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Jury believes ex-Chicago cop framed by FBI  
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\$6 million-plus damages awarded

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A federal jury on Monday awarded nearly \$6.6 million in damages to a former Chicago police officer after finding that two veteran FBI agents framed him for a Cook County murder that put him on Death Row.

The jury also held that one of the FBI agents also violated Steven Manning's right to a fair trial in a Missouri kidnapping case by inducing witnesses to make false claims and concealing from state prosecutors that the evidence was fabricated.

Manning spent 14 years in prison, 8 of them on Death Row, before both convictions were overturned and the prosecutions were dropped.

"It is a long, long way from Death Row to complete vindication," Manning, 54, said in thanking the jury and his lawyers after the verdict.

Manning was forced to resign from the police force in 1983 after he was implicated in an insurance-fraud scheme. He

was later convicted of that as well as burglary for acting as a lookout.

The damages in Manning's lawsuit could go higher. U.S. District Judge Matthew Kennelly, who presided over the six-week trial, has not ruled on whether the federal government shares responsibility with FBI Special Agents Robert Buchan and Gary Miller for the malicious prosecutions.

The seven-man, four-woman jury deliberated for 6 1/2 days before finding the two agents liable for Manning's wrongful conviction in Illinois in the 1990 murder of trucking firm owner James Pellegrino. Buchan was also found at fault in Manning's 1992 conviction in Missouri for kidnapping two reputed drug dealers.

Among the witnesses who the jury found had been led to lie was Carolyn Heldenbrand, a sister of one of the kidnapping victims who testified at the Missouri trial that Manning had picked up the ransom.

Six years had passed since the kidnapping when Heldenbrand was first questioned by authorities, and she admitted seeing only the profile of the man who picked up the ransom for a few seconds, Loevy said.

Last month, one of the nation's top experts on eyewitness identifications, Gary L. Wells, a psychology professor at Iowa State University, testified that Buchan suggested that Heldenbrand pick out Manning by including two pictures of Manning in photo arrays and only one of everyone else.

The jury awarded damages totaling \$6,581,100 against the agents. Both can seek to have the government pay the damages on their behalf.

Neither agent was in the courtroom when the verdict was announced.

Manning's lawyers and legal scholars said it was extraordinary for a jury to conclude that FBI agents invented evidence and manipulated witnesses.

"It's a very unusual thing that the jury found FBI agents framed somebody not just once but twice for capital crimes," said Jon Loevy, one of Manning's attorneys.

One of the "chief defects" in Manning's murder conviction was its "reliance on jailhouse snitch testimony, which is notoriously unreliable," said Edwin Colfax, director of the Death Penalty Education Project at Northwestern University School of Law's Center on Wrongful Convictions. "It's a bit of a surprise that even federal authorities rely on jailhouse informants."

Any criminal investigation of the agents appeared unlikely after U.S. Atty. Patrick J. Fitzgerald and Richard K. Ruminski, acting special agent in charge of the FBI in Chicago, denied the agents had committed any wrongdoing. In a statement, the law enforcement leaders said they respected the jury verdict but disagreed with its findings.

"We do wish to make clear now, however, that we remain confident that the agents who were sued did not engage in any misconduct in this matter," the statement said. "Otherwise, we will not comment on the facts while the matter is still pending before the district court."

Both agents remain employed with the FBI.

In closing arguments Jan. 11, a federal prosecutor had lauded both Buchan and Miller as dedicated, law-abiding FBI agents. Both denied any wrongdoing in testifying at trial.

Besides the difficulty of convincing a jury of wrongdoing on the part of FBI agents, Manning's attorneys had to prove their case "through unfriendly witnesses," mostly law enforcement officers and prosecutors who were involved in the murder and kidnapping prosecutions, Loevy said.

Manning had angered the FBI when he quit as an informant in 1986 and later sued the FBI for alleged harassment while serving time for his burglary conviction, Loevy said.

"Mostly, I think they viewed him as a trophy," Loevy said of the FBI's interest in Manning. "He's an ex-Chicago police officer who they figured if they could get convicted of murder would make headlines, and they were right."

In its lawsuit verdict, the jury held that both agents persuaded jailhouse informant Tommy Dye to fabricate claims about the Pellegrino murder and concealed that fact from prosecutors.

Much of that evidence at this trial came from Dye himself, who testified by video hookup from a California prison, where he is serving a 23-year prison sentence for burglary and theft.

Dye was featured in a 1999 Tribune investigation into the extensive use of jailhouse informants by Illinois prosecutors in death penalty cases.

In his testimony in this trial, Dye alleged that Buchan improperly tried to alter his account of the Manning

confession to fit authorities' view of the Pellegrino's murder. Dye also claimed that Buchan and Miller allowed him to have conjugal visits in an FBI office while he worked on transcribing undercover recordings in the early 1990s.

But Dye stuck by the accuracy of his murder-trial testimony in which he claimed that Manning had confessed to Pellegrino's murder during a two-second inaudible gap in an undercover recording made by Dye while both were being held in Cook County Jail.

Dye, however, mentioned nothing about Manning confessing to the murder when he was debriefed by Miller following the recorded conversation, according to evidence at the federal trial.

Manning's lawyers scoffed at Dye's claim that during the two-second gap Manning had grabbed him by the arm, bent him over, put a finger to his head as if it was a gun and said, "This is how I killed Pellegrino."

On the Missouri kidnapping case, the federal jury found that Buchan had influenced three prosecution witnesses to lie and concealed that action from prosecutors. The jury also held that Buchan also hid the fact that a promise had been made to pay money to one of the witnesses.

"It's designed to drive you crazy," Manning testified of the approximately half a year he was held in solitary confinement.

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