

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.¹ 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.¹ 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."

² 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."² 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."³

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."⁴

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:³

- 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.¹²

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