

# Four Men Framed By Chicago PD Informant Exonerated Of Murder

By Hans Sherrer

Sindulfo Miranda was kidnapped, tortured and murdered in Chicago on July 17, 1997. The 56-year-old furniture dealer's badly burned body was found in his car that had been set on fire. Four months after the murder, police investigators thought the case was solved when an informant, Miguel LaSalle, gave them the names of five men he said committed the crime.

The five men fingered by LaSalle were Robert Gayol, Omar Aguirre, Edar Duarte Santos, Luis Ortiz and Ronnie Gamboa. LaSalle knew the men through Santos, a former apartment tenant of his. LaSalle claimed he heard the five men plotting to kill Miranda at Ronny's Bar in Chicago, that he saw Miranda with the men the night he was killed, and that Santos was talking on his cell phone with LaSalle while the crime was occurring. The five men were arrested on November 7, 1997. They all protested their innocence to the deaf ears of the Chicago police and prosecutors.

Four of the men went to trial. Although their charges all related to Miranda's abduction and murder, the four men were tried separately. Gamboa, the owner of Ronny's Bar, was acquitted. In January 1999 Aguirre was convicted of Miranda's murder and sentenced to 55 years in prison. He was convicted on the basis of LaSalle's testimony and his alleged confession to police interrogators that also implicated Santos. Aguirre's denial that he confessed to the murder and did not sign a confession was supported by the fact the alleged confession was written entirely in English, while he only reads and writes Spanish, and the signature on it didn't match his. Ortiz was convicted of murder and sentenced to life in prison. However, in an unusual twist, he later agreed to plead guilty to the murder and testify against Gayol in exchange for a 25-year prison sentence. After his conviction in September 2001, Gayol was sentenced to life in prison.

After spending more than four years in the Cook County Jail awaiting trial, in February 2002 Santos pled guilty to aggravated kidnapping in exchange for a 12 year sentence.

In the course of investigating drug related kidnappings and torture/murders in the Chicago area, the FBI discovered evidence that Miranda's murder was one of a series of similar crimes committed by the "Carman

# \$6.74 Million Awarded To Three Men Framed For 1997 Chicago Gang Murder

By JD Staff

On February 18, 2006 a Cook County, Illinois jury awarded \$6.74 million to three men wrongly convicted of the brutal July 1997 murder of South Chicago furniture store owner Sindulfo Miranda.<sup>1</sup> The men, Omar Aguirre, Edar Duarte Santos, and Robert Gayol were exonerated on December 18, 2002, after an FBI investigation of Chicago street gangs discovered that the murder had actually been committed by members of the "Carman Brothers Crew" gang. In 2005 Richard Carman was sentenced to 60 years in prison after pleading guilty to murdering Miranda, who was tortured with scissors and a broomstick before he died.

The keystone of the prosecution's case against the men was the testimony of a Chicago Police Department informant who claimed to have heard the men plotting the murder the night it occurred. The informant, Miguel LaSalle, also implicated two other innocent men in the Miranda's murder who were not part of the lawsuit, Luis Ortiz and Ronnie Gamboa. Ortiz was also exonerated of his murder conviction on December 18, 2002, while Gamboa was acquitted after a trial.

After a monthlong state court trial, the jury agreed with the suit's allegation that Chicago police officers used excessive force and coercion to help obtain the men's wrongful convictions. The jury heard testimony, e.g., that after Aguirre's November 1997 arrest he was pummeled by one officer and another stomped on his chest.

Brothers Crew" street gang.<sup>1</sup> They also established that the five men fingered by LaSalle had nothing to do with either the "Carman Brothers Crew" or Miranda's murder. The FBI shared that information with Illinois law enforcement authorities.

On December 18, 2002, state prosecutors appeared before a Cook County judge and admitted that Gayol, Aguirre, Santos and Ortiz were innocent of Miranda's murder. Aguirre and Santos were ordered immediately released on bail, while Gayol and Ortiz continued to be held in custody on other unrelated charges. Aguirre declined to talk with reporters after his release from prison later that day. Duarte Santos made only a brief statement before leaving with two carloads of family and friends that were waiting for him as he walked out of prison, "There were five Christmases that I missed with my family. This one is going to be special, it's such a great blessing."

<sup>2</sup> The murder and kidnapping charges were later dismissed against the four men.

Aguirre, 37, had been sentenced to 55 years in prison. Gayol, 42, had been sentenced to life in prison. While Santos, 33, had been sentenced to 12 years in prison after taking a plea bargain and falsely pleading guilty after he had been jailed for almost 4-1/2 years awaiting trial.

Aguirre was awarded \$3 million, Santos was awarded \$3 million, and Gayol was awarded \$740,000. All the men had been wrongly imprisoned for over five years. After the verdicts, Aguirre said, "This whole episode has been difficult. You know it's been based on wrongdoing."<sup>2</sup> Santos commented, "I'm happy this has been decided fairly." The men's lawyer, James Montgomery Sr., was pleased with the outcome, "It is past time for the city and these officers to be held accountable for their actions."<sup>3</sup>

A spokesman for Chicago, Jennifer Hoyle, put a positive spin on the jury's verdict, "You have to consider they were asking the jury for \$21.5 million, and the jury came back with substantially less."<sup>4</sup>

Footnotes and source:

1 3 Win Suit in Cop Beatings, Ray Quintanilla, *Chicago Tribune*, February 18, 2006.

2 *Id.*

3 *Id.*

4 *Id.*

For additional details, see, Four Men Framed By Chicago PD Informant Exonerated of Murder, in this issue of *Justice Denied*.



Cook County State's Attorney Richard Devine tried to deflect criticism of the Chicago police and the prosecutors for their role in causing the men's five-year plight, by making misstatements and omitting important points when he publicly discussed the case:<sup>3</sup>

- He blamed the innocent men for their wrongful convictions.
- He mentioned that two of the men pled guilty to crimes they didn't commit, without explaining the pressures put on them by the police and prosecutors to do so. Santos sweated out more than four years in the Cook County Jail awaiting trial, and Ortiz took the carrot of a significant reduction from his life sentence.
- He falsely stated Aguirre's lawyer didn't challenge his alleged confession, which she not only did, but which is now known with absolute certainty wasn't worth the paper it was fabricated on by police interrogators.<sup>12</sup>

**Gang Murder cont. on page 7**

Lots of people in the old neighborhood say they know he didn't do it. They talk about it at the salons over by the Deuces. There are knowing nods when someone mentions his name at the Blue Nile corner shop on 18th Avenue S. They say they know what really went down.

## DNA Tests, Word On The Street Agree

The Alan Crotzer Story

By Candace Rondeaux



"The Hillsborough State Attorney's Office has been very cooperative. All along they've sought to do justice. When we sought DNA testing, they supported our efforts," said David Menschel, the lead attorney on Crotzer's case and a former staff member of the Innocence Project-New York, which works to use DNA testing to free wrongly convicted defendants.

Alan Crotzer has spent more than half his life in prison, but many who know about him believe he's innocent.

Years ago, witnesses said Crotzer was a rapist, a dark-eyed man with a sawed-off shotgun and a bad temper. One of three St. Petersburg men accused of kidnapping and raping a 12-year-old girl and 38-year-old woman at gunpoint after a robbery in Tampa in July 1981, Crotzer was cast as the cold-blooded ringleader in an assault that shocked the Tampa Bay area.

Now, nearly 24 years after his conviction, a team of lawyers that includes one of Florida's most prominent death row defense attorneys says DNA evidence proves Crotzer

was not the rapist. Several witnesses, including one of Crotzer's co-defendants, say he was not there that long ago evening in Tampa.

With Hillsborough prosecutors reviewing his case, Crotzer, now 44, could become the fifth person in Florida to be exonerated by DNA. If prosecutors agree to clear him, he would join a growing roster of exonerated prisoners in Florida, adding to its rank as the state with the most wrongful convictions on the books, according to the Death Penalty Information Center. In December 2005, state lawmakers voted to pay \$2-million to Wilton Dedge, freed after serving 22 years in prison for a rape he didn't commit.

"Now that the DNA testing proves Alan Crotzer is innocent, I fully expect the state will again do justice and ask the court to overturn his wrongful conviction."

The Hillsborough State Attorney's Office is still reviewing the results of a recent DNA test and has not decided yet whether to move to dismiss the charges against Crotzer.

**A long night: July 8, 1981**

The plane was late. A man named Daniel waited 90 minutes at Tampa International

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### Gang Murder cont. from p. 6

- He claimed law enforcement officials should be commended for doing "the right thing" of acknowledging the men's innocence, implying prosecutors were doing the innocent men a favor, and not their job, by supporting their exoneration.<sup>13</sup>
- He failed to mention the men's wrongful convictions were caused by the failure of the Chicago police to thoroughly investigate both Miranda's murder and LaSalle's claim the five men were involved in it, and that the prosecutors didn't insist that they do so.
- He failed to mention that without the FBI's new information that caused the reinvestigation of Miranda's murder – the four men's innocence would have been concealed forever and the men would have served out their sentences.
- He also failed to mention that he knew the men were innocent for six weeks before acting on it, so he caused Aguirre and Santos to spend the Thanksgiving holiday wrongly imprisoned instead of with their families at home where they belonged.

It is not known why LaSalle fingered the five innocent men, or why soon thereafter he moved to Florida. What is known is it was really bad luck for the men that Santos had been LaSalle's tenant, and that they made convenient patsies because LaSalle was aware they knew each other.

The same day state prosecutors publicly acknowledged the four men's innocence, the U.S. Attorney for Chicago announced the indictment of LaSalle for making three false statements to FBI agents investigating Miranda's kidnapping and murder. At the same time he also announced that three men believed to be Miranda's killers were federally indicted on murder, drug and other charges. Six other members of the gang those three belonged to were also indicted on a variety of federal charges.

In 2005 Richard Carman pled guilty to murdering Miranda, and admitted torturing him with scissors and a broomstick before he died, after which his body was badly burned when he was put in his car that was set on fire. Carman was sentenced to 60 years in prison. The other eight "Carman Brothers Crew" members were also convicted of a variety of federal offenses and given sentences of up to 36 years.

LaSalle was convicted of making false statements to the FBI. He lied about:

- Being present in Ronnie's Bar at the time he claimed to have overheard statements by Santos concerning Miranda's planned murder or robbery.
- Seeing Santos, Gamboa, Ortiz, Gayol and Aguirre with Miranda at Ronnie's Bar on July 17, 1997.<sup>4</sup>

However, perhaps reflecting the murky world he inhabited as an informant, the

federal BOP only publicly discloses that while his release date is "unknown," he is "not in BOP custody."<sup>5</sup>

Miranda's actual killers were protected for more than five years by LaSalle's deliberate misidentification of the five innocent men. Unfortunately for those men, the Chicago police and the case's prosecutors uncritically accepted LaSalle's frame-up as the truth. Those authorities then used their factually baseless presumption that the men were guilty to justify forging Aguirre's alleged confession, to pressure Ortiz to perjure himself by testifying against Gayol, and to extract guilty pleas out of Santos and Ortiz to crimes they didn't commit.<sup>20</sup>

#### Endnotes:

1 He Was Innocent, But Pleaded Guilty Nonetheless, Rob Warden, Center For Wrongful Convictions, January 22, 2003, at:

<http://www.law.northwestern.edu/depts/clinic/wrongful>.

2 Four Wrongly Convicted of Murder; New Gang Suspects Indicted in Crime, AP (Chicago), Fox News Channel, December 18, 2002.

3 *Id.*

4 Nine Defendants Indicted In Series Of Drug-Related Violent Crimes, Including 1997 Murder, U.S. Northern District of Illinois, Press Release, December 18, 2002.

5 This information was listed on the federal BOP website inmate locator for Miguel LaSalle on February 21, 2006, at <http://www.bop.gov>.

6 If federal prosecutors had any doubts about LaSalle's veracity after interviewing him during the original investigation of Mr. Miranda's murder, those doubts were insufficient to cause them to intervene on behalf of the four innocent men.

#### Additional Sources:

New Facts Exonerate 4 Men in '97 Killing, David Heinzmann and Jeff Coen, *Chicago Tribune*, December 19, 2002.

