

Jury finds FBI railroaded ex-cop

Verdict holds agents liable for \$6.6 million in Death Row case

BY NATASHA KORECKI
Staff Reporter

In a possibly unprecedented verdict, a federal jury on Monday found two FBI agents liable for framing a former Chicago Police officer and freed Death Row inmate, awarding him nearly \$6.6 million.

The jury found that one FBI agent, Robert Buchan, was responsible for framing Steve Manning, 54, in both an Illinois murder and a Missouri kidnapping and found agent Gary Miller liable only in the Illinois case. Manning spent 14 years in prison and was released in February 2004 after convictions in Illinois and Missouri were overturned and the prosecutions were dropped.

"It's an extraordinary thing and it may well be without precedent," Manning's attorney, Jon Loevy said. The damages "send a message that FBI agents should not be in the business of fabricating evidence . . . and otherwise railroad-ing somebody for a crime they didn't do."

Wearing a crisp white shirt and gray pants, Steve Manning — who told jurors of jailhouse beatings and repressive prison conditions — scanned the multitude of news cameras before him Monday, seemingly amazed to be standing where he was.

"It's a long, long way from Death Row to complete vindication,"



Former Chicago Police Officer Steve Manning, who did 14 years in prison, shows his approval of Monday's jury verdict as he leaves the Dirksen Federal Building with his lawyer, Jon Loevy. —JIM FROST/SUN-TIMES

Manning said, thanking Loevy and his prominent defense attorney Ray Smith, who helped free him from Death Row. Manning declined to say more because U.S. District Judge Matthew F. Kennelly, who presided over the six-week trial, has yet to rule on two other malicious prosecution counts against the government, which could increase the award.

Was ex-officer a trophy?

Loevy said the agents went after Manning after he refused to continue to act as an FBI informant. He accused them of seeing Man-

ning as a "trophy" because a death sentence for an ex-cop would make headlines.

The 11-member jury took 6½ days to deliberate and found that both Buchan and Miller violated Manning's right to a fair trial. Jurors said Buchan induced witnesses to make false statements against Manning in the murder investigation of trucking firm owner James Pellegrino. Jurors found both agents failed to tell prosecutors that the government paid an informant \$2,000 to testify against Manning in the Pellegrino case.

Manning was convicted and sent

to Illinois' Death Row in 1993 for the Pellegrino murder. He was later sentenced to 200 years for a double kidnapping in Missouri.

Snitch turns tables

Some key testimony against the FBI agents came from popular jailhouse snitch Tommy Dye — the person who wore a wire to help put away Manning in the first place.

Though Dye stuck to his story that Manning confessed to killing Pellegrino, he said he had complained to the U.S. attorney's office that investigators improperly fed him information to impli-

cate Manning. Dye, now doing more than 20 years in a California prison, also said he believes the FBI turned his life upside down once he objected to acting as an informant.

Even with the jury verdict, the government remained steadfast in its defense of its two veteran agents. In a joint statement, both the U.S. attorney's and FBI offices said they disagreed with the jury decision and "remain confident that the agents who were sued did not engage in any misconduct in this matter."

The two still work for the FBI.

Rare to get jury verdict

Rob Warden, executive director for Northwestern University's Center on Wrongful Convictions, said 45 percent of overturned capital cases involve the use of jailhouse snitches.

"One would hope the government would look upon this as a major deterrent for the misconduct of its agents," Warden said. "[The verdict] is highly unusual and I think it's highly significant."

While other wrongful conviction cases have won large settlements, Manning's is a rare jury verdict, DePaul University Law Professor Bruce Ottley said. "I don't know of any cases where somebody has sued an FBI agent, gone to trial and a verdict has come down," Ottley said.

That's because the government agents get immunity in most instances.

Buchan and Miller claimed immunity in Manning's case, but both Kennelly and later the Seventh Circuit Court of Appeals ruled the matter should go to trial.