

Devine's office. The centerpiece of Milan's reforms, of all things, was creation of an educational program for prosecutors in the nearly-900-person Cook County State's Attorney's office to teach those prosecutors how to detect false confessions and prevent wrongful convictions. By 2003, Milan had become such an expert in this field that he ultimately flew all around the country to lecture public prosecutors on how to spot phony confessions.

"Innocent people do confess to horrible crimes they didn't commit," Milan told a group of colleagues gathered for one of the newly launched training sessions in early 2003.

The session included a review of red flags prosecutors should look for when a suspect is confessing. Chief among those red flags: the defendant's age and mental and psychological condition. This would seem to be the very concern in Simon's case, as is described in chapter 5. Milan also warned that state's attorneys should not develop tunnel vision after a "confession," but should ensure that the story a suspect offers matches clues in the case.

Had this advice been applied to Alstory Simon, he might never have gone to prison.

By late 2010 the ad hoc group began to coalesce around a resurgent effort to expose Medill's wrongdoing and to free Alstory Simon by proving his innocence. Gradually momentum built up. Meaningfully, individuals who had been in the pool that night in 1982 and had witnessed Porter shoot his two victims began to come forward as word circulated that a genuine, renewed attempt to win freedom for Simon was at last gaining headway.

All I can now say is I am proud to have been a part of it. As Delorto told me nearly five years ago, I was looking at the wrong case. Thankfully, he and Mazzola never stopped looking at it.

¹ See the *Crooked City* blog (martin-preib-b7is.squarespace.com/news) for a discussion of this eccentric e-mail.

Introduction

More than thirty years ago, a double homicide occurred in Chicago in late summer, after the Bud Billiken Day Parade, in the pool area of a public park on the city's South Side. The victims lived in the Chicago Housing Authority's Robert Taylor Homes. The assailant lived in an apartment a block or two from the Taylor public projects. It could be said that the assailant and his victims were all residents of hell.

Built in 1962, the Taylor Homes stretched from 39th to 54th Streets, facing east over Lake Michigan. At the time it was built, the complex was the largest public housing project in the United States. Before the project was razed at the turn of the last century (the last of its twenty-eight buildings demolished only in 2007), more than 27,000 impoverished men, women, and children of African-American descent, living in 4,300 apartments, called those projects home.

Daily life in "The Jets," as many residents referred to the Taylor homes, was unyielding, hard as granite, chaotic. It was almost unimaginably violent. The vast majority of residents struggled from one day to the next, eking out existences on public-aid checks while dodging bullets, thugs, and con artists. Police and fire department personnel in those days were routinely accused of fail

ing to respond to emergency calls there. The accusations were often valid; first responders sometimes ignored calls from the area—out of fear they were being set up for robbery or ambush.

For these reasons, the double homicide pretty much was ignored by the city's ink and electronic press. After all, as the industry adage asserts, news is a man biting a dog, not the reverse. Thus, it was tough to imagine way back then that the killer—a violent, semiliterate, high-school dropout raised with ten siblings by a single mother—would morph into a poster child for all that was thought to be in error about the death penalty in Illinois and across the country.

It also was a challenge to imagine way back then that the offender and his double homicide would, in the fullness of time, come to impugn the reputation of Northwestern University's renowned Medill School of Journalism, a former professor there, several of his former students, and a faculty member of the university's Law School—that the double homicide and the offender would become a blot on the university's 1851 escutcheon: *Quaecumque Sunt Vera*, "Whatsoever Things Are True."

And no one could have possibly forecast at the time that the future road traveled by the assailant—a man named Anthony Porter—would intersect with another individual by the name of Alstory Simon in a tragic, twisted way. Indeed, in a Dickensian kind of way, with Porter ultimately freed from death row for the double homicide for which he had been convicted and Alstory Simon sentenced to thirty-seven years in Danville State Prison for the double homicide Simon did not commit.

As this improbable story unfolded, chapter after chapter, one level after another, it would cast long shadows across Illinois personalities who would get caught up in it one way or another, directly or indirectly. A Cook County state's attorney, top assistants in that office, an Illinois governor, current and former Illinois state

judges, a Chicago-based private investigator, defense attorneys, and even a Chicago mayor. All would get dinged in this protracted tale of monstrous injustice.

Supporting actors in this tragicomedy? Certain members of the print and electronic media, especially in Chicago, who routinely regurgitated information handed off to them by a Northwestern journalism professor without any effort on the part of these reporters to check whether the underlying facts supported the professor's claims.

Thomas Epach was the chief of the Criminal Division in the Cook County State's Attorney's office years ago when this story was heading into what everyone believed was its final chapter. His view of the sorry mess?

"It was Cook County's worst day," Epach declared. "Nothing like this had ever happened before, certainly not in Cook County. Here an assistant Cook County prosecutor spends weeks before a grand jury calling witnesses and in the end proving once again that Porter, not Simon, committed the murders. Then a few weeks later that same prosecutor stands before the sentencing judge and doesn't utter a word about that evidence exculpating Simon as Simon is being sentenced to prison for Porter's crime."

Epach, now retired, added, "I'll tell you this. A journalism professor leading a bunch of naïve students around by their noses? A travesty. The Good Lord has saved a special place in hell for all those responsible for this wrongdoing. That special place is right next to the furnace."

1

Arrest and Murder Conviction of Anthony Porter

In mid-August, more than three decades ago, an assailant pulled out a revolver and fatally shot Marilyn Green and her fiancé, Jerry Hillard, as the couple sat high up in the spectators' bleachers overlooking the Olympic-sized swimming pool in Washington Park on Chicago's South Side.

Grasping her neck in a vain effort to staunch profuse bleeding, Green staggered down the bleachers and exited the pool area before crumpling onto the park pavement about a block away. Green was rushed to Provident Hospital stretched out on the rear seat of a Chicago Police Department squad car where she was pronounced dead on arrival.

Hillard was found lying unconscious on his back in the bleachers where the couple had been sitting. Still breathing, Hillard was transported to the hospital by Chicago Fire Department ambulance. He died on the operating table at the University of Chicago's Billings Hospital soon after emergency medical technicians had wheeled him on a stretcher through the emergency room doors.

It was August 15, 1982. The shooting occurred at about one in the morning beneath a clear, star-studded sky; the night was warm, seventy-five degrees and humid.

An autopsy by the Cook County Medical Examiner's Office con-

cluded that Hillard, eighteen, of 5323 S. Federal Street, had been shot twice in the head. Green, nineteen, of 37 W. Garfield Boulevard, the mother of two toddlers, had been struck three times—twice in the neck and once in the hand. The autopsy reports, signed by Dr. Joanne Richmond, concluded that both victims had been shot at point-blank range.

The weapon, identified by police ballistics experts as a .38-caliber revolver, never was recovered. Chicago Police Department Mobile Crime Lab personnel, called to the scene shortly after the incident, reported that “a small, pin-type jewelry piece with a small, silver-colored chain with silver-colored lock,” had been recovered from beneath Hillard's body. From that, police initially concluded that armed robbery was the motive behind the shootings.

The double homicide occurred a few hours following the conclusion of a far happier event: the August 14 Bud Billiken Day Parade and Picnic, a largely African-American annual affair launched in 1929 by Robert Sengstacke Abbott, publisher of the *Chicago Defender*, the city's only black newspaper. Named after “the Billiken,” the guardian angel of little children according to Chinese legend, the parade consisted of high-school marching bands, floats, tumblers, dancers, drill teams, an occasional cartoon character, and, of course, well-known personalities and politicians of broad stripes, ranging over the years from Muhammad Ali and Bozo the Clown to Presidents Harry S. Truman and Barack Obama.

The Bud Billiken Day Parade, a much-anticipated outing, takes place on the second Saturday of August each year. Hundreds of thousands of adults and children line the street as the parade courses along its traditional route. Starting at 35th Street, the parade proceeds south on Dr. Martin Luther King Jr. Drive and ends at 51st Street, in Washington Park where, by tradition, throngs of friends and family cap the day off with cookouts and partying well into the night.