

FILED
BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

13 JUL 25 PM 2:23

In re:

CLERK OF THE CIRCUIT COURT
CRIMINAL DEPT.

Claim of Jerry Mahaffey

CLERK
DOROTHY BROWN

TIRC Claim No. 2011.043-M

CASE DISPOSITION

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Adm. Code 3500.385(b), it is the decision of the Commission that, by a preponderance of the evidence, there is sufficient evidence of torture to conclude that the Claim is credible and merits judicial review for appropriate relief. This decision is based upon the Findings of Fact and Conclusions set forth below, as well as the supporting record attached hereto.

Findings of Fact

1. On September 2, 1983, at approximately 5:40 a.m., Area 2 detectives John Byrne, Charles Grunhard, Ronald Boffo, James Lotito, and Francis Gutrich entered the apartment of Claimant Jerry Mahaffey ("JM") at 11216 S. Indiana, Chicago. The Area 2 personnel were investigating a brutal home invasion which had taken place on the north side the night of August 29, and which had resulted in the murders and rape of a north side couple. Their son was strangled, stabbed, and beaten but survived.
2. Upon entering JM's apartment Grunhard punched JM in the nose after JM denied knowing anything about the offense. Another detective then grabbed JM by the collar, threw him against the wall, and put a gun to his head. The detectives then put JM on his daughter's bed, and kicked him in the groin and ribs. They threatened to put his children in an orphanage and his wife in prison. They retrieved a plastic garbage bag from the closet and "bagged" JM; that is, they tightened it over JM's head so that he could not breathe. JM was screaming and bleeding.
3. JM was then taken to Area 2. On the way he was threatened with death. At the station Bryne and Grunhard told JM that he was going to tell them what JM knew because JM was going to die anyway. JM eventually gave a court reported confession at Area 2 to the offenses committed during the home invasion.
4. At this time Jon Burge was a Lieutenant and Supervisor of Detectives in the Area 2 Violent Crimes Unit, and the detectives named in paragraph 1 above were supervised by Burge.

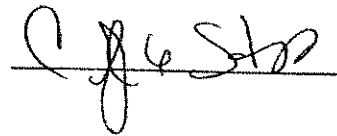
5. JM was later indicted for murder and related offenses in the Circuit Court of Cook County in case no. 83 CR 9326.
6. After he was taken to Cook County Jail, on September 7 - 8, JM was treated at Cermak Health Services, the jail hospital. As set forth in Exhibit A, and as the doctor testified at trial, JM complained of being hit in the ribcage on both the left and right sides, and of being hit on the left temple. He stated he was beaten 6 days before, which coincides with the date of his arrest, and he said he was kicked in his right side. There was an abrasion on his right lower rib, and a contusion on his left lower rib. X-rays of the chest and ribs proved negative for a fracture.
7. JM made a motion before trial to suppress his confession, and he testified in support of the motion. His wife, Carol, who was present in the apartment when the detectives arrived, also testified at the hearing. However, the motion was denied after each of the detectives denied any misconduct, and a report from a "medical intake worker" at the jail did not reference any complaints from or injury to JM.
8. Since the motion was decided, the following evidence has emerged:
 - a. In 1990 the Office of Professional Standards of the Chicago Police Department concluded after an internal investigation that there had been systemic abuse at Area 2 for over 10 years. The Report was not released publicly until 1992.
 - b. On November 12, 1991, Jon Burge was suspended, and on February 11, 1993, the Police Board of the City of Chicago separated him from his position as a Commander with the Department of Police after finding him guilty of abusing Andrew Wilson at Area 2 in 1982. In 2010 Burge was found guilty of perjury and obstruction of justice for lying and denying any knowledge of, or participation in, the torture of suspects in police custody. He was sentenced to 54 months' imprisonment.
 - c. In 2002 Judge Paul Biebel, Presiding Judge of the Cook County Criminal Court, appointed a Special State's Attorney to investigate allegations of torture by police officers under the command of Burge at Areas 2 and 3 to determine if any criminal prosecutions were warranted. Although the 2006 Report concluded that the statute of limitations barred any criminal prosecutions, the Report found that "[t]here are ... many cases which lead us to believe that the claimants were abused". (Report of the Special State's Attorney at 16) the Report also noted that, since Burge abused suspects at areas 2 and 3 while he was commander of the Unit, "[c]ommon sense compels the conclusion that those who worked for him would not be concerned about their own mistreatment of prisoners, if their commander mistreated them". (*Id.* at 12) Each of the detectives named in paragraph 1 above, with the exceptions of Grunhard (who is deceased) and Gutrich, was subpoenaed by the Special State's Attorney to testify before the grand jury, and each refused to testify

- based upon the Fifth Amendment privilege against self-incrimination. (*Id.* at 14)
- d. TIRC records, attached as Exhibit B, indicate that Byrne has been accused of abuse and coercion in 21 cases, including 9 complaints of “bagging”.
 - e. TIRC records, attached as Exhibit C, indicate that Grunhard has been accused of abuse and coercion in 6 cases, including 5 complaints of “bagging”.
 - f. TIRC records, attached as Exhibit D, indicate that Boffo has been accused of abuse and coercion in 7 cases, including 4 complaints of “bagging”.
 - g. TIRC records, attached As Exhibit E, indicate that Lotito has been accused of abuse and coercion in 8 cases, including 4 complaints of “bagging”.
 - h. As set forth in Exhibit F, Charles Patterson, who lived in the apartment above JM, would have testified that on the night of JM’s arrest Patterson awoke and heard JM screaming, and the sounds of somebody being thrown against the wall and on the floor.
9. After his motion to suppress was denied, JM was convicted after a jury trial in which his confession was introduced against him. He was sentenced to death but in 2003 the sentence was commuted to life without parole.
 10. In 1992 JM filed a state post-conviction petition raising his coercion claim and alleging ineffective assistance of trial counsel in failing to introduce corroborative evidence that his confession was coerced. People v. Mahaffey, 165 Ill.2d 445, 463-65, 651 N.E.2d 174 (Ill. Sup. Ct. 1995)
 11. In 1995 JM filed a petition for federal habeas corpus relief raising the coercion claim and alleging ineffective assistance once again. Mahaffey v. Page, 151 F.3d 671, 683-84 (7th Cir. 1998)

Conclusions

1. JM’s Claim qualifies for summary referral pursuant to 2 Ill. Adm. Code 3500.370, in that:
 - a. JM has consistently claimed since he was taken to Cook County Jail to have been tortured in the manner stated in his TIRC Claim;
 - b. JM’s Claim is strikingly similar to other claims of torture contained in the Reports of the Chicago Police Department’s Office of Professional Standards and the Special State’s Attorney regarding their investigations of Jon Burge and police officers under his command;
 - c. The officers accused are identified in other cases alleging torture; and
 - d. The Claim is consistent with the Office of Professional Standards’ findings of systematic and methodical torture at Area 2 under Jon Burge.

2. In addition, the other available evidence set forth above indicates that the Claim is credible and merits judicial review, particularly the corroboration by medical evidence and the pattern and practice evidence regarding the “bagging”.
3. While it can be argued that some of the evidence has already been presented to the courts and found wanting, no court has ever viewed it from the present perspective aided by the entirety of the evidence set forth above. It should also be remembered that for years courts ignored the evidence of torture under Burge in cases such as Andrew Wilson, Darryl Cannon, and Aaron Patterson. Indeed, this reluctance to engage this fundamental issue is one of the reasons for the Commission’s existence.
4. While in most cases the complaints of abuse and coercion against the accused officers are allegations and not judicial findings, they are nevertheless relevant in deciding whether abuse occurred in a specific case. People v. Patterson, 192 Ill.2d 93, 114-15, 735 N.E.2d 616 (Ill. Sup. Ct. 2000); People v. Cannon, 293 Ill.App.3d 634,640, 688 N.E.2d 693 (1Dist.1997).
5. While invocation of the 5th Amendment privilege is not an admission of guilt, in a civil proceeding such as this a negative inference can be drawn from that fact. 2 Ill. Adm. Code 3500.375(g)



DATED: July 25, 2013

Cheryl Starks
Chair
Illinois Torture Inquiry and
Relief Commission

EXHIBIT A:

Treatment of Jerry Mahaffey at Cermak Health Services September 7 – 8, 1983

Mahaffey Jerry
Last Name First Name Initial

DATE: 9/7/83
TIME: 12:10

EMERGENCY NUMBER: 8333384
LOCATION: DIV I-AB
SEX: (M) F ()
AGE: 12/56 ()
FACE: () W L Other

HISTORY/COMPLAINTS

27 g/o B.M. hit in Rib cage
(L) + (R) sides Also hit on head (L) Temple - NO LOC
c/o DIZZY SPELLS
No LOC

NO Rx

ALLERGIES: NKA

NURSE'S SIGNATURE: *Pat Collins*

PHYSICAL FINDINGS: TEMP. 97.3 F 72 R 16 BP 124/84

chest & abdomen
no left hand injury
PCLRA
clay hit
not 16
left hand
minimal tenderness lower leg
PCLRA
Tympanic 107 sub 100/100

FILED
MAR 6 1984
MORGAN M. FINLEY
CLERK OF THE CIRCUIT COURT
CRIMINAL DIVISION

X-RAY in Am
EKG
LAB
OT
To Sick Call Specialty Clinic (CH)
DATE: *9/7/83*

DIAGNOSIS:
D. Soft tissue trauma
(above probability Rib fx

Physician Signature: *Cl Redden*

CONSENT: I HEREBY AUTHORIZE THE PHYSICIAN AND/OR NURSE IN CHARGE OF EMERGENCY/OR OUTPATIENT CARE AT LERMAK HEALTH SERVICES TO ADMINISTER SUCH TREATMENT AND MEDICATIONS AS MAY BE DEEMED NECESSARY OR ADVISABLE BY THE PHYSICIAN IN THE DIAGNOSIS AND TREATMENT OF THIS CASE WHILE A PATIENT AT THE HOSPITAL. I FURTHER AUTHORIZE LERMAK HEALTH SERVICES TO RELEASE NECESSARY INFORMATION TO AUTHORIZED PHYSICIANS FOR FUTURE CARE, OR TO INSURANCE COMPANIES OR OTHER AUTHORIZED AGENCIES FOR COMPLETION OF MY CLAIMS FOR HOSPITALIZATION OR MEDICAL BENEFITS, AND TO RELEASE MEDICAL INFORMATION TO PUBLIC AUTHORITIES.

Jerry Mahaffey
SIGNATURE OF PATIENT OR RESPONSIBLE PERSON

REFUSAL OF TREATMENT
RELEASE: I HEREBY REFUSE TREATMENT IN THIS CASE AS ADVISED BY THE PHYSICIAN IN CHARGE OF EMERGENCY/OR OUTPATIENT CARE AT LERMAK HEALTH SERVICES AND I HEREBY AGREE NOT TO HOLD THE PHYSICIAN OR LERMAK HEALTH SERVICES RESPONSIBLE FOR ANY HARM OR INJURY THAT MAY RESULT FROM MY ACTION, AND TO RELEASE MEDICAL INFORMATION TO PUBLIC AUTHORITIES.

SIGNATURE OF PATIENT OR RESPONSIBLE PERSON

SIGNATURE OF WITNESS

4182 CA532

*DX # 2
Jerry Mahaffey's
Motion & Supp
Statements*

*copies are fully prepared
7, (C) not for 7x.*

Out-Patient Progress Notes

Date - Hour

8-83 9) 27 y.o. ♂ 1/2 pain @ ribs x 6 days its was beaten
27 y.o. B ♂ state was kicked @ side
6d PTA - has persistent pain there.

PMH (C) s/p stab wound left chest
- pt has some persistently sharp
neutral chest pains - worse
with cough
② s/p GSU (R) groin

meds ⊖

NLDA

SH Cyp 2ppd x 15y Evidy ETEH

pe UPWON RVDAD 60 100/70 wt 150

H&WT ⊖ Lung clear

CVL, chest - Abnormal @ 12th ribs

12th rib - mild tenderness -

no chest tenderness

Abd - BSC ⊕ benign - multiple scars

EX/SCC/E

Mahaffey, Jerry
Last Name First Name

8333584
Inmate Number

1-2-58
Date of Birth

ABO
Location

Out-Patient Progress Notes

4533

Out-Patient Progress Notes

Date-Hour

Imp #1 contusion (L lower ribs)
doubt FX

#2 S/P Hub wound (L chest)
with residual chest pain

#3 S/P L.S.W (R groin)

RD Xray chest (R, lateral ribs)

(2) EKG

(3) Analgesia etyloac

Shuler

Last Name

First Name

Inmate Number

Date of Birth

Location

Out-Patient Progress Notes

433T

C 4534

Stat ER

DEPARTMENT OF RADIOLOGY X-Ray Request and Report

NAME <i>MAAFFEY JERRY</i>				UNIT #	PRISON # <i>8333384</i>	LOCATION <i>INT AL</i>
AGE <i>27</i>	SEX <i>M</i>	WEIGHT <i>155</i>	HEIGHT <i>5-10</i>	DATE OF REQUEST <i>9-7-83</i>	FILM NO. <i>5714</i>	Check One <input checked="" type="checkbox"/> AMBULATORY <input type="checkbox"/> WHEELCHAIR <input type="checkbox"/> PORTABLE <input type="checkbox"/> STRETCHER
PART TO BE EXAMINED				<input checked="" type="checkbox"/> ROUTINE <input type="checkbox"/> EMERGENCY		

chest + lateral Rib views L & R.

PERTINENT CLINICAL HISTORY, Operations, Physical Findings and Provisional Diagnosis:

Trauma x 2 days ago - chest area.

DATE OF REPORT	REQUESTED BY <i>P. Talwar</i> M.D.
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REPORT

CHEST AND RIBS: Normal heart and lungs. CP angles are sharp. The ribs are intact, bilaterally.

P. TALWAR, M.D.
ATT. RADIOLOGIST
9 11 83 jcl

C 4540

EXHIBIT B:

TIRC Database of Abuse Allegations against John Byrne

Byrne, John

Victim	Date	Allegations	Source
Willie Porch	1979	Beaten; threatened with a gun (Russian Roulette); pistol whipped; hung by handcuffs, threatened with Fred Hampton fate; stepped on groin	5/22/81 Testimony in People v. Porch; 6/27/89 Testimony in Wilson v. City of Chicago
Lee Holmes	1982	"Bagged", beaten to the body; beaten with a flashlight and rubber hose on the penis	6/24/93 Holmes OPS Statement
Stanley Wrice: codefendant of Williams and Benson	1982	Beaten to the body; repeatedly hit with a flashlight and a black jack, including on the groin	1983 Testimony in People v. Wrice and Benson, et. al.; 9/23/82 Wrice OPS Statement
Bobby Williams: codefendant of Wrice and Benson	1982	Beaten on the thighs and groin with a long black flexible object with a black ball on the end	1983 Williams testimony in People v Wrice and Benson et.al; 1/29/94 Williams OPS Statement
Rodney Benson: codefendant of Wrice and Williams	1982	Beaten with a piece of rubber with a tape on both ends and with a flashlight on the groin, back, knee, chest, and stomach; threatened with hanging like they had done to "other niggers"	12/23/82 verified Motion to Suppress in People v Benson and Wrice, et. al.
Alonzo Smith	1983	Beaten to the body with a stick and blackjack; kicked in the groin while "bagged"	8/3/83 testimony in People v Smith; 4/00 testimony in People v. Cannon
Jerry Mahaffey	1983	Beaten to the body while bagged; threatened with a gun; kicked in the groin	2/9/84, 2/16/84 testimony in People v. Mahaffey
Reginald Mahaffey	1983	Kicked in the head, groin, and ribs; hit with a flashlight; "bagged"	2/10/84, 2/13/84 Testimony in People v. Mahaffey
Gregory Banks	1983	OPS sustained findings that Byrne failed to report use of excessive force (sticking gun in mouth and striking w/flashlight), testified falsely at Motion to Suppress, and kicked Banks	5/17/85 testimony in People v. Banks; OPS Sustained Findings; 4/00 testimony in People v. Cannon

David Bates	1983	Beaten to the body while "bagged"; kicked in the groin; threatened	5/17/85 testimony in People v. Banks; 4/00 testimony in People v. Cannon
Darrell Cannon	1983	OPS sustained allegations that Byrne shocked DC w/ cattle prod; held gun to head and played Russian roulette; repeatedly shocked on testicles & penis; hung by his cuffs; repeatedly called "nigger"	3/27/84 testimony in People v. Cannon; 1993 OPS Sustained Findings; 8/27/04 Prisoner Review Board testimony
Lavert Jones	1984	Repeatedly beaten to the body and head; beaten with a telephone book and club; kicked in the genitals; called "nigger"	3/5/87 Testimony People v. Jones
Phillip Adkins	1984	Beaten to the body; beaten w/a flashlight on body & groin; repeatedly called "nigger"	Testimony in People v. Cannon; 1993 OPS Sustained Findings
Stanley Howard: granted full pardon based upon innocence in 2003	1984	Beaten to the body while "bagged"; slapped and kicked until unconscious	1/28/87 Testimony in People v. Howard; 1993 OPS Sustained Findings
Alex Moore	1984	electric shocked , beaten, repeatedly called "nigger"	Special State's Attorney's Case Summary
Alphonso Pinex	1985	Severe beating	Special State's Attorney Case Summary: would have indicted but for Statute of Limitations
Aaron Patterson: granted full pardon based upon innocence in 2003	1986	Beaten to the chest and upper body while "bagged" with typewriter cover; nose held while bagged; threatened with a gun and with worse treatment; kicked; choked	3/30/88 Testimony in People v. Patterson; etchings in bench at Area 2; 8/11/00 decision in People v. Patterson; 1994 Affidavit of Dr. Martinez; 1/03 innocence pardon
Stephen Bell: codefendant of M. Tillman	1986	Repeatedly beaten to the head and body; head smashed into wall; kicked in groin, head and ribs; beaten with a phone book	11/20/86 Testimony in People v. Tillman and Bell

Michael Tillman: exonerated in 2010- codefendant of S. Bell	1986	Repeatedly "bagged"; beaten to the body and head; threatened with a gun to head; thumb pressure to ears; beaten with a flashlight and phone book	11/20/86 Testimony in People v. Tillman and Bell
Grayland Johnson	1988	Beaten w/flashlight and phone book; hung out window; head pushed into toilet; "bagged"	Testimony in People v. Johnson, OPS file, civil complaint in Johnson
Eric Johnson: released in 2011 after pleading guilty to lesser charges in return for time-served	1990	Struck on face; knocked to ground; kicked in stomach, chest and face	Special State's Attorney's Case Summary

EXHIBIT C:

TIRC Database of Abuse Allegations against Charles Grunhard

Charles Grunhard

Victim	Date	Allegations	Source
Sylvester Green	1981	"Bagged"; beaten to body and head; repeatedly threatened and called "nigger"; threatened his "balls"	3/4/83 Testimony in People v. Green
Jerry Mahaffey	1983	Beaten to the body while "bagged"; threatened with a gun; kicked in the groin	2/9/84, 2/16/84 Testimony in People v. Mahaffey
Reginald Mahaffey	1983	Kicked in the head and ribs; hit with a flashlight kicked in the groin; beaten and "bagged"	2/10/84, 2/13/84 Testimony in People v. Mahaffey
Gregory Banks	1983	Beaten to the body while "bagged"; threatened with a gun in the mouth; beaten with a flashlight; told "we have something for niggers" while bagging him	5/17/85 Testimony in People v. Banks; OPS Sustained Findings; 4/00 Testimony in People v. Cannon
David Bates	1983	Beaten to the body while "bagged"; kicked in the groin; threatened	5/17/85 testimony in People v. Banks; 4/00 testimony in People v. Cannon
Darrell Cannon	1983	Threatened with a gun/ Russian roulette; mock execution; repeatedly shocked on testicles and penis; hung by his cuffs; repeatedly called "nigger"	3/27/84 testimony in People v. Cannon; 1993 OPS Sustained Findings

EXHIBIT D:

TIRC Database of Abuse Allegations against Ronald Boffo

Boffo, Ronald

Victim	Date	Allegations	Source
Jerry Mahaffey	1983	Beaten to the body while "bagged"; threatened with a gun; kicked in the groin	2/9/84, 2/16/84 testimony in People v. Mahaffey; TIRC Claim Form
Reginald Mahaffey	1983	Kicked in the head and ribs; hit with a flashlight; kicked in the groin; "bagged"	2/10/84, 2/13/84 Testimony in People v. Mahaffey
Phillip Adkins	1984	Hit with flashlight; beaten to the body; beaten w/a flashlight on body and groin; repeatedly called "nigger"	Testimony in People v. Cannon; 1993 OPS sustained findings
Stanley Howard: full pardon in 2003 based upon innocence	1984	Beaten to the body while "bagged"; slapped and kicked until unconscious	1/28/87 Testimony in People v. Howard; 1993 OPS sustained findings
Stephen Bell: codefendant of M. Tillman and C. Trotter	1986	Repeatedly beaten to the head and body; head smashed into wall; kicked in groin, head and ribs; beaten with a phone book	11/20/86 Testimony in People v. Tillman and Bell
Michael Tillman: codefendant of S. Bell and C. Trotter- exonerated in 2010	1986	Repeatedly "bagged"; beaten to the body and head; threatened with a gun to head; thumb pressure to ears; beaten with a flashlight and phone book	11/20/86 Testimony in People v. Tillman and Bell
Clarence Trotter: codefendant of S. Bell and M. Tillman	1986	Slammed against wall; beaten; held incommunicado for 36 hours	TIRC Claim Form

EXHIBIT E:

TIRC Database of Abuse Allegations against James Lotito

Lotito, James (has taken 5th)

Victim	Date	Allegations	Source
Jerry Mahaffey	1983	Beaten to the body while "bagged"; threatened with a gun; kicked in the groin	2/9/84, 2/16/84 Testimony in People v. Mahaffey
Reginald Mahaffey	1983	Kicked in the head and ribs; hit with a flashlight; kicked in the groin; beaten; "bagged"	2/10/84, 2/13/84 Testimony in People v. Mahaffey
Phillip Adkins	1984	OPS sustained findings of hitting w/flashlight and making false report for stating that Adkins had injuries prior to arrest. Beaten to the body; beaten w/a flashlight on body & groin; repeatedly called "nigger"	Testimony in People v. Cannon; 1993 OPS Sustained Findings
Robert Billingsley	1984	Repeatedly beaten and kicked; gagged w/paper in throat; whipped w/phone books	4/2/04 Affidavit; 3/28/05 Court Reported Statement; OPS Complaint
Stanley Howard: exonerated in 2003	1984	Beaten to the body while "bagged"; slapped and kicked until unconscious	1/28/87 Testimony in People v. Howard; 1993 OPS Statement and Sustained Findings; 3/30/93 Affidavit
Terrance Houston	1986	Hit w/flashlight and shocked w/stun gun; beaten	10/4/88 Terrence Houston Deposition in Houston v. Marblocki; Houston and Cleveland 1986 OPS Statements
Darrell Cleveland	1986	Head slammed on table	10/4/88 Terrence Houston Deposition in Houston v. Marblocki; Houston and Cleveland 1986 OPS Statements
Madison Hobley: exonerated in 2003	1987	"Bagged" MH while Dwyer punched in stomach; hit in chest; thumbs to neck; racial epithets; kicked in groin; held nose while bagged and passed out; threatened to kill him	8/87 Hobley OPS Statement; 9/29/87 Testimony in People v. Hobley

EXHIBIT F:

Affidavit of Chales Patterson

STATE OF ILLINOIS)
COUNTY OF COOK) SS

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

THE PEOPLE OF THE STATE
OF ILLINOIS,

Plaintiff - Respondent,

- vs -

JERRY MAHAFFEY,

Defendant - Petitioner.

Case No: 89-5435

Honorable
Thomas Hett,
Judge Presiding

AFFIDAVIT OF CHARLES PATTERSON

I, Charles Patterson, being duly sworn, to hereby state the following under oath:

TO WIT:

- 1) On September 2, 1983, I was living at an apartment located at 11216 South Indiana in Chicago.
- 2) In September of 1983, I was employed as the resident janitor of the building located at 11216 South Indiana.
- 3) In September of 1983, I lived in the apartment directly above Jerry and Carol Mahaffey and their two children.
- 4) I knew Jerry Mahaffey, was familiar with his voice and able to recognize his voice when I heard it.
- 5) During the early morning hours of September 2, 1983, I was awakened by the sound of fighting coming from the Mahaffey apartment.
- 6) I heard someone repeatedly being thrown against the walls and knocked to the floor. I heard Jerry Mahaffey

screaming. The only other voice that I heard was that of a strange man yelling "Get up!"

7) It was my impression from what I heard that Jerry Mahaffey was getting the "shit beat out of him."

8) I listened to the fighting for about five minutes and then went to my front door. When I opened the door I saw that the building was surrounded with police, all of whom had their guns drawn.

9) I asked a white plain-clothes officer what was going on and he told me that they had just arrested the "motherfucker" who had killed the northside couple and beat the couple's son with a bat.

10) Although I was willing and available to testify to the events I heard and witnessed, I was never contacted or interviewed by any attorney representing Jerry Mahaffey or the prosecutor's office.

WHEREFORE, the above stated is true and correct, to the best of my knowlege.

Charles Patterson
Charles Patterson

SWORN to and SUBSCRIBED in my presence
this 29 day of November, 1990.

Misty L. Stephenson
Notary Public

