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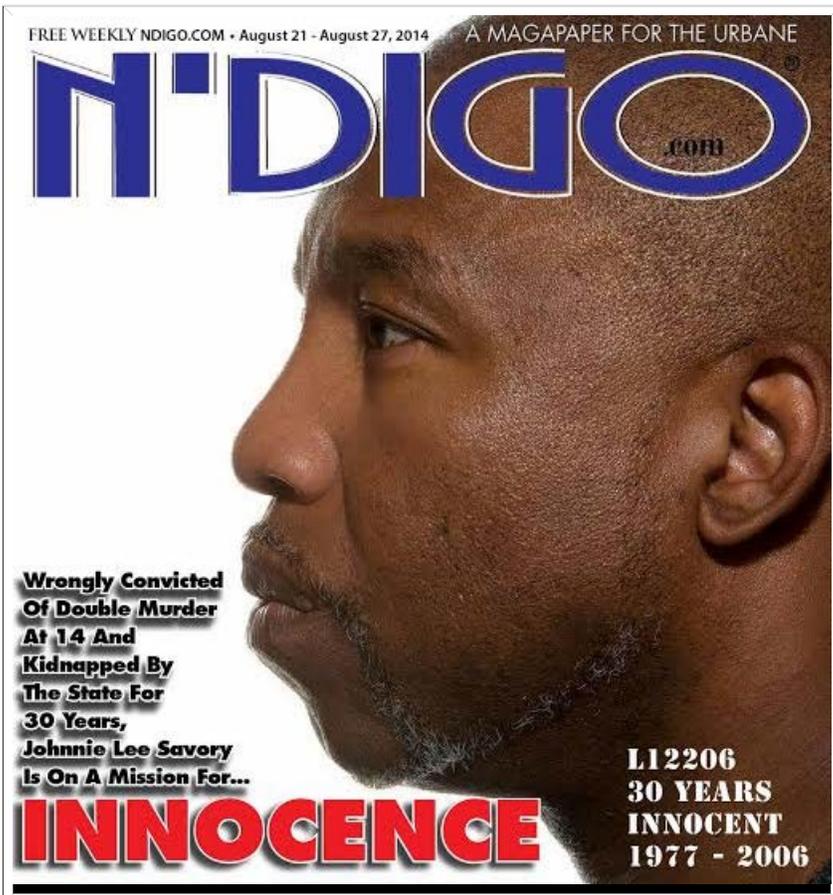
August 27, 2014

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Written by: David Smallwood

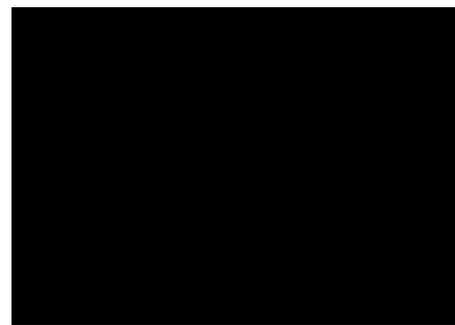
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Johnnie Lee Savory believes in justice for all, but he's more focused on recognizing injustice all over the world for people like himself who have been wrongly convicted of crimes and have lost their years, their innocence and their

human rights because of it.



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Savory was convicted of a double murder in Peoria, Illinois in 1977 at the age of 14 and spent 30 years of a 50-100 year bit behind bars for it before being paroled in 2006 because of overwhelming suggestion of his innocence. Savory has yet to be exonerated, but the results of DNA testing on evidence in his case that is expected to clear his name is forthcoming.

“It only took 30 seconds for me to lose my life when the police snatched me, now it’s taken me 30 years to get it back,” Savory says. It took his attorneys 15 years to get the courts to even allow the DNA testing, and that was just agreed to in August of last year, 2013.

After school let out on Monday, January 17, 1977, Johnnie Lee Savory visited his classmate James Scopy Robinson’s home for the first time. Though the high-schoolers, both 14, had known each other since third grade, they lived several miles from each other in Peoria, Illinois and John’s visit to James’ place just had never happened.

“This particular day, James said, ‘Man, come on, go home with me,’ and I said okay,” recalls Savory, now 52 years old. James’ mother and stepfather were home, as was his 19-year-old sister, Connie Cooper, a student at Bradley University.

“We ate some hot dogs and corn and played and stuff,” says Savory. “We drew some pictures for his mother. We both thought we were artists, so we were asking her which one was the best, you know.”

The young boys played on until 10 or 10:30 p.m. before saying good-bye. They had lost track of time and because the buses in Peoria stopped running at 7 p.m. back then, Johnnie had to walk some miles to get home, and there was already winter snow on the ground.

“But it was alright. It was my friend and we had fun,” Savory said. “So we made plans to meet the next day...but it never happened.” The next afternoon, January 18, James and his sister Connie were found stabbed to death in their home.

**The Nightmare Begins**

A week later, on January 25, Peoria police pulled Savory out of school and detained and interrogated him for nearly two days – after he said he didn’t want to talk to them, without a lawyer being present, without allowing him to leave even though they said he wasn’t a suspect, after he passed an initial polygraph test and after Savory said they plucked hairs from all over his naked body with tweezers – for forensic reasons, they told him – until he gave an oral confession, though he refused to sign any statement.

Savory went to trial in July 1977 and prosecutors asked for the death penalty, at age 14. They contended that Johnnie had been in the home the morning of the murder practicing karate with James, who they say he killed during an argument before blacking out and killing his sister.

The court denied the death penalty, but the all-White jury found Savory guilty in just two hours and the court sentenced him to 50-100 years, the equivalent of life. He had alibis from several people he had been with the day of the murder, but was convicted based on his illegal and coerced confession.

In April 1980, an appellate court unanimously found Savory’s confession to be bogus, as it was involuntarily given, and it was a ruling that was upheld by the Illinois and United States Supreme Courts after the state appealed. Johnnie’s case was reversed and kicked back to Peoria.

In 1981, the Peoria Journal Star newspaper quoted Hon. Michael Mihms, Peoria’s State’s Attorney in 1977, as saying “Without the confession it’s impossible to retry Johnnie Savory, so that’s it, he won’t be retried.”

John Barra, Peoria’s State’s Attorney in 1981, told the paper, “Without the confession, there is no evidence to tie Savory to the crime, or the scene of the crime.”

Aside from the confession, the only evidence was a pair of bloodstained pants several sizes too big for Savory. They belonged to his father. “They took his pants, not my pants,” Savory says. “My dad was 250 pounds, 5-foot-10. I was barely 5-feet tall, and weighed 110 pounds.”

There was also a small knife with minute traces of blood, considered to be the murder weapon, but which also belonged to Savory’s father. And finally, hair was found in both victims’ hands, but it didn’t match either victim, or Savory, according to a criminologist testifying at the 1977 trial.

Just when it seemed the nightmare was ending for Savory, lo and behold, three witnesses suddenly popped up – siblings from the Ivy family who lived in the community – who swore that Johnnie had made admissions to each of them on separate occasions on the day of the murders regarding the deaths and his

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involvement in them.

Based on that, a second trial was ordered for Savory, again asking for the death penalty. Largely based on the Ivy's testimony, he was convicted again and sentenced to 40-80 years.

After that second trial, all three Ivy siblings eventually recanted their testimony, saying they lied. But Johnnie Lee Savory remained in prison for 30 years until 2006, when he was finally paroled, thanks to the help of Northwestern University's Center on Wrongful Convictions, after being denied parole 26 times previously.

### **Railroaded**

Savory was in prison from the age of 14 until he was 44 – two-thirds of his life, almost 11,000 days – railroaded by the criminal justice system. What galls him is the role Black people played in throwing him under the bus.

It's believed, and reportedly there was a deathbed confession, that the murders were committed by a member of a prominent Black family in Peoria, and Johnnie was used as a scapegoat to protect them, especially because he was the last person from outside the home to have seen the victims alive the night before and it was easy to pin the rap on him.

Complicit in this frame-up, Savory believes, were Black officers on Peoria's police force, one of who had personal animosities towards Johnnie's father.

"The police knew I wasn't guilty. My community knew I wasn't guilty because the mothers, the grandmothers, the big sisters, the aunts – all the women came out in full force to support me, to get me lawyers," says Savory. He says that his godmother Octavia Marie Burchett, in particular stood like a beacon in his defense, as did the white Vielburgs, a prominent Peoria family. "But the Black men didn't. The Black men were on the other side, with the police," Savory says.

It was a Black detective, he claims, "who forced the three witnesses – who did not appear at the first trial – to testify falsely that I had made admissions to them about the murder. I have affidavits from all three witnesses saying that two individuals, one being this particular Black cop, forced them into testifying. The juvenile prosecutor at the time testified that these witnesses couldn't have known anything.

"We have never held those accountable in our communities for the lies and things they have done to us," Savory continues. "We're walking around always blaming the White man. The White man didn't do this one, partner. You did this because you disliked the one you saw in the mirror – not me – because I didn't do anything to you. Nothing."

### **Behind Bars**

And yet, there he was, locked up for as long as he could envision.

"Even though I was serving time, I wasn't supposed to be there," Savory says. "I was supposed to finish high school, graduate, go on to college or whatever my life would have been set up to do, according to my dream. That dream was interfered with. And there were not a lot of people in my situation in the country at the time. I was 14 years old and convicted of a double murder."

In prison, Savory completed his GED, started college and earned two vocational education certificates in electronics and auto bodywork. He says so matter-of-factly, seemingly not angry, not bitter, and if you didn't know his story, from outward appearances, you'd never guess his story.

"But I did go through those emotions," Savory says. "I was bitter. I was angry. I couldn't think. I couldn't process what had just happened. So I started reading anything I could get my hands on that had something to do with, or that my life paralleled in some kind of way, to help me to understand what had happened to me.

"I had to go on a new journey. The journey took me to the 1930s, to the Scottsboro Boys and the mothers of those boys. There was no question that they knew they were innocent. They hadn't done anything to those two women. Emmett Till – we were born on the same day in the same month. We both were 14 years old when we suffered a mockery of justice."

The biblical story of Joseph, falsely imprisoned yet showing no anger while being steadily protected and anointed by God, is what Savory most identifies with. "I can only contribute my journey to the grace of God, period. Nothing else," he says. "God communicated with me and sent me good people inside and outside."

Those good people helped Savory build a groundswell of support that helped lead him to freedom. In prison he worked tirelessly to "let everyone know every day that I was there that I wasn't supposed to be there," in

his words.

Savory made videos of his case that he sent to media and wrote letters about his innocence to people all over the world. And he got one key response, from U.S. District Judge Prentice Marshall Sr., who asked his law firm, Jenner & Block, to look into the case.

Their participation snowballed the public support for Johnnie and soon, added to his base of Peoria believers came top names like former Illinois Gov. James Thompson; U.S. Senator Adlai Stevenson III; five former U.S. Attorneys, including Thomas Sullivan, Dan Webb, Sam Skinner, Anton Valukas, and Scott Lassar; Rubin "Hurricane" Carter, and authors John Grisham and Studs Terkel.

Steven Drizin, legal director at the time for Northwestern's Center For Wrongful Convictions of which Rob Warden is executive director, secured Savory's parole and brought him home from jail, with valuable assistance from attorneys Josh Tepfer and Laura Nirider. Unfortunately, the Hon. Judge Marshall died in 2004, two years before he could see the innocent man to whom he lent a hand released from prison.

### **Justice and Innocence**

Since Savory has been freed, he spends his time volunteering with Northwestern's Center to help those newly released from prison to re-integrate back into society by securing documentation for them and the like.

He also works security for Operation PUSH and is an occasional special aide to Rev. Jesse Jackson Sr. Through the efforts of his long-time friend Jonathan Jackson – they used to play chess together – Savory went to PUSH and has created a platform to help give the innocent a voice.

He sits on the re-entry committee for the Chicago Coalition for the homeless and spent three years with St. Leonard's Ministries' re-entry program on the West Side. Savory attends the Innocence Network Conference every year as a guest of Northwestern and is a welcome fixture as a motivational, inspirational, and authoritative speaker on the exoneration and Innocence Projects scene, even though he's not been exonerated himself...yet. He's spoken at Harvard University about his experiences.

Savory says that when he goes around to various speaking engagements, people often say, "Well, Johnnie, you'll be so happy when you get justice."

"I say, 'Justice from where?' I can't get any justice. If you're innocent but convicted and sentenced to prison, you do not receive justice. I can get truth, but I can't get any justice. Justice is a preventive measure to keep injustice from taking place.

"Anyway, I'm not looking for justice. I'm only looking to make it right. You took 30 years of my life – how do you justify it. You cannot. The only thing that can make it right is by telling the truth, that what we did to him is wrong."

Savory notes that the Constitution and the Bill of Rights were set up to prevent the wheels of justice from ever squeaking.

"In the sixth amendment, there is the compulsory right to a fair trial. In the 13th amendment, it says no one should be held in involuntary servitude unless duly convicted. Duly means fair. That means you do not plant evidence. Prosecutors do not conspire to coerce witnesses to commit subordination perjury. Prosecutors do not block the administration of justice from going forward by misusing their elected or appointed power," Johnnie says.

"That means if you have DNA going in the door, when you do your forensic evidence, you talk to your witnesses – you do all those investigative things before you even charge a person with a crime. That's how it's supposed to be. You can only receive justice when they do the right thing in the process from the beginning. Proper investigation, admissible evidence – when you fabricate those things, you are committing a crime," says Savory.

"Justice is a vanguard that protects the truth and your human rights. We're not talking about a violation of my Constitutional and civil rights – we know you violated those already. But you violated my most important right – my human right. You took that away, you kidnapped me from society, and you didn't have any right to do that."

### **Timothy Cole's Tragedy**

According to the National Registry of Exonerations, there have been 1,409 exonerations in the United States since 1989, cases in which a wrongly convicted person was cleared of all charges based on new evidence of innocence.

DNA testing has exonerated 317 of them since Chicago's Gary Dotson was the first person cleared by DNA in 1989, according to [innocenceproject.org](http://innocenceproject.org). Of those 317 exonerated by DNA, 199 are Black. The average length of time they wrongly served was 13.5 years and the total number of wrong years they served was 4,249. Testing also identified the real crime perpetrators in 154 of the DNA cases.

Savory wonders how many have died behind bars already before DNA testing could save them. He has good reason to ponder that question because of the tragedy of Timothy Cole.

The African-American Army veteran and Texas Tech University student died in a Texas prison in 1999 while serving a 25-year sentence for the rape of a fellow student that he didn't commit.

DNA evidence cleared his name 10 years later in 2009, thanks to the work of the Innocence Project of Texas, but Cole died of a severe asthma attack at the age of 39 after serving 14 years behind bars.

Not only did the DNA clear Cole, but a convicted rapist who was implicated by the DNA testing had confessed to the rape in several letters sent to court officials that dated back to 1995, four years before Cole died.

Some good – if there can be such a thing in a situation like this – came from Cole's misfortune. This first posthumous DNA exoneration in Texas' history led to numerous changes in Texas law, as well as the state's first posthumous pardon, by Gov. Rick Perry in 2010.

A bill was passed in Cole's name in 2009 making those falsely convicted of a crime eligible for \$80,000 for each year of incarceration and providing them with free college tuition. The bill also established a panel to study the causes of wrongful convictions and devise ways to prevent them.

Cole's family received about \$1.1 million for his wrongful imprisonment and an apology last December from Lubbock, Texas, the city that wrongfully convicted him. However, the apology came two months after Cole's mother died.

Next month, on September 17, exactly 28 years after Cole's conviction, the city of Lubbock and the Innocence Project of Texas will unveil a 10-foot-tall bronze Timothy Cole Memorial Statue on the Texas Tech campus. The area will also be dedicated as the Tim Cole Memorial Park.

Savory is planning to attend the event out of respect and to speak at the ceremony if he is allowed.

Savory also points to Patsy Ramsey, mother of six-year-old JonBenet Ramsey, the child beauty contestant whose still unsolved murder on Christmas night 1996 placed the Ramsey parents under a worldwide torrent of suspicion for involvement in the crime.

A new type of DNA testing not available at the time of JonBenet's death officially cleared the Ramseys of involvement in 2008, but Patsy died two years earlier from ovarian cancer, still under a cloud of suspicion as a suspect in the killing of her child.

### **The Innocence Tour And Mission**

"The wheels of justice turn slowly for those waiting in the balance to be exonerated," Savory says. It's clear that his experience has made innocence and exoneration his mission, probably for the rest of his days.

The fruits of his unfortunate labor are already showing. Since the beginning of his ordeal 37 years ago, Savory has sought to clear his name through testing of evidence, but the courts denied him.

When Illinois passed its DNA statute in 1998 offering testing to those who claim wrongful conviction, Johnnie was first in line in the state to seek testing, but he was denied until last year. His case, however, led to a broad interpretation of the DNA statute that enabled hundreds of other wrongfully convicted defendants to get DNA testing, many of whom have been exonerated.

Also, his coerced confession at the age of 14 was among a number of similar cases that led to changes in Illinois law in 2003 and 2013 calling for the electronic recording of juvenile confessions.

Next year, in May 2015, Savory plans to take his show on the road with his Innocence Tour, which is patterned after Willie Nelson's Farm Aid. He will be an evangelist and advocate for innocence, raising awareness and money for the cause as he travels the country.

"I'm trying to get sponsorship to buy a bus (or two), put the American flag on one side, the Bill of Rights on the other side, put some innocent people's faces in the stars, and tour the country," Savory says. "I want to go to each Innocence Project in each state and highlight two cases they currently have to bring awareness to this whole situation."

Savory's fledgling Innocence Project is currently the only Black one in the world, following the late Hurricane Carter's effort in Canada.

"It's time that innocence has a voice from within. It has not had that," Johnnie says. "But innocence is spreading, let me tell you. There's an Innocence Project in every state, in Canada, and now in South Africa, Europe, China, and Nicaragua – that's how fast it's spreading.

"You've never seen this many people exonerated before. All over the world, you're going to recognize injustice. That day is here already and you can't do anything to stop it. It's our job. It's our watch. It's our time. I'm not here by coincidence. The scales of justice weren't balanced for me, but God balanced me out.

"I believe this: it's never God's design for you to suffer anything, and what man did for evil in my life, God turned it around and gave it purpose and meaning for goodness. God is using me to raise the consciousness as to what we're allowing to take place in our community, across this country and outside this country," Savory says.

"God most definitely is using me and so many others to right the wrongs of man as it pertains to those being kidnapped from their homes and schools and jobs and what have you, so I am standing with those who historically would stand against those who would wrong you."

(For more information on the Johnnie Savory case, visit his website at [thesavoryfiles.org](http://thesavoryfiles.org).)



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## Governor commutes Johnny Lee Savory's sentence

By GARY CHILDS (gchilds@pjstar.com)  
of the Journal Star  
Posted Dec 06, 2011 @ 09:23 PM  
Last update Dec 07, 2011 @ 04:50 PM

PEORIA —

A Peoria man, initially convicted of murder in 1977 when he was 14, had the final 34 months of his sentence commuted Tuesday by Gov. Pat Quinn.

Johnny Lee Savory, 49, had been out on parole since Dec. 19, 2006. Unlike the majority of the beneficiaries of Quinn's decision, Savory was granted neither a pardon nor expungement.

Before the governor's action, Savory was scheduled to complete his sentence on Oct. 3, 2014.

Savory was tried twice for the Jan. 17, 1977, slayings of James "Scopey" Robinson, 14, and his sister, Connie Cooper, 19. They both were stabbed repeatedly in their Peoria home.

The first conviction was overturned by the Third District Illinois Appellate Court, which determined suspect Savory's alleged confession was involuntary and his Miranda rights were violated.

He was retried in 1981 and found guilty on two counts of murder. Two of the three star informants who testified in the second trial recanted their testimony two years later.

Throughout his incarceration, Savory maintained his innocence.

His repeated requests for DNA testing, which Savory said would exonerate him, were denied.

The Center on Wrongful Convictions at Northwestern University School of Law took up Savory's cause.

He also was supported by 30 former prisoners who were exonerated by DNA testing.

The Illinois Prisoners Review Board voted 10-4 in favor of Savory's parole after nearly 30 years in custody. One of the votes against Savory's release was cast by former Peoria Police Chief John Stenson.

The board's decision appalled then-Peoria County State's Attorney Kevin Lyons.

"The people of Peoria should be bitterly and outrageously disgusted by the causal consideration and the forceful advocacy of the parole board members who were clearly chomping at the bit to parole this double murderer," Lyons said at the time.

Also opposed to the parole was Noyalee Robinson, the mother of the two victims.

"He's an evil man," Robinson was quoted as saying. "I don't think he should ever be free.

"He's out, and my children are underground somewhere. I just hope and pray this doesn't happen to anybody else."

Gary Childs can be reached at 686-3257 or [gchilds@pjstar.com](mailto:gchilds@pjstar.com).

[http://www.justicedenied.org/issue/issue\\_26/johnnie\\_savory\\_jd\\_issue26.html](http://www.justicedenied.org/issue/issue_26/johnnie_savory_jd_issue26.html)

## **Journey For Justice - The Johnnie Lee Savory Story**

By Johnnie Lee Savory, II

Edited by Natalie Smith Parra, JD Editor

### ***Justice:Denied* magazine, Issue 26, page 4**

I was fourteen years old on January 18, 1977. At approximately 4:30 pm on that day my friend, 14-year-old James Scopy Robinson, Jr. and his 19-year-old sister Connie Cooper were found murdered in their home at 3033 W. Garden St., Peoria, Illinois. They were found by their step-dad William Peter Ellis Douglas and their mother Noyla Robinson.

On January 25, 1977, at approx. 3:00 pm, I arrived at Late Afternoon High School. I was on my way to class when I was stopped by the school principal Mr. Sam Richardson. Mr. Richardson took me to the teachers' lounge where two men who introduced themselves as detectives from the Peoria Police Department were waiting. They asked me if I knew James Robinson, and I said yes. They asked me if I could tell them anything helpful about the case and I said no, that I didn't want to talk to them. Somehow they persuaded me to come to the station with them.

The next thing I knew I was sitting in a 5 by 9 interrogation room. The detectives questioned me and showed me photos of parts of the crime scene. The interrogation lasted for a couple of hours, and then they asked me if I was hungry. I said yes. They gave me a root beer and a candy bar. I asked if I could go home but they didn't respond. The interrogation continued until about 9:30 pm, at which time they allowed me to speak with my probation officer, Percy Baker, Jr. The Detectives came back into the interrogation room and asked me would I agree to take a polygraph test. I said yes. I asked again if I would be allowed to go home and they still gave no response.

At approximately 10:05 p.m., Detective Charles Cannon, Percy Baker, a couple of other detectives and I left the Peoria Police Department. They drove me downtown to the polygraph examiner's office. They introduced me to the polygraph examiner Mr. Jenkins and he questioned me for about an hour. On completion of the examination Mr. Jenkins stepped out of the room. A few minutes passed. When Mr. Jenkins returned, the detectives and my probation officer accompanied him. One of the Detectives read me my rights according to law. Once again I asked if I could go home. One of the detectives said that they were going to keep me overnight at the Gift Avenue Detention Center. I was finally processed in a little after 12 a.m.

At 8:00 the next morning an officer from the Peoria Police Department arrived to take me to the station and within ten minutes of arriving at the station interrogation began again and lasted until about 10 a.m. I was allowed to see my dad, but he was so angry that neither of us could communicate. The interrogation resumed at 10:30 a.m. A few minutes into the interrogation I was asked to give up the clothes I had on. I was escorted into the men's room where the forensic officer was waiting. He asked me to strip all the way down. The forensics officer placed my clothing in a bag, and then he said he was going to take a few hair samples. Although I was nervous, I allowed him to pluck hairs from all over my body with a pair of tweezers. When he was finished he gave me a jumpsuit to wear. At around 12 pm, they brought me some new clothes. They asked me if I was hungry and I said yes. They brought me some food.

The interrogation resumed at approximately 1 p.m. and lasted until about 5:30 p.m., at which time I asked the Detectives when could I go home. Once again they did not answer. They asked me if I would be willing to take another polygraph test and I said yes, if I can go home afterward. They said, "We'll see." At 6:00 or 6:30 pm, I was taken to the polygraph examiner's office and this time I was introduced to a different polygraph examiner. The examination lasted 10 or 15 minutes. The examiner Mr. Bowers began calling me a liar and a murderer. As the tears were rolling down my face, I asked to see Officer Brown. When she came in, I turned to her and said, "Okay, I did it." Officer Brown asked me how I did it and I said I didn't know, so she began to guide me as to which words to use and I agreed with whatever she said. Then I said, "I've done what you've asked of me, now can I go home because I haven't killed anyone?" Officer Brown said, "You're back tracking." The detectives read me my Rights and returned me to the police station. At the station the detectives asked me to give a signed statement. I refused and said that I hadn't done anything, that I didn't do it.

Because I was 14 years old, they brought me before a juvenile judge. That judge decided that I should be tried as an adult. My attorney was Richard Burgess.

At my preliminary hearing my attorney Mr. Burgess kept trying to bring to the court's attention, that the evidence in this case strongly pointed to the victim's step-dad William Peter Ellis Douglas. The Court asked Mr. Burgess to stick to the matter at hand because Mr. Douglas was not on trial. My attorney continued to ignore the court's warnings and finally Judge Stephen J. Covey held Mr. Burgess in contempt of court. He was taken into custody. The Judge asked me to rise. He told me I would have to get myself another attorney or that the court would appoint one for me. I had no idea what the Judge was talking about. I was taken back to Gift Avenue Detention Center and placed in solitary confinement.

I received a visit from Mrs. Octavia Burchett and Mrs. Bernice Lawton, two mothers from my community. They told me not to worry, that they were going to raise the money to hire an attorney to help me. They hired Attorney Jack C. Vieley. A few weeks later I received a visit from Ms. Sloan Jordan, Mr. Vieley's secretary and investigator.

Around April or May of 1977 my attorney and the state began picking the jury from a pool of about 300 whites.

The state presented the following evidence in the first trial to support their "theory" that I murdered my friend James while practicing martial arts, then blanked out and killed his sister.

### **State's evidence in the first trial**

- My illegal confession.
- A pair of bloodstained pants belonging to my dad. The state alleged that the blood on the pants matched the victim Connie Cooper's blood.
- A three-inch pocketknife from my dad, with possible blood on it.

### **Defense evidence**

- Testimony from Albert and Georgia Smolley that I was at their home on January 18, 1977, the morning of the murder until 9 a.m. when I left with Mr. Smolley to go look at a new car he was considering buying. We returned to their home at approximately 10 a.m.
- No fingerprints of mine were found in the victim's home, on anything. Hairs were found in both victims' hands and the hairs did not belong to me or to the victims, according to the testimony of state's witness Robert F. Gonowski, Criminologist.
- Motion to suppress the confession was filed with the Clerk of the Tenth Judicial Circuit Court because I was illegally interrogated for nearly 20 hours after I told the detectives that I did not want to talk with them. I wasn't allowed to leave even though I wasn't a suspect.

In July of 1977, the jury deliberated for about two hours before returning a verdict of guilty. I was sentenced in August of 1977 to 50-100 years in prison.

While in maximum security for juveniles, located in Joliet, Illinois, I received a visit from the Head of the State Appellate Defender's Office, Mr. Theodore A. Gottfried. Mr. Gottfried assured me that I would get a new trial.

In April of 1980, the Third District Appellate Court, ruled unanimously that the confession was illegal, my case was reversed and remanded back to the 10th Judicial Circuit of Peoria County, Illinois. The State appealed, and the Illinois Supreme Court and the United States Supreme Court agreed with the Appellate Court's decision.

Michael Mihms, former State's Attorney of Peoria County in 1977, now Chief Justice of the United States Central District Court, located in Peoria, Illinois said, "...Without the confession its impossible to retry Johnnie Savory, so that's it, he won't be retried." Peoria Journal Star News Paper (1981)

John Barra, State's Attorney of Peoria County in 1981 was quoted: "...Without the confession, there is no evidence to tie Savory to the crime, or the scene of the crime." Peoria Journal Star News Paper (1981)

In February 1981, I was brought back to Peoria, Illinois to stand trial or be freed. Moreover, there was no evidence and no witnesses to testify. Approximately 6 weeks after my return, the state produced three witnesses from the same family. Ella, Tina and Frankie Ivy, all claimed that I made admissions to each of them regarding the deaths of the victims on separate occasions on the day of the murder (January 18, 1977).

A few weeks before my scheduled trial was to begin, my appellate counsel and friend Mr. Gottfried sent an appellate defender investigator down to assist my trial attorney Mr. Vieley. Investigator Charlie Peters was able to interview Frankie Ivy and at that interview Frankie agreed to allow Mr. Peters to tape the interview. Frankie told Mr. Peters that he had lied to the police regarding my making admissions to him about the murder.

About two before my trial was scheduled to begin, another of the Ivy brothers, James Ivy, contacted my attorney from the Peoria County Jail and stated that the Peoria Police were willing to make him a deal if he would testify against me. My attorney did nothing.

The second or third week in April of 1981, my second trial began. Once again, my attorney and the state picked a jury from a pool of 50 whites. This time because of a change of venue the trial was held in Waukegan, Illinois.

### **State's evidence in the second trial**

- The bloodstained pants belonging to my dad, allegedly with the victims' blood on them.
- The Ivy's testimony claiming that I made admissions to each of them on separate occasions about the murder of the victims on January 18, 1977.
- The testimony of Robert F. Gonowski, Criminologist, who testified that blood on the pants matched the victim Connie Cooper's blood.
- Testimony from Dr. Phillip Immesoete, Coroner's Physician of Peoria County, IL, who testified that both victims died an hour and half after eating and that both victims had the *same food content in their upper stomachs*. The actual report shows that Dr. Immesoete committed perjury during my second trial.

### **Defense evidence in the second trial**

- The Court gave my trial attorney Mr. Vieley permission to play the tape recorded statement of state's witness Frankie Ivy. The court heard the tape, and then asked my attorney to lay the foundation for the jury to hear the tape so it could be admitted into evidence. My attorney shocked the court and everyone in it when he refused to lay the foundation by calling Investigator Charles Peter to testify.

On May 1, 1981, after 5 hours of deliberation, the jury returned a verdict of guilty. I was returned to the Peoria County Jail. About a week later my attorney filed a Motion for a New Trial. My attorney called former Assistant State's Attorney Joseph Gibson to testify. Mr. Gibson testified that the reason they did not call the Ivys' to testify in the first trial is because it was determined after interviewing them in 1977 that their testimony had no evidentiary value. The Court denied the motion and sentenced me to 40-80 years imprisonment.

### **Post-trial proceedings**

All my state and federal appeals were denied. However, in *Savory v. Lane*, 832 F.2d 1011 (7th Cir. 1987) Id. at 1019, the United States 7th Circuit Court of Appeal said,

“...In sum, the record does not support the assertion that the defendant admitted to three witnesses that he had stabbed the victims and they were dead before the bodies had been discovered, or that he gave detailed description of the wounds before that discovery.

Neither do they support the statement that he admitted his presence and complicity in the killings.

The Ivy's testimony thus had less probative force than the Appellate Court's summary suggest.

Accordingly, we cannot accord a presumption of correctness to that Court's finding.

... However, even independently reviewing the harmless error question and recognizing the problem with the Ivy's testimony, we believe the errors were harmless beyond reasonable doubt.”

In 1997, then the Honorable Jim Edger, Governor of the State of Illinois signed into law (725 ILCS 5/116-3) authorizing DNA Testing for all who had maintained their innocence, even though they had been convicted with eyewitnesses and other circumstantial evidence. This new law would only be afforded to those who did not have access to DNA Technology at the time of their trial. On January 1, 1998, the new DNA testing Law took effect. Shortly thereafter, my attorney Professor Richard S. Kling, from Kent College School of Law, filed a Motion requesting DNA Testing on a pair of bloodstained pants belonging to my dad, the pants that the prosecution had claimed had the victim Connie Cooper's blood on them. He also requested fingernails scrapings for hairs and other materials from both victims.

Also, attached to the Motion were affidavits from Frankie and Tina Ivy recanting their second trial testimony, admitting that they had lied.

I believe on June 9, 1998, Judge Robert A. Barnes, denied my motion for DNA testing, citing other overwhelming evidence; however, Judge Barnes never mentioned what the overwhelming evidence was. After this, my attorney Mr. Kling abandoned the case. I

then prepared my Motion For Reconsideration and Judge Barnes denied that motion citing the previous ruling. I filed for a Notice of Appeal and Mr. Theodore A. Gottfried, State Appellate Defender, took my case. He filed my appeal in the Third District Appellate Court. That appeal was denied in December of 2000. Moreover, the Honorable Justice William Holdridge, wrote a dissenting opinion, in which he says that his colleagues were wrong, that I was entitled to DNA testing on the bloodstained pants and the fingernail scrapings.

My case was then appealed to the Illinois Supreme Court. On May 24, 2001, my appeal was denied. Justice Mary Ann McMorrow, wrote the opinion, citing other overwhelming evidence, the Ivy's testimony, the testimony of Dr. Immesoete, the testimony of Robert F. Gonsowski, and my alleged knowledge of the crime scene before the bodies were discovered according to the Ivys'.

My trial attorney Jack C. Vieley, failed to present the following indisputable evidence at my second trial. This evidence could have proved my innocence and impeached all the state's key witnesses:

- Obtain affidavits from Percy Baker, Jr., Sherman Jones, Officer Glen Perkins, Ken Falls and Jerry Ceisler; all would have testified that I was with each of them when the Ivy's testified under oath that I was with them on the day of the murder; the facts and the records will clearly show the Ivy's committed perjury.
  - Trial attorney failed to introduce evidence of my dad's blood group and type, even though he had it in his possession at the second trial. Mr. Vieley subpoenaed Methodist Hospital in Peoria, Illinois to release my dad's blood group and type and the hospital complied.
  - Trial attorney failed to introduce evidence at my second trial of the victims' actual blood grouping and types.
- Trial attorney failed to introduce copies of the original autopsy reports to impeach Dr. Phillip Immesoete's second trial testimony regarding the death of the victims.
- Trial attorney failed to request the court to order forensic testing of hair samples taken from the victims' parents, even though the step-dad was the first suspect in this case; moreover, both Officer Vogle and the mother noticed welts under William Peter Ellis Douglas's eye the day of the murder.

Moreover, my innocence could have been proven beyond all doubt with "one" single piece of evidence: The victims' family dog was that evidence. The victims' family dog was a full-grown German shepherd (Trouble Man). This dog was known for his protectiveness of the entire family, especially James, Connie and the baby, according to the testimony of both parents and friends of the family. I had only been to the victims' home one time, the day before the murder on January 17, 1977. Both parents gave statements to the police and testified under oath in both trials that the dog was at large in the house when they arrived home on January 18, 1977, the day of the murder, their home was a one story flat.

As of November 2004 I have a Petition For Executive Clemency pending before Illinois Governor Rod Blagojevich based on the indisputable evidence of my innocence. This

petition includes new affidavits in which Frankie and Tina Ivy state they lied during my second trial under pressure by Detective Charles Cannon and Peoria police officers. Among the many people who have sent the Governor letters in support of my petition are: Rubin Hurricane Carter, Exec. Dir., Assoc. in Defence of the Wrongly Convicted; Kate Germond, Asst. Dir., Centurion Ministries; Colin Starger, Staff Attorney, Innocence Project at Cardozo School of Law; and Prentice H. Marshall, attorney and former U.S. District Court Judge. If you want to send a letter supporting my clemency petition, it must be mailed directly to:  
Governor Rod Blagojevich  
207 State House  
Springfield, IL 62706

In closing, I thank you in advance for the opportunity to share my story with you. I assure you that all the facts I have expressed herein are true, and I have the documents to support those facts. God Bless.

My attorney's are with the firm of Jenner & Block: Christopher Tompkins (312) 840-8686 & Matthew Neumeier (312) 840-7749.

Key outside supporters are:

Beverly Vilberg, Treasurer, CCCJ, (309) 676-1123

Ted A. Gottfried, Attorney, State Appellate Defender, (217) 782-7203

Ms. Win Wahrer, Exec. Asst., Assoc. in Defence of the Wrongly Convicted (416) 504-7500.

The Free Johnny Lee Savory website is at:

<http://friends.peoria.lib.il.us/community/freejohnny.html>

<http://friends.peoria.lib.il.us/community/freejohnny.html>

# **Free Johnny Lee Savory**

**Peoria, Illinois**

## **...In The Interest of Justice.**

In 1977, fourteen year old Johnnie Lee Savory was abducted from his home and family by the Peoria Police Department and placed in the worst possible foster home. His new father was the Criminal Judicial System; his new mother was Lady Justice. His new siblings were all inmates of the Illinois Department of Corrections. Johnnie was forced into the worst of dysfunctional families by a system that has no regard for human life, no interest in seeing true justice served. The Judicial System and the State's Attorney will try to trick you into believing that justice has been served by convicting an innocent boy for crimes he did not commit. Lady Justice stands blind and helpless while the System attempts to destroy yet another life. We, the taxpayers and citizens of Illinois, cannot allow the crimes of a system that we must support financially to continue to victimize an innocent human being for crimes HE DID NOT COMMIT. Twenty years have been allowed to pass while these "kidnappers" of Johnnie Lee Savory have arrogantly believed that their abuse of an innocent child will go unnoticed. They have counted on the fact that we, the people from Johnnie's community, would believe these absurd claims of justice served and not take a stand to end this type of systematic abuse.

### **THE TIME TO FIGHT HAS COME!!!**

We must unite our voices and demand that Johnnie Lee Savory to be freed from his wrongful imprisonment. We cannot let Johnnie suffer and face his situation along for one moment longer. He is now a man, an innocent man, yet no longer powerless to overcome the injustice that has been his burden for these long years. We must cry out for his freedom and become a part of his struggle.

### **THE FACTS**

On January 17, 1977, James Robinson, 14, and his 18 year old sister, Connie Cooper, were murdered in their Peoria home. By all accounts, it was a gruesome, senseless waste of life. It is no less to Johnnie Lee Savory. James was a close friend of Johnnie's, a friend with whom he attended school. Grieving for the loss of a close friend at age 14 is painful enough. Imagine the pain in having to fight for your own life in the process. Johnnie Lee Savory was convicted for the murders of his friend and his friend's sister. For 22 years, his life has been a living hell. To fully comprehend Johnnie's misery, you have to look at the facts of the case. He was convicted on one piece of evidence; coerced, inculpatory statements made after hours of grueling interrogation. Statement, which on appeal, the

Court deemed never should have been allowed. On January 25, 1977, Johnnie Lee Savory was abducted from his school by the Peoria Police Department, vigorously interrogated, stripped naked so hair sample could be taken from his body, and coerced into confessing to a crime that he had not committed. This confession was the sole piece of evidence the State had to justify their torture of this young boy. There was no physical evidence linking Johnnie to the crime scene.

\*According to Police and lab reports, "...fingernail scrapings (from the right hand of Connie (victim), and hair taken from Connie's right hand, hair from Robinson's left hand..." "None Match Savory's" "fingerprints found in the home of the victims... NONE MATCH SAVORY'S"

Another startling fact that is unquestionably in Johnnie's favor was the family dog. The presence of the dog in the Robinson's home at the time of the murder alone is proof of Johnnie's innocence. The dog was very protective of James and Connie. He would not let any stranger in the Robinson home. Testimony from the victims mother, stepfather, relatives, and family friends, all affirm the fact that the German Shepherd was ferocious, and affirm that the dog had to be locked away from people whom he did not know.

\*Troubleman (the dog) had a record, longer than some criminals, for biting strangers and violent behavior.

\*Peter Douglas (victims' stepfather) says the dog was loose in the house when he arrived home and found the bodies of the victims.

\*Peter Douglas told police that the dog would bite a stranger, therefore the murderer would have had to be known by the dog to enter the house. Johnnie's first visit to the Robinson home was the night before the murders took place. At that time, the dog had to be locked in another room for the duration of the time Johnnie was in the home.

\*Renatta Williams (a family friend) says that the dog is vicious. Police say the dog had to be segregated during the investigation of the crime scene.

\*According to one police report, "The dog barked and jumped at the door at 10:00 a.m., 1/18/77, when a Del Farms salesman delivered a pamphlet to the home.

In 1980 the Illinois Third District Appellate Court ruled that Johnnie's confession was illegally obtained in violation of his state and civil constitutional rights. He was never read his Miranda rights at any time prior to interrogation by Peoria Police and his right to have a parent present during interrogation was denied.

\*The State appealed to the Illinois Supreme Court to overturn the Appellate Court decision... That Appeal Was Denied!

\*The State then appealed to the United States Supreme Court...Their Appeal Was Denied!

\*State's Attorney Michael Mihm was quoted as saying, "We cannot retry him (Savory) without his statement, so that's it, he won't be retried again."

\*State's Attorney John Barra was quoted as saying, "Without it (the confession) there is no substantial evidence to tie Savory to the crime or the scent of the crime. I don't know how it would be possible to try him without it"

Johnnie returned to Peoria County with absolutely NO EVIDENCE against him. Surprisingly, the State was able to coerce three members of the same family (Frank, Tina, and Ella Ivy) to testify under oath that Johnnie had made admissions to each of them on the day of the murders concerning the deaths of James Robinson and Connie Cooper, adding the Ivy family to the then growing list of victims in order to secure an otherwise nonexistent conviction.

\*In 1977, statements taken from the Ivy family made no mention of Savory's alleged admissions to them concerning the deaths of the two teenagers.

\*During the second trial, Frank Ivy agreed to a taped interview with Charlie Peters, an investigator from the Appellate Defender's Office. During that

interview,

Frank admitted that Savory had never made Any statements concerning the deaths of the victims.

\*In a written recantation, Tina Ivy states that she was

facing

criminal charges herself, that Johnnie made admissions of guilt to her on the day of the murders.

Based on the testimony of the Ivy family, Johnnie was once again convicted of these crimes. In 1983 Frank and Tina Ivy contacted Savory's attorney of their own free will, and gave sworn affidavits that they had lied during the second trial in 1981. The Judicial System again denied Johnnie's freedom in their efforts to secure their own political positions and to cover up the truth.

## DNA TESTING

In the second trial, a pair of bloody pants that didn't even belong to Johnnie Savory, were admitted into evidence and used by the State to deceive the jury into believing that there was physical evidence that would link him to a crime. DNA testing was not available at the time of the second trial. Recently, the Governor of Illinois signed into existence a law that allows persons the opportunity to request DNA testing in their case, if it was not available at the time of the crime, and would affect the outcome of the conviction. A motion has been filed on Johnnie's behalf to request DNA testing of the physical evidence in his case. Our plea is for you to join the fight for Johnnie's freedom and demand that the truth finally be brought to life. If you are willing to join the struggle and would like more information surrounding the facts of the case, please fill out the attached form and add your name to the growing list of supporters to fight for the freedom of an innocent man!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

## STATE OF ILLINOIS PRISONER REVIEW BOARD

Name Johnny Savory No. L-12206 Date April 30, 1998

Rationale

The basis for the Board's decision at this time is explained as follows:

L-12206

On April 28, 1998 at Danville Correctional Facility an interview was held with Mr. Savory who testified on his own behalf. As a result of this hearing, an assessment was made of his institutional adjustment, prior criminal activities, parole plans and the statement of facts of the offense.

Mr. Savory is 35 years of age and has served 21 years of a sentence of 40-80 years for two counts of murder. The facts of the offense are as follows: On January 18, 1977 James Robinson, age 14, and Connie Cooper, age 18, were murdered. Both were stabbed and slashed several times. Johnny Savory, age 14, was arrested. He was convicted on July 1, 1977 and sentenced to 50-100 years. In 1980, the conviction was overturned, a new trial was held and in 1981 he was again convicted and sentenced to 40-80 years. He maintained his innocence and is presently requesting that his attorney Mr. Ted A. Gottfried, State Appellate Defender, have D.N.A. testing of certain evidence. (Mr. Gottfried's web address is [www.state.il.us/defender](http://www.state.il.us/defender))

His institutional adjustment is good. He has received his G.E.D., a certificate for auto body, electronics, and paralegal. He has received no institutional disciplinary reports since 1994.

Since he was only 14 at the time of the crime Savory has no criminal history. There is one juvenile case for burglary, which was dismissed.

MR. JOHNNY LEE SAVORY IS COMING UP BEFORE THE PAROLE BOARD  
APRIL 27, 1999.

### **Support Letters**

INSPIRATIONAL SUPPORT LETTERS CAN BE SENT DIRECTLY TO:

C/O JOHNNIE L. SAVORY, II  
REG. NO. L-12206  
DANVILLE CORR. CENTER  
P. O. BOX 4002  
DANVILLE, ILLINOIS 61834-4002

I support the following in the case of Johnnie Lee Savory and am willing to take a stand in defense of his innocence.

CHECK ONE OR MORE OF THE FOLLOWING:

1. IMMEDIATE DNA TESTING /\_\_\_\_/
2. NEW TRIAL /\_\_\_\_/

3. A FULL PARDON BY THE GOVERNOR OF ILLINOIS /\_\_\_\_/
4. AN IMMEDIATE RELEASE FROM PRISON /\_\_\_\_/
5. REOPEN THE CASE FOR FURTHER INVESTIGATION /\_\_\_\_/

(Optional)

Name: .  
Address: .  
City/State .Zip .  
Phone: .

IN SUPPORT OF JOHNNIE LEE SAVORY SEND ALL RESPONSE, REQUESTS FOR MORE INFORMATION, AND DONATIONS FOR LEGAL FEES AND DNA TESTING TO:

Mr. Lewis Donley  
2015 West Antionette Street  
Peoria, Illinois 61605

PLEASE FEEL FREE TO COPY THIS INFORMATION AND SHARE JOHNNIES STORY WITH FAMILY, FRIENDS, AND PEOPLE EVERYWHERE!!!!!!!!!!!!!!!!!!!!!!

## **The Wrongly Convicted**

HOW PROCECUTORS SACRIFICE JUSTICE TO WIN

FOUR TRUE STORIES OF THE WRONGLY CONVICTED

Case No. 1  
Debbie Tucker Loveless  
John Harvey Miller both in prison for 5 years

Emory Texas:  
Loveless and Miller said wild dogs killed their 4 yr. Old daughter. Prosecutors charged the parents for beating and stabbing her. After the couple was convicted, their Lawyer obtained emergency room and autopsy photos that prosecutors withheld. Including one whowing paw prints on the girls back. Five scientists studied the photo and said the wounds were consistent with dog bites. The convictions were thrown out in 1993 and the couple were FREED.

Case No. 2

Kirk Bloodsworth – imprisoned for 9 yrs.

Rosedale Md.

Bloodsworth was convicted twice for rape and murder of a nine year old girl. The first conviction was reversed because prosecutors withheld evidence of a suspect who helped search for the girl, knew undisclosed crime details, failed a polygraph and had what looked like blood on his shirt. Prosecutors waited 2 years before disclosing yet another suspect – a mental health patient who closely resembled the killers police sketch and sought counseling at a nearby clinic the day of the murder. Bloodsworth, once sentenced to death, was cleared by DNA testing and freed in 1993.

Case No. 3

Walter McMillian – on death row for 5 years.

Monroeville, Ala.

Even with 7 alibi witnesses, McMillian was convicted of murder. To assure McMillian's Appellate Lawyer wasn't hiding anything, prosecutors gave tape conversations of a key witness implicating McMillian. They heard the same witness complaining of being pressured to frame McMillian. An Appeals Court concluded that prosecutors had suppressed evidence and McMillian's conviction was reversed in 1993.

Case No. 4.

Joseph Green Brown – on death row 13 years.

Tampa, Florida

While trying Brown for murder, the lead prosecutor told jurors the States star witness had absolutely nothing to gain by identifying Brown. That wasn't true. The State had secretly granted the witness immunity against a murder charge and the prosecutors had allowed him to commit perjury by denying any such deal. Brown's conviction was reversed in 1986. Both prosecutors became judges.

These are stories of wrongly convicted individuals.

By:

Mr. Lewis Donley Sr.

## **Help Free Johnny Lee Savory**

Johnnie would like to thank all individuals who read these articles; and if you think this case was an injustice, please help pass this information on to other groups and organizations such as those listed below.

1. NAACP – IN New York
2. American Civil Liberties Union ACLU – in New York.
3. Amnesty International – Canada
4. National Medias – CBS, NBC, ABC, & FOX
5. Any group/orgainzation dealing with justice/fighting against injustice.
6. Harvard Black Law Students Association 617 495-4556 democracy@law.harvard.edu
7. Court TV
8. National Black Media Coalition 301 445-2600
9. National Association of Black – Owned Broadcasters 202 463-8970 / nabob@abs.net
10. National Association of Blacks in Criminal Justice 301 445-2600 office@nabcj.org
11. UCLA Africian American Leadership Institute 310 825-2001  
execed@anderson.ucla.edu
12. National Urban League Inc 212 558-5300
13. National Association of Black Journalists 301-445-7100 nabj@nabj.org
14. Workers World 212 627-2994
15. Chicago Tribune www.chicagotribune.com/go/trial

## **The Wrong Man?**

Peoria Times-Observer investigative reporter DeWayne Bartels started a 4-part in-depth look at the case of Johnnie Lee Savory, a man some believe was wrongly convicted of a double murder when he was 14 years old. Find out why there may be reasonable doubt about his guilt. His first article was in the April 7, 1999 Peoria Times-Observer.

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**INJUSTICE IS A DEADLY CANCER**

**REWARD**

PAID BY THE FAMILY, FRIENDS AND SUPPORTERS  
OF JOHNNIE LEE SAVORY, II

\$10,000

(TEN THOUSAND DOLLARS)

"...WILL BE PAID TO THE PERSON OR PERSON(S) WHO CAN PRODUCE TANGIBLE EVIDENCE THAT WILL PROVE JOHNNIE'S INNOCENCE. NO MONEY WILL BE PAID OUT UNTIL 30 DAYS AFTER HE'S FOUND NOT GUILTY, OR THE CASE IS DISMISSED. AT YOUR REQUEST, YOUR NAME CAN REMAIN ANONYMOUS."

**Mr. Lewis Donley, Sr.  
2015 W. Antionette St.  
Peoria, Illinois 61605**

**Mr. Johnnie L. Savory, II  
Reg. No. L-12206  
P.O.Box 4002  
Danville, Illinois 61834-4002**

<http://www.law.northwestern.edu/wrongfulconvictions/newsandevents/savory.html>

## JOHNNIE LEE SAVORY

### Coalition Seeks DNA Testing For Man Who Insists He's Innocent of Murders That Occurred When He Was 14



Johnnie Lee Savory (Photo: Jennifer Linzer)

**CHICAGO** - Johnnie Lee Savory, 45, spent two-thirds of his life behind bars for a double murder that he says DNA testing can prove he did not commit.

The trouble is that, even though Illinois law guarantees the right to [DNA](#) testing when it is relevant to a claim of actual innocence, the courts have denied that right in Savory's case.

As a result, Savory is asking Illinois Governor Rod Blagojevich to order the testing, which would be paid for privately, at no cost to the taxpayers.

And today Savory was joined in his quest for DNA testing by a broadly based coalition of supporters — including five former U.S. Attorneys, 30 former prisoners who were exonerated by DNA, authors John Grisham and Studs Terkel, and arrays of business, religious, and civil rights leaders, academics, defense lawyers, and past and present and public officials.

Letters signed by the supporters — 212 in all — were released today at a press conference in the offices of the Center on Wrongful Convictions at Northwestern University School of Law.

Lawyers from the Center and the Chicago law firm of Jenner & Block took on the Savory case five years ago at the behest of the late U.S. District Court Judge Prentice H.

Marshall, who in retirement had taken an interest in the case and had come to believe that Savory was innocent.

Although the lawyers succeeded in obtaining Savory's release on parole on December 19, 2006, on-going efforts to obtain DNA testing through the courts have not succeeded. With those remedies exhausted, Savory's only hope of proving his innocence lies with Governor Blagojevich before whom a petition for executive clemency based on innocence is pending.

It is in that context that Savory's supporters are asking the governor to order the testing. There is precedent for that — Governor James R. Thompson did it in 1988 in the case of Gary Dotson, who as a result became the first person ever to be exonerated by DNA. Since that case, DNA has exonerated 209 additional wrongfully convicted prisoners nationally, including 25 more in Illinois.

Johnnie Savory, an African-American, was twice convicted by all-white juries of the murders of teenagers James Robinson, Jr. and Connie Cooper, who were found stabbed to death in their Peoria home on January 18, 1977. The second conviction, which is the only one that matters now, rested primarily on the testimony of three informants who claimed that Savory had talked about committing the crime in their presence. Two of the informants eventually recanted, stating that the conversations in fact had not occurred. The physical evidence in the case — a bloody pair of pants seized from Savory's home, fingernail scrapings from both victims, head hairs found in the victims' hands and bathroom sink, and a pocket knife with a blood-like stain on it that the prosecution theorized was the murder weapon.

The blood on the pants was of the ABO type shared by Johnnie, one of the victims, and, importantly, Savory's father, who testified that the pants were his. The pants were several sizes too big for Johnnie, and his father had suffered an injury at work consistent with the positioning of the blood. (Actually, the father was treated at a hospital, where there were records that would have corroborated his testimony, but that the defense did not present.)

The fingernail scrapings were said to be of no evidentiary value, and nothing regarding them was presented at the trial. Nor was anything presented regarding the hairs. The knife was entered into evidence, but the stain on it was so minute that it could not be determined whether it was blood. Most if not all of these items should be amenable to DNA testing with today's state-of-the-art technology.

Not only could the requested DNA testing exonerate Savory but it also could identify the real killer of James Robinson and Connie Cooper.

The five former U.S. Attorneys who support Johnnie's request for DNA testing are Samuel K. Skinner, Thomas P. Sullivan, Dan K. Webb, Anton Valukas, and Scott Lassar. They were represented at the press conference by Sullivan, a Jenner & Block partner and chairman of the Advisory Committee of the Center on Wrongful Convictions.

The broad range of the group is perhaps best illustrated by the names of Skinner, who was Secretary of Transportation and White House Chief of Staff under President George H.W. Bush, and Abner J. Mikva, White House Counsel under President Bill Clinton. Among other names indicative of the diversity are those of Noam Chomsky, a retired MIT professor who has characterized his personal visions as "fairly traditional anarchist ones," and Richard A. Epstein, a Distinguished Service Professor of Law at the University of Chicago known for libertarian views. Religious leaders among the signatories include Roman Catholics, Protestants, Jews, Muslims, and Greek Orthodox. Among business leaders on the list is Lester Crown, president of Henry Crown & Co.

The 30 former prisoners exonerated by DNA were represented at the press conference by Kenneth Adams, one of the defendants in the Ford Heights Four case. They languished a total of 434 years behind bars for crimes they did not commit. Four of them were on death row — Kirk Bloodsworth, in Maryland, Rolando Cruz, in Illinois, Ray Krone, in Arizona, and Curtis Edward McCarty, in Oklahoma.

The letter to which the exonerated lent their names notes that many of them would still be in prison and some of them might have been executed if they had been denied DNA testing, and ends with a simple plea to the governor on Savory's behalf — "We beseech you to do the right thing."

[Chicago Sun-Times Story](#)

[Chicago Tribune Story](#)

[Chicago Daily Law Bulletin](#)

[Letter to Governor Rod Blagojevich](#)

[Letter from Exonerated to Governor Rod Blagojevich](#)

[Excerpts from Johnnie L. Savory's Clemency Petition](#)

**From:** [Win Wahrer](#)

**Sent:** Thursday, January 15, 2015 6:06 PM

**Subject:** Johnnie Lee Savory receives pardon - AMEN!

## • **Johnnie Lee Savory receives pardon in 1977 Peoria double murder case**

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FRED ZWICKY/JOURNAL STAR |

–  
Convicted of double murder at the age of 14 in 1977, Johnnie Lee Savory of Peoria, holding a picture of himself as a child, spent most of his life behind bars, until being released on parole in 2006. As one of his final acts in office, former Gov. Pat Quinn pardoned Savory, meaning his record will be expunged or purged. Savory and lawyers with the Center on Wrongful Convictions still are seeking a legal ruling asserting his innocence. In this 2012 photo, Savory and his team announced they had filed a motion requesting advanced DNA testing on some evidence from his trial.

**By [Andy Kravetz](#) of the Journal Star**

Posted Jan. 13, 2015 @ 7:38 pm

PEORIA — As one of his final acts in office, former Gov. Pat Quinn pardoned Johnnie Lee Savory, convicted of killing two teenagers nearly 40 years ago.

The governor's move on Monday means 52-year-old Savory's criminal record will be expunged or purged of his 1981 double murder conviction for the June 1977 deaths of Connie Cooper, who was 19, and her brother, James Robinson, 14, at their Peoria home.

Joshua Tepfer, an attorney with the Northwestern University's Center on Wrongful Convictions, called the pardon a "good day for the courts" and a "testament to how Johnnie Lee has lived his life since his wrongful conviction was commuted eight years ago."

"We are delighted to have his record expunged and we are absolutely going to go forward to prove his innocence. This motivates us more," Tepfer said.

The county's top prosecutor strongly disagreed with Quinn's decision.

"I am appalled, angry and distressed over the pardoning of Johnnie Lee Savory," said State's Attorney Jerry Brady. "I can see no basis for the pardon of (Savory)."

"I'd like to know on what basis the governor had to exercise this extraordinary remedy and if he recognizes what effect this has on the family and on the citizens of Peoria County that a convicted killer was pardoned."

Savory served nearly 30 years in prison after being convicted of fatally stabbing the two teens. Prosecutors had said Savory, then 14, lost his temper while practicing karate with Robinson, killed him and then killed Cooper.

Savory was tried twice. His first conviction was overturned by the Third District Illinois Appellate Court, which determined his alleged confession was involuntary and his Miranda rights were violated. He was retried in 1981 and found guilty of murder. Two of three witnesses who testified at his second trial recanted their testimony two years later.

Marcella Teplitz, the juvenile detective who obtained that confession, said she still is convinced of Savory's guilt.

"I have as much certainty that he committed the homicides today as when he confessed to me," she said. "Even though the criminal justice system worked in his favor this time, my thoughts and sympathies as always lie with their mother, Noyalee Robinson."

Tepfer reiterated that his legal team would continue to press for a legal ruling asserting Savory's innocence. The question, however, is how will that play out in Peoria County Court, as there is a pending matter with DNA testing.

Savory's attorneys sought and obtained permission to retest items from the 1981 trial with modern DNA testing. Brady believes those results, which came back a few months ago, are inconclusive. Tepfer disagrees and said he "intends to demonstrate that in court."

A hearing for Savory to return to Peoria County Circuit Court has not been set.

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## JOHNNIE SAVORY



On January 12, 2015, Johnnie Savory, convicted of a double murder in 1977 in Peoria, Illinois, was pardoned by Illinois Governor Pat Quinn. Almost simultaneously, Savory filed a motion for a new trial on the basis of DNA testing that eliminated him as the murderer.

On January 18, 1977, Savory's best friend, James Robinson Jr., 14, and Robinson's sister, Connie Cooper, 19, were found stabbed to death in their home in Peoria. Savory, who was 14 years old, was taken into custody seven days later and remained behind bars for the next 29 years, 10 months, and 24 days — until he was paroled at age 44 on December 19, 2006.

The day after Savory was picked up for questioning, which consisted of nearly 20 hours of intense interrogation and two polygraph examinations, Savory confessed — but promptly recanted, claiming that the confession had been coerced.

Before his first trial in late 1977, Savory's lawyers moved to suppress the confession, but Peoria County Circuit Court Judge Stephen Covey denied the motion.

During the investigation, extensive physical evidence had been collected, including a pair of trousers from Savory's home bearing a tiny blood stain, fingernail scrapings from Cooper, head hairs found in the victims' hands and bathroom sink, and a pocket knife with a blood-like stain on it that the prosecution theorized was the murder weapon. At the trial, however, the prosecution relied almost entirely on the confession.

Savory was tried as an adult and the prosecution sought the death penalty.

The bloodstained pants were introduced into evidence, although they were too big for Savory. Savory's father testified that pants were his and that the blood stain resulted from an injury he suffered at work a few days before the crime. Hospital records showed that he had been treated for the injury he described. The stain was blood Type A — shared by Savory's father and Connie Cooper. The rest of the physical evidence pertained to the victims' wounds and layout of the home, and did not link Savory to the murders. No testimony linking the younger Savory to the crime was presented, other than that of officers involved in the interrogation.

Savory was convicted on July 1, 1977, and after the jury declined to impose the death penalty, Judge Covey sentenced

**State:** Illinois

**County:** Peoria

**Most Serious Crime:** Murder

**Additional Convictions:**

**Reported Crime Date:** 1977

**Convicted:** 1977

**Exonerated:** 2015

**Sentence:** 50 to 100 years

**Race:** Black

**Sex:** Male

**Age:** 14

**Contributing Factors:** False Confession, Perjury or False Accusation, Official Misconduct, Inadequate Legal Defense

**Did DNA evidence contribute to the exoneration?:** Yes\*

Savory to concurrent prison terms of 50 to 100 years for each murder.

In 1980, the Illinois Appellate Court reversed the conviction, holding that the confession had been involuntary because Savory had not waived his right to remain silent and remanded the case for a new trial. The case was transferred to Lake County, Illinois where Savory was tried before Judge Covey and a jury the following year.

Without the confession, the prosecution relied on the testimony of three witnesses — Frank, Tina, and Ella Ivy — who had been interviewed by police prior to the first trial but had not been called to testify because their testimony was considered too shaky.

At the second trial, the Ivy's claimed that Savory had made various admissions involving himself in the crime shortly after the victim's bodies were found. Police reports indicated that when first interviewed in 1977, they had said only that Savory told them he knew about the murders.

The jury found Savory guilty of both murders on May 1, 1981 and he then filed a motion for a new trial. At a hearing on the motion, Joseph Gibson, one of the Peoria County prosecutors originally involved in the case, testified that the Ivy's had not been called to testify at the first trial because prosecutors had concluded that they were not credible witnesses. Judge Covey nonetheless denied a new trial and sentenced Savory to concurrent prison terms of 40 to 80 years.

In 1983, one of the Ivy's recanted his testimony, but Savory's efforts to obtain a new trial were unsuccessful. The Illinois Appellate Court affirmed the conviction and the Illinois Supreme Court and U.S. Supreme Court declined to review the case. Savory later filed a petition for a federal writ of habeas corpus, but it was denied in 1995.

In 1998, the Illinois General Assembly passed a statute establishing the right to post-conviction testing of physical evidence with technology not available before trial, if the requested testing is relevant to a claim of actual innocence. Savory promptly moved to have the pants and fingernail scrapings subjected to DNA testing under the new law, but in 2001 the Appellate Court held that he was not entitled to the testing because, even if DNA established that the blood on the pants was his father's, the evidence would be merely cumulative—given that the elder Savory had testified that the pants were his. Thus, the court reasoned, DNA testing of the pants was irrelevant to the younger Savory's claim of actual innocence. The opinion ignored the fingernail scrapings. The Illinois Supreme Court affirmed, also making no mention of the fingernail scrapings.

Lawyers from the Center on Wrongful Convictions at Northwestern University School of Law, the New York-based Innocence Project, and the Chicago firm of Jenner & Block then brought a federal petition on Savory's behalf seeking access to the evidence for DNA testing, but the petition was denied in 2005.

Continuing to represent Savory, lawyers from The Center on Wrongful Convictions won his 2006 parole and continued to seek relief for Savory, including filing a petition for a gubernatorial pardon and a new petition in the Peoria County Circuit Court seeking DNA testing with technology that had not existed when the courts had previously denied testing.

The petition said that the other two Ivy family members had recanted.

In 2013, Peoria County Circuit Court Judge Stephen A. Kouri finally ordered the testing, but much of the evidence, while in custody of Peoria County authorities, had been lost.

Shortly after Gov. Quinn pardoned Savory, his attorney, Joshua Tepfer, filed a motion for a new trial in Peoria County Circuit Court. The motion said that DNA tests on seminal fluid from Cooper's body had eliminated Savory.

– *Rob Warden*

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