

OCTOBER 2002 SESSION
PRISON REVIEW BOARD
STATE OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
vs.)	Docket No.
)	
DEMETRIUS HENDERSON,)	Inmate No. N-72394
)	
)	
)	

SUBMITTED TO THE HONORABLE GEORGE RYAN, GOVERNOR
OF THE STATE OF ILLINOIS

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

HEARING REQUESTED

RICHARD A. DEVINE
STATE'S ATTORNEY OF COOK COUNTY

By: JUDY L. DeANGELIS
BERNARD MURRAY

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I

HISTORY OF THE CASE

Following a jury trial in 1987 in the Circuit Court of Cook County, Petitioner was convicted of the murder, aggravated kidnapping, and aggravated criminal sexual assault of 16-year-old Kimberly Boyd; he was also convicted of armed violence. Petitioner waived his right to a jury for purposes of sentencing. He was found eligible for the death penalty by the court based on his age of 18 at the time of the murder, and because he had killed Kimberly Boyd in the course of an aggravated criminal sexual assault and aggravated kidnapping. Subsequently, the court found that there were no mitigating factors sufficient to preclude the imposition of the death penalty. Petitioner was also given an extended prison term of 45 years for the aggravated criminal sexual assault and a ten-year term for the aggravated kidnapping conviction, to run concurrently.

On November 30, 1990, the Illinois Supreme Court upheld the Petitioner's convictions and death sentence. The Court, however, reduced Petitioner's prison term for aggravated criminal sexual assault from 45 years to 30 years. People v. Henderson, 142 Ill. 2d 258, 568 N.E.2d 1234 (1990). A petition for rehearing of that decision was denied on April 1, 1991. Petitioner also filed

a petition for writ of certiorari seeking review by the United States Supreme Court. That petition was denied on October 7, 1991. Henderson v. Illinois, 502 U.S. 882, 112 S.Ct. 233 (1991).

On April 7, 1992, Petitioner filed a petition with the Circuit Court of Cook County for relief pursuant to the Post-Conviction Hearing Act. (Ill. Rev. Stat. 1987, ch. 38, par. 122-1 et seq., now codified as 725 ILCS 5/122-1 et seq.). The State filed a motion to dismiss. The court considered the allegations raised in the post-conviction petition, and after hearing arguments, concluded that the Petitioner had failed to establish that he was entitled to an evidentiary hearing. Accordingly, the court ordered the dismissal of the post-conviction petition.

On January 25, 1996, the Illinois Supreme Court affirmed the judgment of the circuit court denying the post-conviction petition. People v. Henderson, 171 Ill. 2d 124, 662 N.E.2d 1287 (1996). A petition for rehearing of that decision was denied on April 1, 1996. Petitioner also filed a petition for a writ of certiorari seeking review by the United State Supreme Court. That petition was denied on October 21, 1996. Henderson v. Illinois, 117 S.Ct. 369 (1996).

On February 8, 1997, Petitioner filed in the District Court a Petition for Writ of Habeas Corpus. The District Court granted the petition on September 29, 2000. On July 9, 2002, the Seventh Circuit affirmed the District Court's ruling, ordering that a Batson hearing be held in state court on petitioner's claim that the state court failed to follow the dictates pursuant to Batson v. Kentucky when determining that there was no racial discrimination in the selection of petitioner's jury.

II

FACTS OF THE CASE

In the early morning hours of July 13, 1986, the brutally murdered body of Kimberly Boyd was discovered in an alley behind 6039 S. Carpenter Street in Chicago. She had over 40 stab wounds to the head, face, neck, hands, abdomen, back and buttocks. Some of the stab wounds were so deep that according to the medical examiner, Dr. Mitre Kalekar, the wounds must have been "plunged all the way up to the hilt." Kimberly also suffered numerous bruises, a broken right thigh bone and several fractured ribs. Additionally, portions of her right hip had experienced "skin slippage", or blister formations, which could have been caused by being dragged or hit by a car. The cause of her death was multiple stab wounds.

On July 17, 1986, petitioner was arrested at his home in Tinley Park for the murder of Kimberly Boyd after his name had come up during a conversation with one of the investigating detectives. Following his arrest, he was transported to Area 3 Violent Crimes police station where he gave an assistant state's attorney a fifteen page court-reported statement in which he admitted that he, Curtis Croft, Kevin Campbell and Alonzo Woodard gang raped Kimberly Boyd during a party which was held at Curtis Croft's house. Petitioner said he became angry with Kimberly because he believed she was cheating on Anthony by having sex with Anthony's brother, Alonzo. Kimberly then, according to petitioner, answered with a "smart remark" so he hit her in the head with a roll of wall paper. Petitioner then said that Kimberly removed her pants and he called Alonzo Woodard, Croft and Campbell into the room. After the four engaged in what petitioner described as various sexual acts over an extended period of time, petitioner told the others that they would have to kill her because they had raped her and he was "not going to spend no time in jail

for a bitch." Petitioner, Croft and Campbell then placed the victim, blindfolded, in the trunk of petitioner's car and drove off with Campbell and the Woodard brothers following in a car behind them. Petitioner said he drove toward the victim's house but purposely lost the other car in traffic so that they "couldn't be around when we had to kill the girl." After that, petitioner drove to an alley off Carpenter street in Chicago where Petitioner and Croft opened the trunk of the car. The victim pleaded for her life, but petitioner stabbed her two times in the throat. The two then removed Kimberly from the trunk, placed her on the ground, and petitioner stabbed her in the chest. Although Kimberly continued to plead, Croft said "fuck, she still ain't dead," and grabbed the knife and stabbed her in the head. Petitioner said he then "got nervous" and told Croft that he "knew if she lived we're goin' to get caught. So we might as well finish her off." Petitioner then "finished her off" by stabbing her in the behind, the leg and the stomach. After stabbing her more than 40 times throughout her body, they decided to run her over with the car. Petitioner said he "would take responsibility for the car" and then drove the car over her legs and waist area. Petitioner then backed up to the end of the alley and drove over her mid-section, at which time Croft said "fuck that man, let me drive. She still ain't dead." Petitioner then, for the third time, drove over her, but this time slower than before in order to ensure that she was dead.

Wendy Herron, Curtis Croft's girlfriend and mother of their infant child, testified that petitioner, Croft, the Woodard brothers, Kevin Campbell, the victim and some other people were drinking at Croft's house the night of the murder. She further stated that while she was at Croft's house, she peered under a door to a room where she saw petitioner and Kimberly's feet "moving around, they never stood still." Anthony Woodard, copetitioner Alonzo's brother, testified as to the events at the house during the gang rape. His testimony varied from petitioner's primarily by

claiming that his brother and Campbell were forced by petitioner to engage in sexual acts with the victim, rather than voluntarily participating. The forensic evidence as testified to by Dr. Miltre Kalekar, deputy medical examiner, corroborated petitioner's statement regarding the location of the stab wounds in the victim's head, neck, chest, hands, back and buttocks. She further stated that some of the victim's wounds were consistent with being run over and dragged by a car.

Petitioner's grandmother and mother testified as alibi witnesses for petitioner and stated that on the night of the murder, they were at the apartment where petitioner lived with his mother. At approximately 3:00 or 3:30 p.m., petitioner arrived at the apartment without any blood on his person. His mother remembered the time he came home that night because she was "furious with him staying out so late."

At the conclusion of evidence and argument, the jury found petitioner guilty of murder, aggravated criminal sexual assault, and aggravated kidnapping. After the trial court found petitioner eligible for the death penalty, the parties presented evidence in aggravation and mitigation. Following the sentencing hearing, the trial court found that petitioner is a "cold and calculating and uncaring individual who has taken this life with planning," and that he believed that petitioner was a person that could not be rehabilitated as he had "exhibited all those things that society finds repugnant in people." Although "explanations" had been presented for petitioner's brutal crimes, such explanations, according to the court, showed that petitioner had no remorse and that through his life he had exhibited extreme violence and cruelty against women. Petitioner was then sentenced to death.

III

REASONS FOR DENYING THE PETITION

DEMETRIUS HENDERSON DOES NOT DESERVE EXECUTIVE CLEMENCY IN ANY FORM WHERE HE ADMITTED BRUTALLY GANG RAPING SIXTEEN YEAR OLD KIMBERLY BOYD, STABBING HER OVER FOURTY TIMES, DUMPING HER NAKED BODY IN AN ALLEY AND THEN RUNNING HER OVER WITH A CAR TO MAKE SURE THAT “SHE WAS REALLY DEAD.”

Demetrius Henderson is not now claiming, nor has he ever claimed, that he is actually innocent of the brutal gang rape, kidnapping, stabbing and gruesome murder of sixteen year old Kimberly Boyd. What he does claim now is that he is deserving of mercy in the form of executive clemency. He believes so, for a myriad of reasons, all of which have no worth whatsoever, especially where this horrific crime was committed when he was 18 years old and it appears from his incarceration records that he has yet to prove himself worthy of being allowed to live, let alone live in prison for the rest of his life.

Petitioner asserts that he is entitled to clemency because he did not receive the benefit of the changes to the Illinois capital sentencing system which 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 which 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.

Specifically, he first claims that, seventeen years ago, he was “beaten so hard by police in order to obtain a confession that he will suffer from ear damage for the remainder of his life” and that his attorney failed to present this evidence at his trial. This argument is nothing more than ludicrous. First, the trial court, the Illinois Supreme Court, the Northern District Court of Illinois and the Seventh Circuit Court of Appeals have **all** determined that Henderson’s claims regarding his alleged “ear injury” have been completely without merit where petitioner has failed to prove that his trial attorney was ineffective at the Motion to Suppress Hearing for failing to present irrelevant medical records and that there was no expert testimony which could overcome the fact

that petitioner confessed to Kimberly Boyd's murder, in a fifteen page, court-reported, highly detailed and devastating statement in which he explained how he and his cohorts gang raped, sodomized, kidnapped, stabbed and then ran over the body of Kimberly Boyd. (See Attached Exhibit) Also, every officers involved in taking petitioner's statement, as well as the assistant state's attorney, testified at the hearing that none of them had ever struck or kicked defendant in anyway, nor had anyone punched defendant in the left ear. Henderson never complained to the assistant state's attorney taking his statement that anyone had hit him and he clearly stated in his statement regarding the gang rape and murder that "[e]verybody treated [him] fairly" and that no threats or promises had been made in exchange for his statement. Additionally, defendant never complained of being sick or showed signs of being sick. A photograph taken of defendant following his court-reported statement proved that petitioner was not injured while in police custody.

Moreover, contrary to petitioner's claim in his Petition, the medical report prepared at the intake examination the day following his arrest noted **no injuries**, a fact which petitioner, himself, corroborated when he admitted at the hearing that he made no complaints about his ears during such exam, and that even after the alleged "several minutes worth of punches to the ear" his ear was "not bothering [him] at that time." Although he claims that medical evidence exists from Cermak Health Services and the IDOC which proves that he suffers from an inner ear injury, a perforated ear drum, and ultimately, permanent hearing loss, that statement is simply not true. There is no medical record which has ever been presented to any court which proves such injury, but, in fact, there are medical records which show that petitioner "missed audiology appointment due to hearing loss; ...head trauma, 2nd fight." (R. 1921) Apparently, petitioner was having problems in the jail with other inmates and decided that blaming his injury on the police was a good way to obtain relief in the courts. However,

as convenient as this may be for petitioner in his appeals and now before this Board, petitioner has conveniently ignored the fact that his own appearance and words, oral and written, prove that no such brutality occurred. Even his own attorney at the motion to suppress hearing did not believe that petitioner had been beaten when he said that petitioner was not claiming that the officers "beat the hell out of him" or that he was "beaten with permanent injuries or anything like that, just enough to get his attention and by that, overcome his will." There is clearly no merit to this claim.

Petitioner next asserts that he is entitled to clemency because he was found eligible for the death penalty based upon an aggravating factor other than those factors which the Governor's Commission has recommended be retained. Specifically, the Commission concluded that the current list of 20 factors is overly expansive and therefore unconstitutional. Accordingly, it was suggested that the list be reduced to just five factors: (1) murder of a peace officer or fireman; (2) murder of any person in any correctional facility; (3) multiple murder; (4) murder accompanied by the intentional infliction of torture; and (5) murder of a witness, prosecutor, defense attorney, juror, judge or investigator.

However, the Illinois Supreme Court has expressly rejected the Commission's logic and held that Illinois' death penalty statute satisfies the constitutional mandate because it "genuinely narrows the class of individuals eligible for the death penalty and reasonably justifies imposition of a more severe sentence on those defendants compared to others found guilty of first degree murder." People v. Ballard, ___ Ill. 2d ___, 2002 Ill. LEXIS 376 at *73 (No. 88885 August 29, 2002) (citing Zant v. Stephens, 462 U.S. 862, 877, 103 S. Ct. 2733, 2742 (1983)). As the Ballard court explained, "there are innumerable examples of first degree murders that do not fit within any of the statute's eligibility factors" and A[e]ach provision is narrowly tailored to fit a specific set of

facts and circumstances.” Id., 2002 Ill. LEXIS 376 at *74.

Moreover, each of the aggravating factors represents a determination by the General Assembly that certain types of murders are so deplorable that the death sentence may be imposed.

Each one is intended to ensure that the most helpless members of our society (such as children, the elderly or disabled) are protected against violence or to provide a strong disincentive for the offender to kill the victim. For example, cold, calculated and premeditated murders are properly death-eligible because they are limited to situations where the defendant has carefully planned the murder over an extended period of time, and the availability of the death penalty may be the only thing which prevents these defendants from deciding to actually kill their victims. As the Illinois Supreme Court stated “a defendant who contemplates a murder for a substantial period of time, yet still commits it, is set apart from other murder defendants in a meaningful way.” People v. Williams, 193 Ill. 2d 1, 36, 737 N.E.2d 230 (2000). Similarly, murders in the course of another felony such as rape or home invasion are properly death eligible to help deter the defendant from killing the victim. Given these important policy considerations, petitioner’s request must be rejected.

Next, petitioner claims that because he was granted limited relief by the Seventh Circuit in the form of a new Batson hearing, this, somehow, should result in his being granted executive clemency. Petitioner’s argument is not only vague, it is factually wrong. First, the federal courts never found that “the prosecution discriminated against blacks in using its peremptory challenges” during the jury selection. The federal courts merely determined that the Illinois Supreme Court failed to follow what the federal courts believe are the guidelines required by the United States Supreme Court when a Batson hearing is reviewed on appeal. Moreover, the Cook County State’s

Attorneys Office has requested a Stay of the Mandate in the United States Supreme Court while it prepares its Petition for Writ of Certiorari to the United States Supreme Court. Even so, this argument has nothing to do with the fact that Henderson brutally raped, sodomized, kidnapped stabbed and murderd a sixteen year old girl – it merely relates to the selection of his jury. Thus, executive clemency has no relation to this claim.

Petitioner also seeks clemency because his statement where he inculpated himself was admitted into evidence even though it was not videotaped, and points out that under the Governor’s Commission’s proposals both statements and the interrogations leading up to them should be videotaped. What petitioner fails to recognize is that neither the Commission nor the governor himself call for the suppression of a statement simply because it was not videotaped. Rather, even under the Governor’s proposed legislation (HB3717 & HB2058), such statements will still be admissible if the trial court finds that it was voluntarily made after considering the totality of the circumstances. Because the trial judge expressly found that petitioner’s statement was voluntarily made when it denied his motion to suppress statements, it is clear that the failure to videotape his statement had absolutely no effect on the fairness of his proceedings. Moreover, because the jury was instructed pursuant to Illinois Pattern Instruction 3.06-3.07 to consider all the evidence when determining whether or not petitioner made the statement and how much weight it should be given, petitioner cannot complain that he was prevented from asserting at trial that his statement was unreliable and should not be considered.

Additionally, petitioner’s claim that the Recommendations addressing the requirements of the Capital Trial Bar were not in place at the time of his trial and that his attorney was “inexperienced” is equally without merit. Henderson’s trial attorney was James Linn, now a

Circuit Court judge in Cook County. Every single claim that Henderson now raises regarding his attorney's alleged ineffectiveness has been previously raised, in various forms, and has been soundly rejected by every single court which has ever reviewed Henderson's claims, including the Illinois Supreme Court, the Northern District Court of Illinois and the Seventh Circuit Court of Appeals. For instance, although Henderson believes otherwise, he is not entitled, under the law, to be informed by his attorney that a jury had to be unanimous in order to sentence him to death. Every court has found that his attorney fully discussed the ramifications of waiving a jury and that he understood what he was doing. Moreover, his attorney's decision not to present a psychologist at petitioner's trial was found to be trial strategy and could not possibly have prejudiced petitioner given the evidence presented at the trial, including petitioner's confession to gang raping Kimberly which included his statement that they had to kill her because he was "not going to spend no time in jail for a bitch."

Moreover, although he continually claims that he has a "low" I.Q., he certainly had sufficient intelligence to orchestrate the gang rape of Kimberly, put Kimberly in the trunk of his mother's car and then drive around the City of Chicago with her in the trunk while planning her ultimate demise. Similarly, his belief that the presentation of high school records or family or friends would have prevented the imposition of the death penalty has been consistently rejected by every court, especially where such testimony would have included a friend who would have testified that petitioner worked for him at a car dealership for exactly one week. Another friend would have stated that petitioner was "helping" her by calling her boyfriend, who was married at the time to another woman. Such "evidence" would not have shown the more "human side" of petitioner, since there clearly is no human side to him. There is nothing "mitigating" in petitioner's life which

prevented him from receiving the death penalty for this horrific crime." Petitioner felt no remorse for Kimberly when he put her in the trunk of his mother's car and drove her to an alley where he and his cohort stabbed her more than 40 times throughout her body and then drove over her three times to ensure that she was dead. Clearly, no one should feel remorse for him now, or ever.

Petitioner also claims that he is entitled to clemency because the Illinois Supreme Court failed to consider whether his death sentence was disproportionate to the sentence of his seventeen year old codefendant, Curtis Croft. However, because the Illinois Supreme Court has demonstrated that it will address comparative sentencing arguments whenever they are raised by defendants in capital cases (see People v. Emerson, 189 Ill. 2d 436, 727 N.E.2d 302 (2000); People v. Palmer, 162 Ill. 2d 465, 491, 643 N.E.2d 797 (1994)) and will vacate a death sentence if it determines that it is excessive in light of the facts of the case and the defendant's background (see People v. Smith, 177 Ill. 2d 53, 685 N.E.2d 880 (1997); People v. Blackwell, 171 Ill. 2d 338, 665 N.E.2d 782 (1996)), it is clear that the only reason the Illinois Supreme Court did not review petitioner's sentence in such a manner is because he did not ask the Court to do so. Moreover, under the law as determined by our legislature, Curtis Croft was not eligible for the death penalty due to his age; Demetrius Henderson was. Henderson should have thought of that while he was raping and sodomizing and kidnapping and brutally stabbing a sixteen year old girl who could not possibly defend herself against a monster such as Henderson.

Petitioner also claims that clemency is appropriate because he was denied the opportunity to make a statement in allocution at his sentencing hearing. However, as the Illinois Supreme Court stated long ago, "an unsworn statement to the sentencing jury [to be] consider[ed] along with testimony given under oath and the arguments of counsel would at the least confuse the

jurors, and might also impair their ability to weigh the aggravating and mitigating factors.” People v. Gaines, 988 Ill. 2d 342, 380, 430 N.E.2d 1046 (1981). Moreover, petitioner was free to testify under oath at his sentencing hearing to explain why he should not be sentenced to death, but chose instead to rely upon his witnesses in mitigation and his attorney’s closing argument. Therefore, he was given every opportunity to present himself to the trier of fact before he was sentenced.

Petitioner next claims his sentence should be reduced because the State’s Attorney’s decision to seek death was made without uniform protocols to guide his discretion and was not approved by a state-wide review committee. However, A[i]t has long been recognized by th[e Illinois Supreme C]ourt that the State's Attorney is endowed with the exclusive discretion to decide which of several charges shall be brought, or whether to prosecute at all. A prosecutor's discretion extends to decisions about whether or not the death penalty should be sought.” People v. Jamison, 197 Ill. 2d 135, 161-62, 756 N.E.2d 788 (2001). Therefore, any attempt to mandate such a review would constitute an impermissible restriction on the independence of the various State’s Attorneys under the Illinois Constitution. Moreover, petitioner does not even allege much less argue that the decision to seek death in his case was the result of an abuse of discretion. Accordingly, it must be rejected.

Petitioner finally complains that his trial judge did not adequately or appropriately consider certain mitigating factors which he claims should have been considered. Petitioner is entirely wrong. The Illinois Supreme Court addressed this exact claim on direct appeal and determined that the trial judge, did, in fact, consider the evidence presented at the sentencing hearing on Henderson’s behalf and that the judge, under the law, had the right to consider such evidence as “aggravating” rather than “mitigating,” given its contents. As the Illinois Supreme

Court found, trial counsel attempted to show at the sentencing hearing that Henderson was a deeply troubled individual whose dysfunctional upbringing made his actions, if not excusable, at least understandable. He presented Ms. Sheri Dinguss, a Social Services Department case worker, who stated that when she interviewed defendant in prison, he admitted his role in Kimberly's murder. He also admitted his crimes against other women including Lisa Tennor and his girlfriend, Jolanda Harris, who he had hit over the head with a wrench. Henderson showed no remorse during the interview. She also stated that she interviewed Henderson's mother, girlfriend, and Mildred Lincoln, a social worker for the homeless at Catholic Charities and that they told her Henderson's history which included his involvement in gangs and the fact that he, at age 18, had fathered four illegitimate children by separate women. He was prone to fighting and "outbursts of destructive behavior" which is, of course, clearly evident from the crimes he committed and his record during his imprisonment.

All of this, and more, was considered by the trial judge who stated that he found such evidence to be "aggravating." Although James Linn attempted to present mitigation witnesses in order to explain Henderson's actions, to humanize him and to show his remorse, under the law, the trial judge did not have to react sympathetically to such attempt. The claims that Henderson had a low IQ or that he suffered from a severe character disorder or that he had a promiscuous mother was not mitigation, in the trial judge's mind, and trial judge's finding that such information was aggravation was correct, under the law. Any other opinions, of psychiatrists or psychologists, who wanted to "throw his opinion into the record" would not have helped the trial judge in his sentencing decision, according to the judge himself, because he had not "heard from any person who [knew defendant] intimately, nor from any person who was engaged with part of his life, including the young lady who was never married to him or was a girlfriend by whom he had a child

who testified here that no one ever said he exhibited any psychiatric instability or that he in any way exhibited any type of conduct or behavior which lead them to believe that he was in need of treatment."

The trial judge had the facts in front of him which proved that Henderson helped orchestrate a group sexual assault of the victim which took place over an extended period of time. After the assault, according Henderson himself, he, alone, was responsible for persuading his codefendants that they should kill the victim. Henderson helped place Kimberly in the trunk of his car. Then, with Kimberly in his trunk he stopped and gave a jump start to a friend's car. He then intentionally evaded several of his cohorts who were following him in a second car so they would not be present for the murder. When Henderson opened the trunk of his car, Henderson admitted in his confession that Kimberly stated she could "explain." In response to Kimberly's attempt to plead for her life, Henderson helped stab her over 40 times. When the stabbings failed to kill her, Henderson said that he ran her over and that he told Curtis Croft that he would "take responsibility for the car." He then drove over Kimberly three times until she was dead. Based on these facts the trial judge determined, and certainly had the right to determine, that Henderson was a "cold," "calculating" and "uncaring individual" who had taken the victim's life "with planning." The trial judge heard all he needed to hear. No further evaluations of Henderson could have changed his belief that Henderson was a monster who needed to be caged until such time as the state could kill him for what he did to Kimberly. Henderson should not be granted executive clemency now, or ever.

CONCLUSION

For all these reasons, the People of the State of Illinois respectfully request that this Board and Governor Ryan deny executive clemency to Demetrius Henderson.

Respectfully submitted,

RICHARD A. DEVINE
STATE'S ATTORNEY OF COOK COUNTY

By: JUDY L. DeANGELIS
BERNARD MURRAY