

Everyone at the CWC was deeply saddened to learn of the death yesterday of Anthony “Tony” McKinney, a CWC client for the past eight years. Anthony died in prison. He was 53 years old. We have not yet learned the cause of death.

Anthony was arrested in 1978, at the age of 18, for a crime he did not commit: the robbery and shotgun murder of a private security guard in Harvey, Illinois. Anthony was convicted in 1981 and remained imprisoned for the rest of his life. (The State had sought the death penalty, but the judge sentenced him to life imprisonment without the possibility of parole.) Anthony’s younger brother Michael began reinvestigating the case in 1999 and eventually took it to Northwestern University’s Medill Innocence Project (since renamed the Medill Justice Project), which in turn referred it to the CWC in 2005 for legal representation. By that time, the two alleged eyewitnesses to the murder had recanted their testimony that they saw Anthony shoot the victim. Post-conviction investigation further revealed that Anthony’s false confession to the crime resulted from a pattern of physical abuse by the Harvey police detectives who interrogated him, and further that there were alternative suspects in the case, one of whom admitted guilt several times during the years following the murder.

In late 2008, we filed a post-conviction petition on Anthony’s behalf. It was assigned to Cook County Circuit Court Judge Diane Gordon Cannon. Although the State’s Attorney’s Office immediately agreed to a hearing on Anthony’s actual innocence claim, for various reasons – none of which were Anthony’s fault – the hearing had not yet taken place by the time of his death. Notably, the case was delayed for two years while the State’s Attorney’s Office litigated its efforts to subpoena the journals of Medill Innocence Project students who had investigated the case between 2003 and 2006. Judge Cannon eventually ruled that the journals were subject to subpoena, although after they were finally disclosed, the State’s Attorney’s Office indicated that they were not particularly helpful.

“The criminal justice system failed Anthony,” said Karen Daniel, Anthony’s lead attorney at the CWC. “First he was convicted as a teenager for a crime of which he was innocent, then delays in the post-conviction process prevented him from presenting evidence in court that might have exonerated him. Although Anthony battled mental illness after his arrest and throughout his

imprisonment, he was unwavering in his assertion of innocence and always looked forward to being present in court for a hearing on his innocence claim.”

Anthony loved boxing (his hero was Muhammad Ali), music (particularly Motown and R&B), and the Kennedy brothers (John, Bobby, and Ted). Indeed, his alibi for the night of the murder was that he was at home watching a televised championship bout between Muhammad Ali and Leon Spinks.

Steve Drizin, another of Anthony’s CWC attorneys, recalled, “Part of the reason that I knew he was innocent was because he knew that no matter how bad a fight was, when the heavyweights fought, a knockout was only one punch away. He would never have left this fight after the ninth round (it was a 15-round championship) to go out and rob and kill someone, especially because his beloved Ali was trying to make history by winning the title for a third time.”

Anthony is survived by numerous loving family members. His brother Michael vows to continue his efforts to clear Anthony’s name.