

## CASE SUMMARY

**CATEGORY:** Exoneration

**DEFENDANT'S NAME:** Dennis Williams

**JURISDICTION:** Cook County, Illinois

**RESEARCHED BY:** Rob Warden  
Executive Director  
Center on Wrongful Convictions

**DATE LAST REVISED:** December 9, 2000

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## FACTS

<b>Date of crime:</b>	May 11, 1978
<b>Convicted of:</b>	Kidnaping, armed robbery, rape, and two murders — at each of two trials, the first in 1978 and the second, after reversal of the initial conviction, in 1987.
<b>Death-qualifying factor(s):</b>	Multiple murder and murder committed in the course of another felony
<b>Date sentenced:</b>	February 6, 1979, first trial; March 1987, second trial
<b>Date released:</b>	June 14, 1996
<b>Months lapsed sentence to release:</b>	209
<b>Defendant's age at time of crime:</b>	21 — born February 13, 1957
<b>Defendant's sex:</b>	Male
<b>Defendant's race:</b>	African American
<b>Victim(s):</b>	Lawrence Lionberg and Carol Schmal
<b>Age of victim(s):</b>	29 and 23
<b>Sex of victim(s):</b>	Male and female
<b>Race of victim(s):</b>	Caucasian
<b>Relationship of victim(s) to defendant:</b>	None
<b>Trial judge:</b>	Dwight McKay, first trial; Frank Meekins, second trial

<b>Prosecutor(s):</b>	Clifford Johnson and J. Scott Arthur, first trial; J. Scott Arthur and Deborah Dooling, second trial
<b>Defense attorney(s):</b>	Archie B. Weston at first trial, Isaiah (Skip) Gant at second trial
<b>Defendant's plea:</b>	Not guilty at both trials.
<b>Did defendant have an opportunity plead guilty in exchange for a lesser sentence?</b>	No
<b>Was guilt phase bench or jury?</b>	Jury at both trials
<b>Was sentencing bench or jury?</b>	Jury at first trial, judge at second
<b>Summary of state's theory of case at trial:</b>	Sometime after 2:30 a.m., Lawrence Lionberg and Carol Schmal, who had just become engaged, were abducted from a gas station near virtually all-white Homewood, Illinois, and taken by Williams and co-defendants Kenneth Adams, Willie Rainge, and Verneal Jimerson to an abandoned townhouse in virtually all-black East Chicago Heights, where Schmal was raped seven times by the four men and, along with Lionberg, shot to death. (Williams, Adams, and Rainge were tried together in 1978. Williams was sentenced to death, Adams and Rainge to long prison terms. For reasons explained below, Jimerson was not tried until 1985. He, like Williams, was sentenced to death. The convictions of Williams and Rainge were reversed in 1982, but they were tried and again convicted in 1987. Williams again was sentenced to death, Rainge to prison.)
<b>Summary of defense:</b>	Mistaken identity, absolute actual innocence.
<b>Did the defendant confess or make an inculpatory statement?</b>	No
<b>Did the defendant testify at trial?</b>	No
<b>Was there eyewitness testimony?</b>	At the 1978 trial, Charles McCraney, who lived near the murder scene, testified that Williams and two co-defendants, Willie Rainge and Kenneth Adams, had been in and around the abandoned townhouse about the time of the crime. At the 1987 trial, McCraney again so testified, but he was joined by Paula Gray, a 17-year-old friend of the defendants, who claimed that she witnessed the rape and murders by Williams, Adams, Rainge, and the fourth co-defendant, Verneal Jimerson.

<p><b>Was there serological evidence?</b></p>	<p>Yes. At the 1978 trial, state serologist Michael Podlecki testified that at least one of the rapists had been a type A secretor (a blood characteristic shared by 25% of the population) and that both Williams and Adams were type A secretors. Before the 1987 trial, serological retesting by Edward T. Blake, an independent forensic scientist, established that Podelicki's original testimony had been incorrect and that Williams in fact was a type A non-secretor. Neither the defense nor prosecution introduced serology evidence at the second trial. When the convicted men succeeded in obtaining DNA testing, over strenuous objections from the prosecution, it eliminated them as sources of the semen recovered from the female victim. That testing was conducted by Dr. Edward T. Bing, a Harvard Medical School geneticist.</p>
<p><b>Was there hair or fiber evidence?</b></p>	<p>Yes. Michael Podlecki testified at the 1978 trial that three of several Caucasian head hairs allegedly recovered from the back seat and trunk of Williams's car "matched" the hair of Lionberg and Schmal.</p>
<p><b>Was there other physical evidence?</b></p>	<p>None purporting to link any of the defendants to the crime.</p>
<p><b>Was there informant testimony?</b></p>	<p>Yes. David Jackson, facing burglary charges, testified at the first trial that he had been in a cell with Williams and Rainge shortly after their arrest. Jackson claimed that he overheard Williams and Rainge talking about raping a white woman and killing her boyfriend the night before. Jackson quoted Williams as saying, "They'll never find the pistol, you know. We ain't got nothing to worry about." Jackson did not testify at the second trial.</p>
<p><b>Did the informant(s) receive anything of value for testifying?</b></p>	<p>Yes. On October 11, 1994, Jackson recanted, saying he had fabricated his 1978 testimony "because I was offered a deal" by Assistant State's Attorney's Clifford Johnson and J. Scott Arthur. In return for his false testimony, said Jackson's affidavit, Johnson "put me in protective custody and had me flown to Minneapolis, Minnesota, about five days after the trial. I stayed there about six years before returning home."</p>

<p><b>Was there accomplice testimony?</b></p>	<p>Not at the first trial, but at the second. Following interrogation spanning more than two days in two motels in May of 1978, Paula Gray gave Cook County sheriff's police a statement saying she had been present when the four defendants raped Carol Schmal seven times and shot Schmal and Lawrence Lionberg to death. Before the first trial, she recanted, whereupon prosecutors charged her with both the murders and perjury. She was convicted and sentenced to a total of 50 years in prison. After the Williams and Rainge convictions were reversed and remanded, prosecutors made a deal with Gray to secure her release from prison if she would testify against the defendants. She took the deal and testified against Verneal Jimerson at his 1985 trial and then against Williams and Rainge at their 1987 retrial.</p>
<p><b>If so, does it appear that the accomplice(s) received any benefit for testifying?</b></p>	<p>Yes. Gray, who had been serving a 50-year sentence for her role in the murders, was released from prison on April 23, 1987, seven weeks after Williams was sentenced to death for the second time.</p>
<p><b>Was there a <i>Batson</i> issue?</b></p>	<p>Yes. At the 1978 trial, prosecutors used peremptory challenges to exclude all African Americans from the jury. However, the racially discriminatory exercise of peremptory challenges was not then illegal, since <i>Batson v. Kentucky</i> was not decided until 1986. At the 1987 trial, prosecutors exercised peremptory challenges against three African American prospective jurors. However, because Williams's and Rainge's attorney failed to create a record of the race of all jurors selected and excused, Williams could not make a prima facie case that the peremptory challenges violated <i>Batson</i>. See <i>People v. Williams</i>, 147 Ill. 2d 173 (1992).</p>
<p><b>Was there a <i>Brady</i> issue?</b></p>	<p>Yes. Following the 1978 trial, it was alleged that the state's star witness, Charles McCraney, had made an initial statement to sheriff's police that had not been turned over to the defense as required by <i>Brady v. Maryland</i>. However, the most significant <i>Brady</i> issue did not become known until 1996, and never was brought to the attention of an appellate court. It was a report of an interview that Sheriff's Officers Howard Vanick and David Capelli conducted with a witness who accurately identified the actual killers on May 17, 1978, five days after the victims' bodies had been found. The witness, Marvin Simpson, heard shots fired and saw Arthur (Red) Robinson, Juan Rodriguez, Ira Johnson, and Dennis Johnson fleeing the murder scene. The report apparently had been turned over to the defense prior to Williams's second trial, but, due to ineffective assistance of counsel, nothing had been done with it. It apparently had been withheld prior to the first trial, in violation of <i>Brady</i>.</p>

<b>Was there evidence of mental illness, retardation, or neurological damage?</b>	No
<b>Principal exculpatory evidence at trial:</b>	Alibi witnesses testified at the 1978 trial that Williams, Rainge, and Adams were elsewhere when the crime occurred. Rainge's girlfriend testified he was with her at his home at the time of the crime. Adams's mother testified that her son was at home asleep.
<b>Evidence introduced in mitigation:</b>	Williams had no record of violence. He was a high school graduate.
<b>Was there any indication of bias on the part of the trial judge?</b>	In denying Williams's request for DNA testing after the second trial, Meekins ignored scientific fact, branding Williams's claim that new DNA tests could establish his innocence as "totally unsupported." Meekins's conclusion was flatly wrong based on the facts presented in support of the petition — and on the result of the DNA testing, which in fact did establish Williams's innocence. (The prosecution eventually agreed to permit the testing notwithstanding Meekins's denial of Williams's petition.)
<b>Defendant's criminal history:</b>	Convicted at age 18, as an adult, of theft of a motorcycle and an arson fire.
<b>Was police misconduct an issue on appeal?</b>	Yes. In appeals of both convictions, Williams argued that sheriff's police lacked probable cause to make an arrest. The extent of police misconduct did not become apparent, however, until 1996, when students working under Professor David Protess of the Northwestern University Medill School of Journalism discovered a file showing that on May 17, 1975, five days after the crime, a witness had made a statement saying he had seen four men flee the scene of the crime. The witness identified the four by name. Ultimately, three of those men confessed (the fourth was deceased) and DNA corroborated their confessions. After the exoneration of Williams, Jimerson, Rainge, and Adams, Cook County agreed to settle federal civil rights claims filed by the four men for \$36 million, the largest civil rights settlement in U.S. history.

<p><b>Was prosecutorial misconduct an issue?</b></p>	<p>Yes. The conviction of Verneal Jimerson, who was sentenced to death in 1985, was reversed by the Illinois Supreme Court on May 25, 1995, because Assistant State’s Attorneys J. Scott Arthur and Deborah Dooling failed to correct perjury of Paula Gray, who had denied that prosecutors had offered her anything in exchange for her testimony when in fact they had promised to secure her release from prison. There were other allegations of prosecutorial misconduct, including those made by informant David Jackson, who signed an affidavit saying Assistant State’s Attorneys Arthur and Clifford Johnson had induced him to lie at the 1978 trial of Williams, Rainge, and Adams.</p>
<p><b>Other major issues on appeal:</b></p>	<p>After the first trial, ineffective assistance was a major issue, as was the conflict resulting from Archie Weston’s representations of Williams, Rainge, and Gray at the 1978 trial.</p>
<p><b>Evidence of actual innocence:</b></p>	<p>DNA testing conducted in 1996 exculpated Williams and all co-defendants and inculpated Arthur (Red) Robinson. Robinson confessed to the crime, inculpating three other persons. One of those was by this time deceased, but the others were convicted of the double murder. (Statute of limitations had run on kidnaping, armed robbery, and rape charges.)</p>
<p><b>Was the conviction ever affirmed by an appellate court?</b></p>	<p>Yes. The initial conviction and death sentence, from the 1978-79 trial court proceedings, was affirmed by the Illinois Supreme Court on April 16, 1982. However, on its own motion, the court withdrew that opinion and reversed and remanded the case on November 18, 1982, after the justices learned that defense trial counsel Archie B. Weston had been subject of an attorney disciplinary proceeding at the time of the trial. (Weston ultimately was disbarred for mishandling an estate.) Williams was convicted and sentenced to death for the second time in 1987. The Illinois Supreme Court affirmed the second conviction and death sentence on October 17, 1991.</p>
<p><b>Did any appellate judge ever raise doubt about guilt?</b></p>	<p>No. Although the Illinois Supreme Court unanimously reversed and remanded the case for a new trial in 1982, it stated: “In our judgment the evidence warranted submission of the case to the jury. Although the evidence is in large part circumstantial, it does tend toward ‘a satisfactory conclusion’ and produces ‘a reasonable and moral certainty’ that the defendant committed the murders and rape.” <i>People v. Williams</i>, 93 Ill. 2d 309 (1982)</p>
<p><b>What was the status of the case at time of exoneration?</b></p>	<p>Williams’s second conviction and death sentence had been affirmed by the Illinois Supreme Court. He was seeking post-conviction relief in the trial court when DNA exonerated him and all co-defendants.</p>

<p><b>How did exoneration come about?</b></p>	<p>Students and a private investigator working under the supervision of Professor David Protes of Northwestern University's Medill School of Journalism in 1996 obtained new evidence, including a recantation by Paula Gray, a confession by Arthur (Red) Robinson, and statements from other witnesses implicating Robinson and four others in the crime. Shortly thereafter, DNA testing sought by Williams co-defendant Jimerson eliminated all four of the original defendants as sources of semen recovered from the female victim. It was sheer luck that DNA was testable 17 years after the crime.</p>
<p><b>Was anyone else charged in the crime?</b></p>	<p>Yes. Kenneth Adams, Willie Rainge, Verneal Jimerson, and Paula Gray all were charged and convicted.</p>
<p><b>If others were charged, briefly describe outcome:</b></p>	<p>Adams, Rainge, and Gray were tried with Williams in 1978. The three were sentenced to long prison terms. Jimerson was not tried until 1985. He was sentenced to death. Rainge's conviction was reversed along with Williams's in 1982, but he was tried again with Williams in 1987 and again convicted.</p>
<p><b>Appellate counsel:</b></p>	<p>Robert Byman, Jenner &amp; Block, Chicago (312) 222-9350</p>
<p><b>Summary of appeals:</b></p>	<p>Conviction and death sentence affirmed five-two by Illinois Supreme Court on April 16, 1982, in an opinion subsequently withdrawn.</p> <p>Conviction and death sentence unanimously vacated on Illinois Supreme Court's own motion after discovery that trial counsel had been under duress due to a pending attorney disciplinary proceeding.</p> <p>Second conviction and death sentence, imposed in 1987, unanimously upheld by Illinois Supreme Court. <i>People v. Williams</i>, 147 Ill. 2d 173 (1992).</p>