

OCTOBER 2002 SESSION
PRISONER REVIEW BOARD
STATE OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
)
 vs.) Docket No. _____
)
EDGAR HOPE) Inmate No. A71911
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SUBMITTED TO THE HONORABLE GEORGE RYAN, GOVERNOR
OF THE STATE OF ILLINOIS

**PEOPLE’S RESPONSE IN OPPOSITION TO PETITION
FOR EXECUTIVE CLEMENCY**

HEARING REQUESTED

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I

HISTORY OF THE CASE

On February 18, 1983, Petitioner was tried for the murder of Lloyd Wycliffe and the attempted murder of Alvin Thompson and convicted (82C1181). The jury, after hearing extensive evidence in both aggravation and mitigation, found no mitigating circumstances sufficient to preclude imposition of the death penalty. The case was reviewed by the Illinois Supreme Court and remanded for a new trial. On September 27, 1990, Petitioner was again tried and convicted. Another jury then again concluded that there were no mitigating circumstances sufficient to preclude imposition of the death penalty. The case (and sentencing) was reviewed by the Illinois Supreme Court and affirmed. Since exhausting all of his appeals, the Petitioner has filed a petition for post-conviction relief alleging “actual innocence.” That petition is pending.

On October 20, 1982, Petitioner was tried for the murder of Chicago Police Officer Doyle, the attempted murder of Chicago Police Officer Mantia and armed violence of Cynthia Houston and Kevin Paige (82I1179). The shooting took place on a Chicago Transit Authority bus. Petitioner was sentenced to capital punishment. The Illinois Supreme Court reviewed the case and remanded it. **On November 15, 1994, Petitioner pled guilty to all the charges relating to the bus shooting.** Petitioner then proceeded to a jury for the sentencing. After again hearing extensive evidence in aggravation and mitigation, that jury, like the three before it, determined capital sentencing to be appropriate. The Petitioner appealed and the Illinois Supreme Court remanded the case only for a new sentencing hearing. That hearing has been stayed by the Illinois Supreme Court pending resolution of the aforementioned petition for post-conviction relief.

II

FACTS OF THE CASE

To appreciate the absurdity of Petitioner's request for clemency, the People believe it would behoove the Prisoner Review Board to be fully apprised of the facts of Petitioner's murderous acts—facts that are conveniently buried in the “addendum” to his petition. **Within a thirty-day period in 1982, Petitioner murdered two individuals in two separate incidents.** Both murders were intentionally committed in order to prevent Petitioner's identification and/or arrest for his robbery crime spree.

A.

On January 11, 1982, the McDonald's restaurant at 114th and Halsted in Chicago was the venue for defendant's murderous conduct. Victims Alvin Thompson and Lloyd Wycliffe worked at the restaurant as part-time security guards. (Both men worked full-time for the Cook County Sheriff's Office.) Both were dressed casually and carrying concealed handguns. Wycliffe's weapon was a .36 caliber revolver. Thompson's weapon was a .357. Several employees, including Charles Trent and Antoinette Dawson, were working at or near the front counter. At approximately 8:00 p.m., the two victims were seated at a table in the northwest corner of the restaurant when Petitioner and a female entered and placed their orders with Ms. Dawson. Because Hope and the woman kept changing their orders, Dawson made eye contact with Thompson and Wycliffe to alert them to potential trouble. The officers then left their table, approached the counter, and positioned themselves about four feet from the Petitioner. At that point, co-offender Alton Logan burst through the west entrance of the restaurant and shouted something. Logan then brought out a sawed-off shotgun from beneath his long coat. As Logan entered, Wycliffe and Thompson turned toward him. Logan then fired the shotgun directly into Lloyd Wycliffe's chest. Alvin Thompson was struck by the Petitioner and then pushed to the floor.

While Thompson was on his back on the floor of the restaurant, Petitioner straddled him and placed a gun directly between his eyes. Next to them, co-defendant Logan rifled through Wycliffe's clothing and took his gun. Mr. Thompson pleaded with Petitioner not to kill anybody else. Thompson begged, “You could go back there and take whatever money is in there. If you go back there, please don't hurt any of the kids.” Petitioner demanded Thompson's weapon several times. Thompson finally relented, and defendant took his gun. Petitioner then told Thompson not to look at him and Thompson said, “Okay, fine. I won't look at you.” As Thompson closed his eyes, he saw that Hope had a slight smile on his face and that he was starting to squeeze the trigger. Certain that he was going to die, Thompson said a prayer, closed his eyes, turned his head all the way to the right, and pulled his arm across the side of his face. Petitioner fired the gun and Thompson felt the bullet enter his arm. Thompson then rolled onto his stomach and pretended to be dead. Petitioner and his co-offender then fled.

Miraculously, Mr. Thompson survived Petitioner's vicious attack. Mr. Wycliffe, however, did not. The autopsy revealed that Lloyd Wycliffe was killed by a gunshot wound to his right chest. The gunshot had blown apart the upper portion of his heart and caused massive bleeding into his chest cavity.

Petitioner remained at large for these crimes until his subsequent murderous crime spree. (See Section B, below.) Petitioner has been convicted of these crimes, given a capital sentence and now contends, audaciously, that that sentence should be commuted.

B.

Petitioner's second murder occurred less than a month after the McDonald's shooting. On the night of February 5, 1982, Edgar Hope murdered uniformed Chicago Police Officer James Doyle on a crowded CTA bus. In this shooting spree, Petitioner also shot two unarmed civilians who were passengers on the bus and attempted to kill Officer Doyle's partner, Robert Mantia. **No one disputes Petitioner's guilt as to these heinous acts, including Petitioner. He has pled guilty to each and every one of these crimes.**

The undisputed facts surrounding Petitioner's murder of Officer Doyle are as follows: Rookie police officer James Doyle and his partner Robert Mantia were on routine patrol in the area of 79th and State on Chicago's south side. Charles Harris approached their marked vehicle and told the officers that he recognized a man on a bus as being the person who had recently robbed him. Harris told the officers that there was a warrant out for Petitioner's arrest and that they should be careful because he believed that Hope was armed. The officers curbed the bus at 79th and LaFayette.

The officers then exited their car and entered the bus. Officer Mantia walked down the passenger side of the bus with Mr. Harris while Officer Doyle stayed at the front door. As they approached the rear of the bus, Harris pointed to a man seated in a side seat just beyond the rear door as the wanted offender. That man was Petitioner Edgar Hope.

Officer Mantia made eye contact with Petitioner and then returned to the front of the bus. He told Officer Doyle where the suspect was located and what he was wearing. The officers re-boarded the bus, with Officer Doyle going first. They walked toward the rear of the bus. Officer Doyle was wearing gloves but otherwise had nothing in his hands. Officer Mantia had unholstered his gun and was carrying it down at his side. As they approached the rear of the bus, Officer Mantia saw movement between Petitioner and the man sitting next to him. Officer Doyle approached Hope and asked him to stand. Petitioner eventually stood and asked what was the matter and stated that he had not done anything. Officer Mantia had positioned himself to the rear of Petitioner and Officer Doyle, so that he could watch over the person sitting next to Petitioner. As Officer Doyle was patting down Petitioner, Officer Mantia observed Hope reach into his left coat pocket and remove what he described as a dope kit. After looking at the kit, Officer Doyle replaced it in Petitioner's pocket, took him by the arm, and told him to exit the bus. Tragically, Officer Doyle failed to find either of the two handguns that Petitioner had

secreted on his body.

John Gilmore, Cynthia Houston, Heather Lindsay, and Kevin Paige were passengers on the bus during the shooting. They observed the Petitioner take out a handgun and fire at Officer Doyle. They all saw defendant shoot directly at Officer Doyle, who did not have his weapon drawn. They all saw Hope continue to fire after he shot Officer Doyle.

Officer Mantia was still watching the second man when he heard the first gunshot. He turned and saw Officer Doyle falling to the bus floor. The Petitioner then began firing at Officer Mantia with a blue steel handgun. Once hysterical passengers had cleared from his way, Officer Mantia returned fire. Several shots were exchanged, and the two men eventually exited the bus—Petitioner through the front door and Officer Mantia via the rear door. Outside the bus, Petitioner fell to the ground. At that time, Officer Mantia saw a gun fall from his hand. Officer Mantia cuffed Petitioner and secured that weapon. A second gun was recovered from the Petitioner in the snow near his feet. That gun, a .38 Llama, had been fully loaded; all six of its cartridges were spent.

Officer Mantia described the scene on the bus as one of pandemonium. Several people were trying to aid Officer Doyle and the two passengers that had been shot. Officer Doyle had been shot in the chest and was mortally injured. Passenger Cynthia Houston had been shot in the head, and passenger Kevin Paige's finger had been shot off.

What Petitioner deliberately conceals from the Prisoner Review Board in either his statement of facts or his "addendum" is that when he murdered Chicago Police Officer Officer James Doyle, he was actually in possession of two weapons. One weapon had been stolen from the home of Larry Garnett during a residential burglary. The second handgun had been taken from Alvin Thompson by Hope's partner, Alton Logan, during the murder in the McDonald's restaurant twenty-five days earlier.

PETITIONER'S LENGTHY CRIMINAL RECORD

Also rendering Petitioner's petition for clemency implausible is the criminal history he had amassed prior to the crimes for which he has consistently received recommendations of capital punishment.

On June 3, 1976, Petitioner approached an elderly woman, Grace Craig, and demanded her money. Petitioner told Mrs. Craig that if she did not give him her money, he would beat her up and take it anyway. Mrs. Craig complied.

On July 28, 1976, Petitioner and a co-offender, accosted Catherine Troccko, another elderly woman, as she was walking to her bus stop. Under the ruse of asking her for directions, they beat her and took her purse. Hope and his companion ran to a waiting car and fled. Petitioner was sentenced to the penitentiary for a term of a year to a year and a day for these offenses.

On June 19, 1976, Chicago Police Officer Ronald Soroka was approached by a citizen who complained of a man selling guns in a tavern at 79th and Morgan. That man was Edgar Hope. Although arrested and charged with possession of a weapon and ammunition, Petitioner failed to show up for court.

On November 13, 1977, Petitioner and a co-offender hid in the automobile of Frankie Lewis. As Mr. Lewis approached his vehicle, Petitioner and his cohort surprised him and forced him into the car at gunpoint. Mr. Lewis was then abducted, driven around, and stripped of his money, jewelry, shoes and car before being dumped off.

At approximately 5:00 a.m. of the morning following the Lewis robbery, Petitioner and his cohort were still in possession of Mr. Lewis' stolen car. Petitioner was the driver. Police spotted the automobile and a chase ensued with Petitioner traveling up to 80 m.p.h. before crashing Mr. Lewis' vehicle into a parked truck. He then rammed a squad car driven by Chicago Police Officer Donald Johannsen head on. A gun was thrown out of the car that Petitioner was driving before the crash.

On December 14, 1981, Petitioner struck Charles Harris in the mouth, pulled a gun on him and took his money, chains and radio. Harris reported the incident to the police. Petitioner remained at large on this offense until Charles Harris spotted him on the C.T.A. bus on February 5, 1982.

PETITIONER'S IN-CUSTODY BAD ACTS

ILLINOIS DEPARTMENT OF CORRECTIONS

Petitioner's disdain for law and authority is further indicated by his behavior while in custody. Petitioner is truly a danger to society both on and off the streets.

When Petitioner was first received by the I.D.O.C. Reception and Classification Unit, he informed the counselor that he had been a member of the Disciples street gang for eleven (11) years. He had been uncooperative and taunted the counselor that there was nothing that could be done to him, as his release was "imminent" and he only had two more weeks to serve. **He was designated "criminally oriented and sophisticated."**

Upon Petitioner's initial release from the I.D.O.C. one of his parole officers, William Graham, filed a violation of parole against him for being on AWOL status for not remaining in contact with the parole office and for committing the robbery against Frankie Lewis.

While re-incarcerated for the Frankie Lewis robbery conviction, **Petitioner was charged with forty-five (45) disciplinary infractions at Menard Correctional Center between 9/14/78 thru 6/22/81.** These included causing a disturbance in the yard by breaking up benches, arming himself with a 2 by 4 and threatening to attack other inmates. **Petitioner was**

again incarcerated at Menard from June 25, 1983 thru March 23, 1987, during which time he incurred twenty-eight (28) disciplinary infractions, including two weapons charges. A round, sharpened 10” board was found in Petitioner ’s typewriter. A 3” nail was found in his bed. On another occasion, Petitioner threw a cup full of urine at the warden and two officers, splashing them in the face and eyes. (See Attachment A.)

COOK COUNTY DEPARTMENT OF CORRECTIONS

During Petitioner’s various times of incarceration in the Cook County Department of Corrections, his violent nature continued to manifest itself.

Phillip Hardiman is the former Executive Director of the Cook County Department of Corrections. He has previously testified Petitioner was housed in the increased maximum-security section of the jail in the early 1980s. Petitioner had a number of infractions while incarcerated, including setting his cell on fire, being in possession of a shank, and threatening the life of one of the wardens. Other problems with Petitioner involved getting him to and from court. He refused to dress for court and would not cooperate with the staff. In fact, Petitioner would threaten the staff.

Cook County Correctional Officer Sylvester Jackson was present when Petitioner got into an argument with some commissary workers when they refused to serve him. Officer Jackson told Petitioner he would have to leave. Petitioner stepped into the hallway but refused to return to his cell, saying that Officer Jackson would have to call a captain. Officer Jackson asked Petitioner to move, but again Hope refused. When Officer Jackson took Petitioner by the arm, Petitioner broke loose, smiled and then threw a punch at Officer Jackson, who ducked. Officer Jackson then had to subdue Petitioner.

Lieutenant Ronald Clark of the Cook County Department of Corrections stated that Petitioner was involved in a fight with another inmate on June 15, 1986, for which Petitioner received three days in the disciplinary cell. On March 9, 1987, Petitioner again received three days in the disciplinary cell when he threw a bucket of water weighing 30 pounds at an officer and challenged him to a fight. A seven (7) inch shank was found in Petitioner’s cell on October 20, 1988.

Sergeant Mattie McLendon of the County Jail stated that on December 6, 1989, officers were talking to Jerome Freeman, a high-ranking member of the Disciples, when Petitioner walked up and asked why they were bothering his “leader.” Petitioner had to be restrained by the officers and yelled, “What the fuck are you doing to my chief?” Petitioner received five (5) days segregation for this incident.

As recently as March 7, 2000, in the Cook County Department of Corrections, Division 1, Petitioner was instructed by Officer Darnez Perkins that it was time to return from the dayroom to his cell in the segregated area. Petitioner refused and became verbally abusive. Officer

Perkins then attempted to restrain Petitioner, at which time Petitioner viciously bit him in the arm.

PETITIONER'S IN-COURT BAD ACTS

EVEN THE SANCTITY OF A COURTROOM CANNOT QUELL PETITIONER HOPE'S VIOLENT AND UNPROVOKED BEHAVIOR

During petitioner's trial in October, 1982, on the Officer Doyle murder, he repeatedly gestured at Officer Doyle's partner, Officer Robert Mantia, in a threatening manner by pretending that he had a gun, pointing it at him, and firing.

In May, 1993, tired of his public defender, Kevin Peters, Petitioner attacked Mr. Peters in an unprovoked manner when he "sucker-punched" him in open court directly in front of the judge. Petitioner had to be subdued by Chicago Police Officer Paul Sarpalius who was present in the courtroom on an unrelated manner. Mr. Peters sustained significant injury to his mouth.

On May 10, 1995, during jury selection in Judge Michael Buckley Bolan's courtroom, Petitioner became irate in the lock-up—screaming vulgarities and posing a threat to the deputies.

VICTIM IMPACT

Petitioner Hope left Alvin Thompson, the surviving McDonald's victim, with nerve damage in his left wrist that extends to the thumb and palm area of the hand. Emotionally, Mr. Thompson suffered nightmares following the attack, underwent psychological counseling for depression, and endured the dissolution of his marriage.

Petitioner Hope left Vernitta Wycliffe without a husband and without a father for their three young children. Mrs. Wycliffe has stated that she lost her "very best friend."

Petitioner Hope left Mary Jo Doyle Berkery without her only sibling. Mrs. Berkery has stated that, for all intents and purposes, her mother died the same day that her brother did. In reality, Mrs. Doyle passed away not long after her only son's murder, dying of, what Mary Jo describes as, "a broken heart." Mary Jo's only son Patrick, now 28, still misses his "Uncle Jimmy."

Petitioner Hope will leave all of the People of the State of Illinois his latest victims should the Governor choose to grant this petition.

III

REASONS FOR DENYING THE PETITION

Edgar Hope is a cold and calculated murderer. In his petition, he cites neither substantive legal issues nor well-supported factual claims to support his claim for relief. He claims neither hardship nor rehabilitation. Thus, there are legally, factually, morally, and emotionally insufficient grounds to grant clemency.

EVIDENCE OF PETITIONER'S *GUILT* IS OVERWHELMING

Two juries, twenty-four people, were separately convinced, beyond a reasonable doubt, of Petitioner's guilt of these crimes. **Two unimpeached witnesses have consistently identified petitioner as the murderer of Lloyd Wycliff and the would-be killer of Alvin Thompson: Alvin Thompson and Charles Trent.** Both witnesses identified Petitioner in a line-up and made more than seven independent in-court identifications of Petitioner. **The Illinois Supreme Court affirmed Hope's conviction and death sentence based on this evidence.**

Petitioner's statement that evidence of his innocence is "overwhelming" is wholly unsupported by either this Petition or the trial court records. Despite the fact that Petitioner has had a post-conviction petition pending in the Circuit Court of Cook County for over two years alleging his "innocence," **he has yet to produce any evidence in court to support his allegations.** He prefers to hide behind rhetoric and manufactured sensationalism in order to garner support for his position. With these tactics, he avoids having his so-called "evidence" tested in the proper forum: a court of law.

PETITIONER ENJOYED ADEQUATE PROCEDURAL SAFEGUARDS

Governor's Commission Recommendations

Petitioner asserts that he is entitled to clemency because he did not receive the benefit of the changes to the Illinois capital sentencing system that have recently been adopted, proposed or enacted. By relying upon a laundry list of new Supreme Court Rules, statutes and proposals from the Governor's Commission on Capital Punishment that were not available at the time of his trial, petitioner claims that his trial (as well as that of every other capital defendant in Illinois) was by definition fundamentally unfair. However, the Illinois Supreme Court has expressly rejected the claim "that every capital trial has been unreliable and that all appellate review has been haphazard" (*People v. Hickey*, ___ Ill. 2d ___, 2001 Ill. LEXIS 1080 at *57 (No. 87286 September 27, 2001)). Rather, the Court held that the additional safeguards included in its rules governing capital cases are not retroactively applicable because they "function solely as devices to further protect those rights given to defendants by the federal and state constitutions" and that "[a] violation of procedures designed to secure constitutional rights should not be equated with a denial of those constitutional rights." *Id.* at *63, 64.

Thus, the fact that the Court, the General Assembly and the Governor's Commission have endeavored to improve the process does not mean that an injustice would result simply because the

recent changes were not applied retroactively to petitioner's case. Instead, a true injustice would only result if it were reflexively determined that petitioner's trial was fundamentally unfair without any examination of the proceedings themselves. It is telling, however, that petitioner has not even attempted to demonstrate how the recent changes would have affected the outcome of the proceedings. Moreover, petitioner ignores the fact that every court which has examined the proceedings in his case determined that they were fundamentally fair and that he was not unduly prejudiced in any manner.

It is telling, however, that the petitioner has not even made attempts to demonstrate how the recommendations of the Commission would have affected the outcome of the proceedings. This is especially so as the petitioner was found eligible for the death penalty based upon an aggravating factor, multiple murders, which the governor's Commission has specifically recommended be retained. Significantly, **there is no issue as to Petitioner's eligibility for the death penalty in this case; Petitioner pled guilty to the second, qualifying murder—the murder of on-duty police officer James Doyle**. Petitioner's reliance on boilerplate rhetoric highlights the fact that his individual claims are without merit.

Supreme Court Rules

Petitioner asserts that he is entitled to clemency because the new Supreme Court Rules governing capital cases were not available to him at his trial in 1990. However, the Illinois Supreme Court has clearly held that the amendments to its rules are not retroactively applicable. Hickey, 2001 Ill. LEXIS 1080 at *65. Thus, there is no legal reason to grant clemency on this basis.

Adequate Funding

Petitioner asserts that he is entitled to clemency because he was denied adequate funding to investigate the case and/or to retain the necessary expert witnesses. However, despite the creation of the Capital Litigation Trust Fund, there is no indication that any capital defendant in Illinois, particularly those prosecuted in Cook County has ever been deprived of the necessary funds to investigate or retain appropriate experts. Rather, courts have denied various requests that are deemed unreasonable or unnecessary, the same standard that applies for funds under the Capital Litigation Trust Fund. 725 ILCS 124/15(c). The mere fact that the Capital Litigation Trust Fund was not created until 2000 is irrelevant to Hope's claims. More importantly, Hope's petition is tactically silent as to how his defense in 1990 was in any way impaired by a lack of funding. If, in fact, there were any legitimate evidence that Petitioner's defense was in any way impeded by lack of financial resources, it would be specifically alleged in his pleadings. Logically, therefore, this allegation, like the others, is wholly without merit.

HOPE'S PETITION DOES INJUSTICE TO THE INTEGRITY OF THE LEGAL SYSTEM

Hope's five page, double-spaced, spartan petition impugns the integrity of the criminal justice system and makes a mockery of the commutation process. He attempts to minimize

both his criminality and his amoral character by omitting and understating relevant facts. These calculated omissions are attempts to mislead and misinform the Governor, the Board, the media, and the Citizens of the State of Illinois as to the true nature of the facts and Petitioner's character in the hope that such a false record will con the Governor into granting clemency to a cold-blooded killer.

Rather than give the Board or the Governor adequate facts and well-articulated issues supported by substantive evidence in support of his petition, Hope prefers to couch his plea in terms that quote and paraphrase the Governor's own personal agenda:

- Hope was "sentenced to death under a system of capital punishment that Governor Ryan and many others familiar with its operation have aptly described as deeply flawed and in need of repair." (1)
- Hope's sentence "was imposed under a system that has been aptly characterized as 'broken' and 'fundamentally flawed.'" (4)

Through such blatant appeals to the Governor's personal motivations and prejudices, Petitioner wants the Governor to grant him the reprieve that the jury and the Illinois Supreme Court has repeatedly, and rightfully, denied him.

PETITIONER DOES NOT WANT TO HAVE HIS CASE JUDGED UPON ITS OWN MERITS BECAUSE A DISPASSIONATE, WELL-INFORMED ANALYSIS WILL LEAD ANY NON-BIASED REVIEWER TO DENY HIS REQUEST FOR RELIEF.

Rather than postulating personalized claims for relief, Petitioner largely relies upon generic arguments that have no demonstrable nexus to his situation. To this end, Petitioner incorporates by reference a document that will purportedly detail the "flaws" of the criminal justice system that are evidenced by the "record of capital punishment in Illinois." To date, such a document has not been filed on behalf of any of those seeking commutation from this governor. We can only anticipate the nature and content of such a filing.

By their very nature, "global" appeals are intended to generate emotional, rather than rational, reactions. By their very nature, "global" appeals deliberately obscure the unique facts and issues of individual cases in favor of sweeping generalizations—oversimplifications whose relevancy is tenuous at best.

Thus, anticipating these "global" arguments, we urge this Governor to consider this extraordinary remedy on a case-by-case basis. Just as the facts of each case and factors in aggravation and mitigation were unique to each defendant so too should be the reasons each defendant seeks commutation. "Global" appeals merit no legitimate consideration in a process that historically, and rightfully, relies on neutral, detached, and rational deliberation and should be ignored. Blanket commutation, which ignores the facts of individual cases and bypasses appropriate, legitimate review, is the only hope a rightfully convicted, properly sentenced, cold-blooded killer has to avoid full responsibility for his actions.

CONCLUSION

For all these reasons, the People of the State of Illinois respectfully request that this Board

and Governor Ryan deny executive clemency to Edgar Hope.

Respectfully submitted,

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