

**IN THE COURT OF CLAIMS OF THE  
STATE OF ILLINOIS**

JAMES ALLEN NEWSOME,	)	
	)	
Claimant,	)	
	)	
vs.	)	No. 96 CC 4112
	)	
STATE OF ILLINOIS,	)	Amount Claimed: Maximum
	)	Compensation Allowable for
Respondent.)	)	Over 14 Years of Unjust
	)	Imprisonment

**COMPLAINT**

James Allen Newsome, 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 James Allen Newsome ("Mr. Newsome") was imprisoned within the Illinois Department of Corrections for more than fourteen years for the offenses of murder and armed robbery -- crimes he did not commit.
3. Mr. Newsome was arrested by the Chicago Police on October 31, 1979 and, subsequently, was charged by the Cook County State's Attorneys Office with the October 30, 1979 murder and armed robbery of a grocery store owner named Edward Cohen at 8911 South Loomis, on the south side of the City of Chicago.

4. Mr. Newsome was tried and convicted of these charges on September 26, 1980 in the Circuit Court of Cook County, Illinois. People v. Newsome, Case No. 79-7816. Following his conviction, a death penalty sentencing hearing was convened. The court declined to impose the death sentence, instead sentencing Mr. Newsome to natural life on the murder conviction and to 30 years on the armed robbery conviction.

5. Mr. Newsome was imprisoned pursuant to these sentences from October 31, 1979 until December 6, 1994, when he was released to home confinement -- a total of over fifteen years. From December 6, 1994 until January 4, 1995, Mr. Newsome was on electronic home detention. On January 4, 1995, Mr. Newsome was finally discharged from custody -- fifteen years, two months and four days after his initial arrest.

6. Mr. Newsome asserted his innocence in numerous ways throughout the years of his incarceration. Finally, in late 1994, through appointed counsel, Mr. Newsome presented to the Chief Judge of the Circuit Court of Cook County a Motion for Discharge And/Or New Trial (a copy of the motion is attached, minus exhibits, as Ex. A), which detailed evidence that Mr. Newsome was innocent of the crimes for which he was convicted. Analysis of latent fingerprints left at the scene of the crime by the true perpetrator, which was conducted in late 1994, showed that the killer-armed robber was in fact Dennis Emerson, a convicted killer, currently on the Illinois

Death Row, who was at large at the time of the Cohen murder. Mr. Newsome's Motion was granted on December 6, 1994. And, at a subsequent hearing on January 4, 1995, the Cook County State's Attorneys Office elected not to proceed further against Mr. Newsome.

7. On April 26, 1995 Mr. Newsome filed with the Illinois Prisoner Review Board a petition seeking Executive Clemency from Governor Edgar on the ground of innocence of the crimes of which Mr. Newsome was convicted. A copy of the Petition (minus exhibits) is attached as Ex. B. In a letter to the Illinois Prisoner Review Board (Ex. C), the Cook County State's Attorney lent formal support to Mr. Newsome's Petition, acknowledging that the evidence was clear that Mr. Newsome was innocent. Mr. Newsome's Petition was heard by the Prisoner Review Board on July 12, 1995. On July 14, 1995, Governor Edgar issued a full and complete pardon to Mr. Newsome (attached as Ex. D), specifically stating that the pardon was being issued on the ground that Mr. Newsome is innocent of the crimes for which he was imprisoned.

8. 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 is imprisoned is entitled to

compensation. Mr. Newsome was unjustly imprisoned for over fourteen years and is therefore entitled to the maximum compensation allowed under Section 8(c) of the Act and to an award of attorneys fees.

9. No assignment or transfer of Mr. Newsome's claim to compensation under the Act has been made. Mr. Newsome is justly entitled to the amounts claimed from the State of Illinois in this complaint after allowing all just credits. Mr. Newsome 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. Newsome prays that this Court enter judgment in his favor and against the State of Illinois in the maximum amount allowable for over 14

years of unjust imprisonment, plus attorneys fees, plus such additional and further relief as this Court may deem equitable and just.

Respectfully submitted,

JAMES ALLEN NEWSOME

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