

**IN THE COURT OF CLAIM OF THE  
STATE OF ILLINOIS**

PERRY COBB,	)	
	)	
Claimant,	)	No. _____
	)	
5.	)	Amount Claimed: Maximum
	)	Compensation Allowable for
STATE OF ILLINOIS,	)	Over Nine Years of Unjust
	)	Imprisonment
Respondent.	)	

**COMPLAINT**

Perry Cobb, by his undersigned attorneys, for his complaint against the State of Illinois pursuant to the Illinois Court of Claims Act, alleges as follows:

1. This is a claim for compensation for time unjustly served in prisons of the State of Illinois. Recovery is sought under 705 ILCS 505-8(c).
2. Claimant Perry Cobb (“Mr. Cobb”) was imprisoned within the Illinois Department of Corrections for more than nine years for the offenses of murder and armed robbery – crimes he did not commit.
3. Mr. Cobb was arrested by the Chicago Police on December 5, 1977 and was subsequently charged with the armed robbery and murder of Melvin Kanter and Charles Guccion, which had occurred on November 13, 1977.
4. Mr. Cobb was tried and was convicted of these crimes on October 5, 1979 in the Circuit Court of Cook County, along with a co-defendant, Darby Tillis. People v. Perry Cobb, et al., No. 78 C 928 (Circuit Court of Cook County). On October 17, 1979, Mr. Cobb was sentenced to 30 to 60 years imprisonment on the armed robbery conviction. For the murder conviction he was given the death sentence.

5. Mr. Cobb was imprisoned pursuant to these sentences from December 5, 1977 until January 21, 1987, when he was acquitted following a retrial that had been ordered by the Illinois Supreme Court, as more fully explained below.

6. Mr. Cobb's conviction was appealed to the Illinois Supreme Court. The Supreme Court reversed the conviction, holding that certain of the trial court's rulings had deprived Mr. Cobb and his co-defendant of a fair opportunity to cast doubt upon the veracity of the evidence against them – which consisted primarily of the testimony of one Phyllis Santini, an uncharged accomplice. The trial court's rulings “deprived the defendants of a fair trial,” according to the Supreme Court's opinion. People v. Cobb, 97 Ill. 2d 465, 481 (1983). The trial judge who made the erroneous rulings was one Thomas J. Maloney, who was himself later convicted of criminal charges for corrupt judicial practices during his tenure on the Cook County bench from 1977 to 1990. See United States v. Maloney, 71 F.3d 645, 649 (7<sup>th</sup> Cir. 1995).

7. After the Supreme Court's reversal, a former Assistant States Attorney named Michael Falconer, who had learned of the prosecution, came forward with evidence that Phyllis Santini had confessed to him that she and her boyfriend, not Mr. Cobb and Darby Tillis, had committed the murders and armed robbery. Following a bench trial in which Mr. Cobb and Mr. Tillis were given appropriate leeway to discredit Santini's testimony, including the opportunity to present the new evidence from Michael Falconer, Mr. Cobb and Mr. Tillis were both acquitted. After the acquittal, on January 21, 1987, Mr. Cobb and Mr. Tillis were finally released from custody.

8. On May 24, 1999, Mr. Cobb filed a Petition for Executive Clemency on the ground of his actual innocence of the armed robbery and the murders of Melvin Kanter and Charles

Guccion. A copy of that Petition, minus the exhibits, is attached hereto as Ex. A. Mr. Cobb's Petition was heard by the Prisoner Review Board in July 1999. On June 15, 2000, Governor George Ryan issued a Pardon Based Upon Innocence to Mr. Cobb, formally recognizing Mr. Cobb's innocence of the crimes for which he was erroneously convicted in case number 78 C 928. Mr. Cobb's Pardon Based Upon Innocence is attached hereto as Ex. B.

9. Section 8(c) of the Illinois Court of Claims Act provides that a person who has unjustly served time in the prisons of the State of Illinois and who has received a pardon from the Governor stating that the pardon is issued on the ground of innocence of the crime for which the claimant was imprisoned is entitled to compensation. Mr Cobb was unjustly imprisoned for over nine years and is therefore entitled to compensation under Section 8(c) of the Act and to an award of attorneys fees.

10. No assignment or transfer of Mr. Cobb's claim to compensation under the Act has been made. Mr. Cobb is justly entitled to the amounts claimed from the State of Illinois in this complaint after allowing all just credits. Mr. Cobb believes the facts stated in this complaint to be true. No claim arising out of the facts alleged herein has been previously presented to any person, corporation or tribunal.

WHEREFORE, Mr. Cobb prays that this Court enter judgment in his favor and against the State of Illinois in the maximum amount allowable for over nine years of unjust imprisonment, plus attorneys fees, plus such additional and further relief as this Court may deem equitable and just.

Respectfully submitted,

PERRY COBB

By: \_\_\_\_\_

One of his attorneys

—  
Locke E. Bowman  
MacArthur Justice Center  
University of Chicago Law School  
1111 East 60<sup>th</sup> Street  
Chicago, Illinois 60637  
(773) 753-4405