

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CRIMINAL DIVISION**

TERRANCE BROOKS,	)	
	)	
Defendant-Petitioner,	)	
	)	91 CR 21147 (04)
v.	)	
	)	The Honorable Judge Jorge
PEOPLE OF THE STATE OF ILLINOIS,	)	Luis Alonso, Judge Presiding.
	)	
Plaintiff-Respondent.	)	

**SUPPLEMENT TO PETITION TO FILE  
SUCCESSIVE POST-CONVICTION PETITION**

NOW COMES the Defendant-Petitioner, TERRANCE BROOKS, by and through his attorney CHARLES M. SHEPHERD, and for his Supplement to Petition to File Successive Post-Conviction Petition, states as follows:

1. Petitioner Terrance Brooks (“Brooks”) has filed a Petition for Leave to File a Successive Post-Conviction Petition which is set for hearing on December 2, 2014.

2. On October 3, 1997, Brooks filed a post-conviction petition. On December 12, 2008, the Circuit Court granted the State’s motion to dismiss Brooks’ petition. On November 15, 2012, the Illinois Appellate Court reversed the second-stage dismissal of Brooks’ petition and remanded for evidentiary hearing on Brooks’ claim that trial counsel was ineffective in failing to call an alibi witness.

3. Petitioner asserts three additional claims of actual innocence based upon newly discovered evidence. Petitioner has presented the new affidavits of victim/witness George Cruthard, Maurice Deloney and Curtis Milsap. Cruthard recants his trial testimony and avers that he did not see who shot him in 1991. In addition, Cruthard avers that he informed the State of this prior to trial but they ignored his statements. Deloney and Milsap have provided affidavits detailing the torture and mistreatment by Chicago detectives investigating this matter.

4. Petitioner requests this Court allow Petitioner to Supplement his Petition with documents relating to submissions made to the Illinois Torture Inquiry and Commission (“Torture Commission”) and an affidavit relating to the police officers who investigated Petitioner’s matter.

**A. Materials Forwarded to the Torture Commission**

5. Petitioner requests that this Court, in making its determination as to whether Petitioner can file a Successive Petition, also consider the documents tendered to the Torture Commission by co-Defendants Ivan Smith and Javan Deloney.

6. The materials completely lay out the case against the Defendants in this matter. The materials also detail the investigative actions of Detective James O'Brien (a Jon Burge underling and torturer). *See* pp. 6-7. It also details the recantation of witness Jerome Taylor and the misconduct related to his testimony (including intimidation and questioning by another Burge crony and known torturer Michael Kill). *See* pp. 8-12. The materials also highlight the testimony and recantation of witness George Cruthard. *See* pp. 13-16. The materials review the misconduct and questionable investigative techniques concerning witness Allen Epting by yet one more Burge torturer named detective McWeeney. *See* pp. 18-22.

7. In his Successive Petition, Petitioner alleges that Defendants Javan Deloney and Ivan Smith were tortured to give confessions and that exonerated Co-Defendant Curtis Milsap was also tortured. As a result of this misconduct, the statements given under duress and beating were wildly inconsistent. *See* pp. 33-39.

**B. Affidavit of Judge Earl Strayhorn**

5. Petitioner requests that this Court, in making its determination as to whether Petitioner can file a Successive Petition, also consider the Affidavit of Judge Earl Strayhorn which was given in the matter of torture victim Cortez Brown (*see* Exhibit B).

6. During the trial of Terrance Brooks, James O'Brien testified during a motion to suppress the statements implicating Terrance Brooks. The Defendants argued that the statements were given under the duress of torture and beating. Judge Earl Strayhorn, denied the motion.

7. There is no doubt that Chicago Police Officers O'Brien, Kill and McWeeney were underlings of disgraced commander Jon Burge. There is also no doubt now that O'Brien, Kill and McWeeney routinely engaged in the beating and torture of victims in order to obtain confessions.

8. The attached affidavit of Judge Strayhorn avers that in the Cortez Brown matter, had Judge Strayhorn known about the torture (which is conclusively known to exist today) he may have concluded that Cortez Brown's statements were sustainable.

9. The exact situation is before this Court. If Judge Strayhorn had known about the truthful allegations against Detectives O'Brien, Kill and McWeeney, he would have sustained the exclusion of the allegations tying Terrance Brooks to this crime. Furthermore, if Defendant Brooks had known about the conclusive nature of the acts of Detectives O'Brien, Kill and McWeeney (as is known today), the approach to his defense and the trial would have been completely different.

10. As a final matter, it is also noteworthy that the allegations of torture made by Javan Deloney, Maurice Deloney, Ivan Smith and Curtis Milsap are consistent with the allegations made in cases which were close in time to this matter. For example, the allegations of beating and abuse were made against Detective O'Brien in the *Cortez Brown* matter. This *modus operandi* is also consistent with the allegations made by George Anderson against Detective Kill and Detective O'Brien.

WHEREFORE, Petitioner prays that this court grant his motion to file his Successive Petition for Post-Conviction Relief and any other relief this Court deems appropriate.

Respectfully Submitted,  
**TERRANCE BROOKS**

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