



OCTOBER 2002 SESSION  
PRISONER REVIEW BOARD  
STATE OF ILLINOIS

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PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	Docket No. _____
vs.	)	
	)	Inmate No. 8320976
RENALDO HUDSON,	)	
	)	
	)	

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**I**

**HISTORY OF THE CASE**

On June 6, 1983 at 7:00 p.m., petitioner need money to purchase drugs so he tricked his way his into 71-year old Folke Peterson's apartment by pretending he was there to fix a light. Petitioner brutally attacked the elderly victim by slashing his torso from his waist all the way up to and nearly through his neck. Mr. Peterson's neck was also slashed leaving a gaping hole from ear to ear. The victim's left elbow, his finger and nose were partially severed. Petitioner tortured Mr. Peterson for eight hours, stabbing him over 60 times while petitioner looked for money. While the elderly victim lay dying of his innumerable stab wounds, petitioner wanted to watch Mr. Peterson die, so he turned on the television, sat down next to Mr. Peterson and he watched and waited. Once Mr. Peterson had finally died, petitioner set his apartment and corpse on fire. The victim's burned and mutilated corpse was found lying on his bed 1½ hours later when the Police and Fire Department responded to his apartment. Petitioner was arrested at the scene when his aunt showed police petitioner's blood soaked jacket and a bag of the victim's belongings which petitioner had hidden in his apartment.

Petitioner's first trial in 1985 resulted in a hung jury. His failed interlocutory appeal regarding double jeopardy resulted in the cause being remanded for a new trial.

At petitioner's second trial, a jury found him guilty of First-Degree Murder, Armed Robbery and Aggravated Arson. That same jury sentenced petitioner to death. People v. Hudson, 157 Ill. 2d 401, 626 N.E.2d 161 (1993). The United States Supreme Court denied his Writ of Certiorari. Hudson v. Illinois, 513 U.S. 844, 115 S.Ct. 135 (1994).

In 1995, petitioner filed a Petition for Post-Conviction Relief. The Post-Conviction Court vacated petitioner's death sentence because it found that petitioner's attorney on direct appeal was ineffective for not challenging a verdict form, which lacked the requisite mental state.

The People of the State of Illinois appealed the vacation of petitioner's death sentence. Petitioner also filed a cross-appeal raising four other issues. The cases were consolidated on appeal. The Illinois Supreme Court has only ruled on one issue, and sent petitioner's case back to the trial court to determine if the prosecutor attempted to remove potential jurors on the basis of gender. People v. Hudson, 195 Ill. 2d 117, 745 N.E.2d 1246 (2001). After conducting that hearing, the trial court found that the prosecutor did not attempt to remove women from the jury. Petitioner is currently in the process of writing his brief appealing this finding. The Illinois Supreme Court has not yet determined any of the other outstanding issues raised.

## II

### FACTS OF THE CASE

On June 6, 1983, the 71-year old victim, Folke Peterson, a retired carpenter, lived alone in his apartment at 7458 S. Kingston. Petitioner lived upstairs with his father who was the maintenance man, and his aunt. A few days before Mr. Peterson was brutally stabbed to death, petitioner told one of his neighbors that he knew Mr. Peterson had money. Petitioner needed the money to finance his drug habit. Hours before the murder, petitioner was “partying as usual, in the neighborhood around the building” dressed “gangster sharp.” Petitioner drank some E&J Brandy, smoked a cocaine laced joint which made him feel “exhilarated.” It was then that petitioner decided to rob an easy target, 71 year-old Folke Peterson.

Around 7:00 p.m. petitioner knocked on Mr. Peterson’s door. It was well known to all of the neighbors that Mr. Peterson never opened his door to anyone he did not know. Mr. Peterson knew petitioner from around the building. Mr. Peterson requested to have his light fixed. Petitioner told Mr. Peterson he was there to fix the light. Petitioner stepped up on a chair and pretended to fix the light. Once Mr. Peterson’s back was turned, petitioner attacked him and put Mr. Peterson into a headlock. Mr. Peterson was holding a long boning knife, a weapon petitioner described as the kind of weapon one would use to “skin a pig.” Petitioner grabbed the boning knife from Mr. Peterson’s hand, plunged the knife into his lower abdomen and sliced him all the way up to his neck. Mr. Peterson struggled to the bed to lie down. Petitioner demanded to know where Mr. Peterson’s money was. Petitioner figured that Mr. Peterson stuffed money into his mattress. Petitioner continued to stab Mr. Peterson until Mr. Peterson turned over his fortune of four blood soaked dollars. Petitioner took the money and washed off the blood. He then ransacked Mr.

Peterson's apartment for items that held any type of material wealth. Mr. Peterson begged petitioner not to kill him and continued to struggle to get off the couch. Every time Mr. Peterson attempted to move, blood squirted out all over. This angered petitioner who continued to stab Mr. Peterson. Every time Mr. Peterson attempted to move or speak, petitioner would stab him. Petitioner was unable to find any more money. Petitioner approached the bed where Mr. Peterson was laying. Petitioner demanded that Mr. Peterson tell him where he kept all of his money. Mr. Peterson reached out for petitioner and petitioner nearly severed his elbow with the boning knife. Eventually, petitioner got tired of Mr. Peterson talking, so he slashed Mr. Peterson's neck, a wound that tore Mr. Peterson's neck from ear to ear and severed his thorax. Petitioner decided that attempt murder was just as bad as murder. Petitioner wanted to watch Mr. Peterson die, so he pulled up a chair and watched and waited. Not wanting to be bored, petitioner turned on the television and watched "The Bowery Boys" which aired from 3:30-4:51 a.m. It was while petitioner was watching that movie that Mr. Peterson died. Petitioner butchered Mr. Peterson for eight agonizing hours.

Petitioner secreted the murder weapon in a chair, took more items that he thought had any value and spread foam cushion over the apartment and over Mr. Peterson's corpse. Petitioner then set the apartment and Mr. Peterson on fire.

Petitioner's father woke up after 5:00 a.m., and petitioner did not want to get caught, so he rushed upstairs to hide his blood soaked clothing and a bag which Mr. Peterson used on a daily basis. That bag contained the items stolen from Mr. Peterson's apartment. Shortly after petitioner's return home, his aunt awoke and smelled smoke. When she asked petitioner to call the Fire Department, petitioner lied and told his aunt that there was a burning skillet on Mr. Peterson's

window sill. His aunt persisted. Petitioner went downstairs and knocked on Mr. Peterson's door to appease his aunt. Petitioner was finally forced to call the Fire Department.

The Police and Fire Departments arrived between 6:00-7:00 a.m. They found the mutilated corpse of Folke Peterson in his charred apartment. The police immediately began questioning the neighbors. Petitioner's aunt approached Detective Catherine Reardon and showed the detective what petitioner had hidden in the apartment. Detective Reardon saw petitioner's blood soaked jacket which was rolled in a brown paper bag hidden behind the couch. The victim's bag which contained his personal items was also recovered.

Petitioner was asked to come to the police station for questioning. Upon his arrival there, petitioner was put into the lock-up. The lock-up keeper was instructed to observe petitioner for the personnel's protection. The murder of Folke Peterson was so brutal and heinous that the even the other inmates had to be protected from petitioner.

Petitioner was questioned at the police station around 9:45 a.m. Petitioner lied to Detective Reardon when he told her that his aunt smelled smoke that morning and he told her that there was a skillet on fire on the third floor window sill. Petitioner also told Det. Reardon that his aunt made him go downstairs where he banged on the door but did not receive an answer. Petitioner called the Fire Department at his aunt's request.

When petitioner was confronted with Mr. Peterson's property, petitioner told the police that he bought them from some "guy" on Ashland Avenue the previous evening. When confronted again, petitioner admitted that he went into Mr. Peterson's apartment with a rope. His original plan was to tie Mr. Peterson up and rob him. Petitioner admitted to stabbing Mr. Peterson from "the belly up in one great swoop", setting him on fire and leaving. Petitioner confessed to his role in this

grisly crime to an Assistant State's Attorney.

The autopsy of Folke Peterson revealed very deep wounds to his neck and his torso. The torso wound was so deep and severe that Mr. Peterson's bowels were protruding from his abdominal area. One of the arteries on Mr. Peterson's neck was severed. Aside from the 60 stab injuries, including many defensive wounds on Mr. Peterson's arms, Mr. Peterson also sustained two internal hemorrhages in his skull.

### The Defense

Petitioner presented the defense of insanity. Dr. Marvin Ziporyn, an unqualified and uncertified and a notorious witness for hundreds of petitioners seeking to invoke an insanity defense, based his conclusion after observing him once, and talking to him for one hour. Dr. Ziporyn determined that petitioner suffered from bi-polar disorder, despite reports from Cermak Hospital that petitioner was faking. Ziporyn did not believe in punishment and subscribed to the philosophy that man was essentially a killer and murder was neither irrational nor abnormal. Ziporyn was best known for his book on Richard Speck, a person Ziporyn grew very fond of. Despite the fact that petitioner's medical records showed that he was using the insanity defense to offset the People's request for the death penalty, Ziporyn testified that petitioner was insane at the time of the murder.

Ziporyn also reviewed an interview with Dr. Grossman where petitioner stated he was not fool, he knew there was a lot of evidence to mount an insanity defense. Ziporyn also knew that petitioner was a consummate liar, a pimp, and a drug abuser.

### Rebuttal

Two experts in forensic psychiatry examined petitioner and determined that he was sane at the time of the crime. Both Drs. Albert Stipes and Werner Tuteur examined the police files, psychologist reports and records from the jail treatment centers as well as personal interviews before making their diagnoses. Both doctors found petitioner's abilities to form a plan, carry out that plan as evidence that petitioner not only knew that what he was doing was wrong, but understood that his attempts to evade detection undermined any legitimate claim of insanity. Petitioner's records did not show any evidence of mental health problems.

### The Verdict

The jury rejected petitioner's insanity defense and found petitioner guilty of the brutal First Degree Murder of Folke Peterson. This verdict prompted Judge Bailey, a well known and respected criminal court Judge to stated, "in twenty years I've never seen a more overwhelming case. Twenty years as a criminal court judge."

### Sentencing

Petitioner was found eligible for the death penalty based on the fact that Folke Peterson was murdered during the course of an Armed Robbery.

### Petitioner's Background

Petitioner began his pattern of criminal conduct at a very early age. He was 13 years old when he was arrested for breaking into railroad cars.

In 1978, when petitioner was only 14 years old, he was arrested for burglary.

Petitioner and two of his friends broke into a woman's house and were found a short distance away, carrying the proceeds. Petitioner also threw an eight year old child from his bicycle, and stole it. Petitioner was arrested for a strong armed robbery that same year. During the investigation it was learned that petitioner had also committed aggravated assault.

In 1983 petitioner was sentenced to 30 days incarceration and 24 months probation for robbery. Less than three months later, while on probation, petitioner massacred Folke Peterson.

Petitioner's criminal behaviour predictably continued during his incarceration.

In June 1985, petitioner was sentenced to 10 days in solitary confinement for possessing and secreting a shank.

In October 1985 petitioner devised a plot to injure the Correctional Captain at Cook County Jail. The Captain received a phone call from a woman claiming to be petitioner's aunt. This woman told Captain Holley that petitioner was being harassed on his wing and wanted to alert the Captain. When Captain Holley sent for petitioner and asked him what the problem was, petitioner responded, "this is the problem" and stuck a gun in Captain Holley's face. The two wrestled to the floor. It turned out that petitioner was using a cap gun.

In 1988 a jail informant revealed an escape plan which involved petitioner. It was discovered that petitioner and six other death row inmates had already attached bed sheets up a shaft in order to gain access to the roof where they planned to kill a prison guard working in the tower. Once the plan was revealed, a search was conducted which revealed that the metal plate on the shaft had already been removed and replaced with cardboard. One of the other inmates was found secreting shanks in his socks. Batteries, a hacksaw blade and workgloves were also

uncovered.

Prison authorities also found an eight-inch shank in petitioner's cell after it was learned that petitioner and another inmate threatened another death row inmate into joining their gang. Petitioner was sentenced to 10 days solitary confinement.

At the time of sentencing, petitioner had over 20 disciplinary reports including two escape attempts and for possession of a gun.

#### "Mitigating" Factors

Petitioner's schoolteacher testified that that petitioner was nice but inattentive and despite the fact that petitioner admitted to perpetrating this brutal crime, she did not think he was capable of such violence.

Petitioner had participated in worship services in jail.

Leonard Kidd, also on death row testified he never saw petitioner join a gang in jail.

Petitioner's brother testified that their father was inattentive and that relatives raised him and petitioner. Petitioner was shot by his brother when he was a teenager and in spite of petitioner's extensive juvenile criminal history, his brother claimed he did not have any problem with the law or drugs.

A sentencing consultant testified that petitioner did not receive any counselling after his brother died, that his relatives were strict disciplinarians and that petitioner was shot by his brother.

#### The Sentence

The jury unanimously found that petitioner be sentenced to death.

### III

#### REASONS FOR DENYING THE PETITION

Petitioner bases his clemency request upon five claims: (1) that his death sentence was rendered before he could be protected under Governor Ryan's new Commission recommendations; (2) that he had an unhappy childhood; (3) that he suffered from a "reduced mental capacity or is actually mentally retarded; (4) that he was mentally ill; (5) he had found God and is reformed. This Board should reject all of petitioner's claims as they are not true or do not diminish the brutal crime for which petitioner was convicted and for which he deserves to die.

#### Petitioner Not Afforded Protections Under Governor's Commission Recommendation

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 petitioner 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 petitioners 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.

Petitioner claims that he was convicted and sentenced to death “under a penalty system which has been widely recognized as fundamentally flawed.” It is curious how this could possibly apply to petitioner’s case when petitioner never denied that he tortured Folke Peterson for eight hours or that he went into Mr. Peterson’s apartment with the intent to rob him. Petitioner has not identified a single “flaw” in his trial, sentencing hearing, direct appeal, or post-conviction appeal that is in error.

Petitioner also alleges that he was inappropriately sentenced to death “without the benefit of [the Commission’s] reforms.” Since the basis of his death sentence was Felony Murder, which the Commission now finds to be inappropriate, petitioner concludes that he would have been ineligible to die for his horrific crime. 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 petitioners 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.

In any event, even if petitioner had the "protections" of the Commission at the time of his trial, the facts of this case show that he would still be sentenced to death. Petitioner does not contest the fact that Folke Peterson was 71-years old and that he was inflicted torture upon Mr. Peterson. Under the new guidelines proposed by the Commission, petitioner would have been death eligible for the murder accompanied by the intentional infliction of torture. The facts of this case prove that petitioner brutally stabbed Mr. Peterson over an eight-hour time span. Petitioner robbed Mr. Peterson in order to get money to finance his drug habit. He tortured Mr. Peterson because petitioner enjoyed it. The fact that Mr. Peterson did not have any money seemed nothing but an irritant to petitioner who grew increasingly frustrated over his inability to find anything of

financial value in Mr. Peterson's apartment. Whenever Mr. Peterson attempted to talk or move from his bed, petitioner repeatedly attacked him with the boning knife. The facts of this case are more than just disturbing. They are evil. Mr. Peterson was gutted like a common animal, and lived for eight hours of hell before he was finally allowed to die. His nose was partially severed. His left elbow was partially severed. His finger was partially severed. He sustained over 60 stab wounds. The slashing of Mr. Peterson's neck and the literal gutting of his torso showed petitioner's need to inflict harm. The additional 60 stab wounds inflicted over a period of eight hours demonstrated petitioner's insatiable need to inflict pain and fear upon a defenseless victim. There was not one area of Mr. Peterson's body that had not been slashed. Petitioner relished in his handiwork as he decided to watch the victim die a slow death. Petitioner pulled up a chair, sat back and watched the show, which he directed. When things got too slow, petitioner turned on the television and watched *The Bowery Boys*. Governor Ryan's Commission would not have "protected" petitioner as his unspeakable crimes are not deserving of any protection known to man.

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 petitioner 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 petitioners from deciding to actually kill their victims. As the Illinois

Supreme Court stated “a petitioner who contemplates a murder for a substantial period of time, yet still commits it, is set apart from other murder petitioners 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 petitioner from killing the victim. Given these important policy considerations, petitioner’s request must be rejected.

#### Petitioner’s Unhappy Childhood

Petitioner also requests clemency based on his unhappy childhood which he characterizes as abandonment by his parents, the death of his twin brother, being shot by his other brother which resulted in the death of family members and “unrelenting physical and emotional abuse.” The facts establish that petitioner’s claims are grossly overcharacterized or are completely false.

Although petitioner’s childhood may not have been idyllic, most are not. It is telling, however, that petitioner manipulates his past into an excuse for perpetrating such a horrific and unbelievable crime. Petitioner did not torture and stab Folke Peterson 60 times because his father left him in the care of relatives. Petitioner tortured Folke Peterson because he wanted to control Mr. Peterson and watch him suffer. If the impetus of petitioner’s anger was his extended family, which provided him shelter and food for years, it is curious as to why petitioner chose a helpless retired 71-year old neighbor as an outlet for his childhood rage. Petitioner’s characterizations of his past are gross exaggerations and pitiful if not insulting excuses for his decisions as an adult.

Petitioner was not “abandoned” by his father and always knew where his mother lived. Petitioner spent his entire life being cared for by either his father or his father’s relatives. Had petitioner’s father not cared for the well being of his children, he would not have continued his job and would have left them to their own devices. Despite petitioner’s claim that he was abandoned by his father, he acknowledges that he lived with his father for years when his father remarried and for years afterwards. It was during this time that petitioner’s twin brother died after a fall down a flight of stairs. Petitioner now uses this tragedy to claim that his twin brother was probably “beaten and then pushed” down a flight of stairs by a stepbrother. The evidence only showed that petitioner’s brother accidentally fell down a flight of stairs. He was not beaten and he was not pushed. This claim that has absolutely no factual support and serves only to inflame this Board with undeserving sympathy for petitioner.

When petitioner’s father and step-mother separated, petitioner’s father was unable to care for the children since his job as a bus driver often took him out of town or caused him to work long hours, so petitioner and his brothers were brought to an aunt and uncle’s house where they could be cared for and supervised. Petitioner complains that there were over 20 people staying in the four bedroom home, a fact that is suppose to explain why petitioner attacked a 71-year old man and stabbed him to death for eight hours. Petitioner claims that his Uncle John “whipped the children with belts and openly had sexual relations with two of his teenage stepdaughters.” This allegation which was not made until 1995, ten years after petitioner received his death sentence stems from petitioner’s brother Glen, not petitioner himself. Furthermore, Glen had been extensively interviewed by defense investigators and had failed to mention these claims.

Petitioner and his brothers also stayed with another uncle and aunt. According to the Clemency Petition, living in this household was intolerable as both petitioner and his brothers were “scapegoats” and were “beaten” with belts and cords.

Petitioner would have this Board believe that he and his brothers were the victims of cruel aunts and uncles and it was due to this background that his criminal behavior started. The facts show a very different story. It also shows that petitioner lived in Chicago with his father for years as he grew to be a predator.

Petitioner had an extensive background, which shows a predictably violent escalation of criminal activity. On September 1, 1977, when petitioner was 13 years old he received his first Station Adjustment for breaking into box cars. Although petitioner claims to have had no contact with his mother since she “abandoned” him as an infant, this police report lists her address as 10910 S. Wabash.

On February 11, 1978, petitioner was arrested for Aggravated Assault and Robbery. Petitioner received a second Station Adjustment. Petitioner’s mother, whom he claimed he never saw because she abandoned him as an infant picked petitioner up at the 6<sup>th</sup> District Police Station. Her address was the same as petitioners.

Petitioner was living in Chicago with his father, not left in the care of terrible relatives, when he was arrested for Unlawful Use of a Weapon on April 11, 1978. Petitioner was 14 years old. Petitioner was attending Staff Elementary School in Chicago at the time, contrary to his claims that he received little or not formal education as he was wasting away in a rural area with abusive relatives. A social investigation of that crime revealed that petitioner chose to spend his free time with peers who were active in the Juvenile Court system. That

same investigator expressed concern that petitioner was not receiving adequate supervision under his father's care due to his job as a bus driver, and that petitioner be allowed to live with relatives who would be able to provide him "with the necessary supervision which he would need."

Also, less than a month later, on May 9, 1978, petitioner was arrested for burglary and robbery. Petitioner and two friends broke into someone's home and stole two television sets, an 8-track player, a radio, a turntable, and two cameras. Both cases were heard before Judge Chrastka and the court records show that petitioner's father was present with petitioner in court. Petitioner's mother's address was listed as 11510 S. Wallace. Petitioner was sentenced to one year of probation on both offenses.

Less than two months later, on June 23, 1978, petitioner was arrested for knocking 8-year old Pierre Walker from his bicycle and stealing it. Petitioner was detained in the Audy Home and was eventually sentenced to one year of probation for this offense as well. Petitioner's mother's address was listed as 11009 S. Wabash.

During petitioner's probations, a violation was filed as he was not attending school as required. Petitioner did not attend school for 18 days in September, 17 days in October and 17½ days in November. He also failed to cooperate with the U.D.I.S. (Unified Delinquency Intervention Services) program as specified in his probation orders, and failed to attend regularly scheduled group sessions three times a week. Petitioner's father appeared in court, petitioner did not. Petitioner was found to be "defiant" and refused to obey his probation requirements. A warrant was issued for petitioner's arrest for his refusal to comply with his probation requirements.

Court records also show that prior to Christmas 1978, petitioner had moved in with his aunt and uncle. Petitioner's Uncle James told the officer he was going to enroll petitioner in school in St. Anne. The court gave James Hudson temporary custody of petitioner. On August 7, 1979, petitioner was still living with his uncle. Both probations were ultimately terminated satisfactorily while petitioner was under his uncle's care and custody.

On November 28, 1979, petitioner's brother, William Hudson Jr. shot petitioner and other family members outside the uncle's home in St. Anne. Petitioner, who was 15 at the time was shot because he told his father that William wanted to take the family truck to kill a dog. Petitioner's father was also shot as were five others. Petitioner's cousin and an aunt were killed. At the time, petitioner was attending Pembroke Alternative School in Hopkins Park. It is clear that this event did not serve as a catalyst for petitioner's criminal behavior. Petitioner was well entrenched in his life of crime well before he was shot.

On February 27, 1983 petitioner was out drinking and partying with Ronald Bridgett. Around 5:00 a.m., petitioner tripped Mr. Bridgett from behind and attacked him. Petitioner took \$60 from Mr. Bridgett along with a watch and the keys to Mr. Bridgett's car, in which petitioner made his escape. Mr. Bridgett sustained a bloody nose and a cut lip from the attack. Petitioner was arrested on March 1, 1983 in Kankakee. Petitioner told the police that he attacked Mr. Bridgett because he was "broke" and needed some money. Petitioner drove to Kankakee of his own volition.

In May 1983, six weeks before the brutal slaying of Folke Peterson, petitioner was convicted of robbery and sentenced to 2 years felony probation. He listed his mother's address as 110<sup>th</sup> and Wabash on his history sheet.

In short, petitioner did in fact live with his father for an extended period of time. The only time that petitioner was not arrested was when he was living with relatives in St. Anne. Petitioner's claims that he suffered at the hands of an unpleasant living situation with his aunts and uncles defies reality.

Petitioner's exaggerations and gross misrepresentations regarding his unhappy childhood should not serve as a basis in which to grant clemency. The murder of Folke Peterson was inflicted by a hardened criminal who made conscious choices throughout his life. It was petitioner who was solely responsible for the brutal slaying of Folke Peterson. This Board should not allow petitioner to shift the blame to relatives who worked, housed and fed petitioner all of his life.

Petitioner complains that his jury was not instructed to consider as statutory mitigating factors the fact that he had a history of extreme emotional or physical abuse. However, although the jury was not expressly instructed to consider these factors, it was instructed that mitigating factors include "any reason why the petitioner should not be sentenced to death" and that it should consider all mitigating evidence even if it does not pertain to one of the enumerated factors. Illinois Pattern Jury Instruction 7C.06.

#### Petitioner is Mentally Retarded

Petitioner alleges that his death sentence should be commuted in light of Atkins v. Virginia, 122 S. Ct. 2242 (2002), because he is mentally retarded and that, therefore, the imposition of the death sentence violates the Eighth Amendment's prohibition against cruel and unusual punishment. Although the Court in Atkins noted that mental retardation is characterized as having

a significantly subaverage general intellectual functioning and significant limitations in adaptive functioning in at least two skill areas with the onset prior to age 18 (122 S.Ct. at 2245 n.3), the Court expressly stated that it was not adopting a definition of mental retardation and left it to the various states to adopt a definition of mental retardation and delineate procedures for determining whether or not a particular petitioner is mentally retarded. Id. at 2249-50. Because Illinois has not yet adopted a definition of mental retardation nor has it crafted the appropriate procedures, petitioner's claim is premature and should not be considered by the board at this time.

Factually, petitioner's argument is simply untrue. He has not attached any evidence to support this claim to his Petition. Dr. Rosenwald, the person to whom petitioner refers, testified in petitioner's Motion to Suppress Statements that he did not think petitioner would have understood his Miranda warnings as he had faulty judgment. When petitioner took an intelligence test, he scored in the lowest 5% of the population. It is curious that Dr. Rosenwald was not called to testify to petitioner's alleged mental retardation at trial. This is probably because the trial court flatly rejected his claims at the pre-trial motion. This is the first time that petitioner has ever alleged that he was mentally retarded. It was never litigated at the trial, it was never raised on direct appeal to the Illinois Supreme Court, nor was it raised in the Illinois Supreme Court for Post-Conviction purposes. Petitioner's claim that he was mentally retarded twenty years after the murder of Folke Peterson smacks of insincerity and is not supported with any evidence, conjecture or speculation.

In fact, when petitioner was 14, he was arrested in Chicago for Unlawful Use of Weapons. He was attending Staff Elementary School. A social investigation of that crime revealed that petitioner "is about an average student." The fact that petitioner never went to

school and chose to spend his time victimizing innocent people goes a long way in explaining his educational deficit, something for which he has changed significantly since being on Death Row.

In fact, since petitioner has been incarcerated, his actions show quite the opposite of mental retardation. In his interview with *Chicago* magazine, petitioner discussed his “religious conversion” through the Nation of Islam and then on to Christianity. It was not retardation or mental incapacity that was petitioner’s problem, it was his “anger.” Since being incarcerated, petitioner has somehow overcome his intellectual deficit and counseled troubled kids. During his interview with *Chicago* magazine, petitioner went over the murder of Folke Peterson. There was no mention of mental incapacity nor was there any mention of his intellectual shortcomings. It was his anger. When reading some newspaper articles about the crime, petitioner told the magazine that he became angry and felt, “Yeah, you’re damn right I did. And I’m more vicious than any of you, so get outta my way.”

The magazine article also cites how petitioner changed his life around in prison by taking up religious studies, teaching himself to read and write. Petitioner has also seriously studied the bible. Petitioner was also responsible for compiling a prison newspaper, the *Death Row Express*. Petitioner has authored the *Newsletter of the Campaign to End the Death Penalty* in which he wrote:

Yet I would ask the question: When we give up on the ability for someone to change, are we really saying humanity is doomed?

I can praise God for groups such as the Campaign to End the Death Penalty, the Illinois Death Penalty Moratorium Project, and too many others to try naming them all. They helped to breathe life and dignity into my body and soul.

The lights are on, and I'm willing to fight for my life and the many lives around me who have yet to feel and realize that there is value in the struggle for the dignity of life.

Yes, people should cry for the innocent men and women being sent to death row. That should be a given. But the death penalty should be about more; the despised and openly rejected men and women who may deserve the public's rejection of their actions—but never the sentence of death.

I hope to add my voice with the millions around the world who are calling for an end to this monstrous system of killing the killer to teach that killing is wrong. Now is the time to wake up to the spirit of returning people to the dignity of life.

We have the high ground, but will we use it? The words are out, bring on the willing souls. You can give back the dignity. Don't just cry for us—join our efforts.

Petitioner has the intelligence to fight for his perverted concept that those on Death Row are innocent, but he lacks the essential humanity to reflect on the innocent victims whose horrific deaths put them there.

Petitioner is also involved in the Prison Project Art Program. In an interview with petitioner, it was noted that petitioner was “a voracious reader as well as an accomplished artist. He is currently battling the prison administration to allow him to study for a GED degree (in Illinois' correctional system, death row inmates are ‘ineligible’ to get a GED degree) and to take college-level correspondence courses.” Undoubtedly, not the work of someone who is retarded.

Petitioner has also set up his own website so that others can communicate directly with him. His ad states:

I'm caged, yet I'm freer than most people I meet. I'll come to realize that I'm truly a physical reflection of (God's) loving affection for life. I'm a (X) in an indeterminate equation. I'm

sort of a phantom who has lost all beginning and ending. Yet, I realize still, the galaxies still hold many great wonders for me. Welcome, (all) free and sober minds.

Petitioner's life story was mentioned by Bill Ryan, chairman of the Illinois Moratorium Project during his testimony to the Governor's Commission. Mr. Ryan told the commission how far petitioner had come since being on Death Row, mentioning petitioner's "life as the drug user, as a gang chief, and then about the impact of the Nation of Islam and ultimately Christianity for him." Petitioner's claim of mental retardation is hardly a fair assessment of reality.

The Petition for Clemency which cites mental retardation as a basis, fails to explain how petitioner was able to grasp the concept of two world religions, teach himself to read and write, become the founder of a prison newsletter, write a newspaper article and counsel troubled kids. Petitioner's attempt to deceive this Board should be rejected.

#### Petitioner Was "Mentally Ill" When He Murdered Folke Peterson

Petitioner's fourth basis for his clemency request is his claim that he was "mentally ill" when he brutally murdered 71-year old Folke Peterson. Conceding that he was not insane at the time of the crime, petitioner now asks this Board to lower the bar even further and grant him clemency because he was "ill."

What the evidence showed and what petitioner has always consistently maintained was that he was not insane nor was he mentally ill when he murdered Folke Peterson. Rather, petitioner was an angry, drug abusing, defiant young man hell bent on a course of destruction. The only "evidence" petitioner has to point to his mental illness was the fact that his first trial

ended in a hung jury “because three jurors voted that [he] was guilty but mentally ill...” That is not evidence. In fact, petitioner has disavowed these allegations and admitted to members of the media time after time that he murdered Folke Peterson because of his anger and his drug abuse. Emotional and intellectual immaturity, drug use, and a predatory criminal history do not equate to mental illness.

In petitioner’s very public effort to take “responsibility” for his crimes, he has never once claimed that he was mentally ill. This claim is the work of attorneys, a claim that petitioner rejects time and time again. In all of the interviews and in all of his internet communications, petitioner has never claimed that he was mentally ill or incapacitated in any way. In his interview with *Chicago Magazine*, petitioner related the following:

By the time he was 19, [petitioner] was an angry grade school drop out living with his father and his aunt at 7458 South Kingston Avenue, where his father was the building handyman. In the late afternoon of Monday, June 6, 1983, [petitioner] was partying, as usual, in the neighborhood around the building. He was looking gangster sharp-dressed in a black shirt, black and brown slacks, black buck shoes, a black suede jacket and a black hat. He consumed half a pint of E&J Brandy, smoked some marijuana. Then he packed what is called a blunt-a Tiparillo cigar emptied of tobacco and stuffed with pot, in this case laced with cocaine. The pot-coke combination made Hudson feel stoned and exhilarated at the same time. He came up with a plan to put some easy money in is pockets.

Although petitioner claimed he recalled “only a few things from that night” one of those “things” was “spurts of anger, getting angry with Mr. Peterson. I remember him saying he liked me, and that got me mad and that’s when I would stab him. I know it doesn’t make sense, but I was getting angry because of how nice he was being.” Petitioner recalled “in those days, he was often so angry he couldn’t contain himself, couldn’t control the violent urges that swept

through his body like a tidal wave.” Even one of petitioner’s lawyers told the magazine that “the force of the anger was palpable—you could touch it.” His attorney said petitioner had “this anxiety and anger in him.” That same attorney maintained regular contact with petitioner and talked about his how he saw petitioner “claming down, focusing—growing up.” In more than a dozen interviews with that magazine, nobody, not petitioner, not his attorneys, nobody ever mentioned that petitioner was “mentally ill.” Petitioner murdered Folke Peterson because he was an angry, self-obsessed person devoid of any type of human compassion.

Marlene Matlin, the National Director of the Campaign to End the Death Penalty released a publication on April 5, 2002 describing how a hypothetical visit to Death Row by Governor Ryan would transpire. When it came to describing petitioner, she said:

Next, we would stop at the cell of [petitioner]. Ryan would be struck by [petitioner’s] candor—for he doesn’t deny his role in the crime that he was sentenced to death for. But [petitioner] would talk about the factors that landed him on death row at the age of 19—his background of poverty and abuse growing up, his problem with drugs.

Again, no mention of mental illness.

During Bill Ryan’s speech to the Governor’s Committee, he quoted petitioner and his explanation of how he landed on Death Row:

As I sit here in my cave, daily listening to the pains of the men on this side of the room, I can see what happens to so many of us. Hate and jealousy ruled my life. Hate because of a home not full of love, and jealousy for people who have things I did not have. When you mix the two with drugs, you come away with a formula for a killer.

Anger, jealousy and drugs. Not mental illness.

Last, in his own newsletter, petitioner wrote the following:

I will state for the record that drugs played a big part in the decision I made 15 years ago. Anyone who has knowledge of drug abuse knows that while you're under the influence of drugs, you may think you know what you're doing and are in control even though you're not. If you stop and look at the decisions I made in 1983, it's clear that something was wrong with me.

Petitioner was never mentally ill, nor was he ever insane. He was a predatory drug-abuser who saw something that he wanted and slaughtered a 71-year old human being to get it. Four blood soaked dollars. So much for mental illness.

#### Petitioner Has Found God And Is Reformed

The last basis for petitioner's clemency request is that he is reformed and his life therefore, should be spared. Specifically, it has been his behavior since 1995 that petitioner wishes this Court to examine. A full examination of petitioner's crimes while incarcerated are warranted in this case.

Petitioner received twenty disciplinary reports while incarcerated. In addition to those problems, petitioner engaged in some rather unusually violent plots while in jail.

On October 5, 1985, Clyde Holley, a Correction Captain in the Cook County Department of Corrections received a phone call from a woman claiming to be petitioner's aunt. The woman told Holley that petitioner was being harassed on his wing and wanted to alert security about the problem. Holley sent for petitioner. When Holley asked petitioner what the problem was, petitioner said, "this is the problem" and stuck a gun in Holley's face. The two wrestled to the floor. It was later revealed that the gun used by petitioner was a cap gun.

On August 31, 1988, Charles Mitchell, an Internal Investigator with the Cook

County Department of Corrections talked to a jail informant who revealed an escape plan. This plan involved petitioner and six other inmates. Petitioner and the others attached knotted bed sheets up a shaft to the roof where they planned to kill a guard in the tower. All suspects were locked up and their cells searched. Evidence of the escape plan was located. The metal plate on the shaft had already been removed and replaced with cardboard. Batteries, a hacksaw blade, work gloves and two shanks were found. In addition, one of the inmates was found with two shanks in his sock. Petitioner secreted an eight-inch shank in his cell.

Petitioner recalled the September 21, 1994 event for *Chicago Magazine* which nearly cost a jail guard his life:

That day, angry at a particular guard, he sat in his cell and rolled a bunch of toilet paper into a tight doughnut. Then he poured water, jelly, and honey into a food can, lit the doughnut, and heated the gooey liquid until it was scalding hot. Finally, he wrapped a towel around the can and waited. When the guard walked by, [petitioner] launched the napalm-like confection, causing severe burns over half the guard's face. ([Petitioner]] pleaded guilty to aggravated battery in Livingston County court and received a five-year sentence.)

Because this was petitioner's last rules infraction, he concludes, he is entitled to clemency. The fact that petitioner has behaved like a human being for the last several years does not entitle him to clemency for the butchering of Folke Peterson. A jury decided that petitioner deserved to die for what he did to Folke Peterson. The Illinois Supreme Court affirmed that finding. Although the People are relieved to know that petitioner has not tried to kill any other jail guards, nor has he tried to escape or pulled a gun on anyone in the recent past, his decision to dissect Folke Peterson cannot be rationalized nor excused. Petitioner does not deserve clemency. Folke Peterson deserves more than that.



## CONCLUSION

Petitioner admits his guilt for this brutal crime. His trial, appeal and post-conviction proceeding were fair and he would have been sentenced to death even if the new Illinois Supreme Court Rules and Governor's Commission's recommendations had been in place. The savage 8-hour knife attack on 71-year old Folke Peterson was torture. This crime coupled with petitioner's background both before and after incarceration demands that his unjustified plea for clemency be rejected. For all these reasons, the People of the State of Illinois respectfully request that this Board and Governor Ryan deny executive clemency to Renaldo Hudson.

Respectfully submitted,

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