

ICE arrests wrongly convicted Chicago man released after 20 years in prison

Meenakshi Jagadeesan

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Last Wednesday, Ricardo Rodriguez—a Chicago man wrongfully convicted for the 1995 murder of a homeless man—was finally freed after 20 years behind bars, only to be immediately taken into custody by US Immigration and Customs Enforcement (ICE).

Rodriguez, who had been a legal permanent resident of the United States, had lost his residency status at the time of the conviction. Now, despite the fact that the Cook County state's attorney had finally dropped the charges against him, ICE has taken him into custody as an “undocumented immigrant.” Rodriguez now faces possible deportation.

But for the tragedy it has visited on the life of Rodriguez and his family, this travesty of justice is absurd enough to be ludicrous. Rodriguez was arrested for the murder of a homeless man, Rodney Kemppainen, who did odd-jobs for people in exchange for sleeping in garages. Kemppainen was killed in a drive-by shooting in Chicago's Humboldt Park neighborhood.

There was no physical link connecting Rodriguez to the crime, nothing in his background that would have established motive and he never confessed to the killing. Rodriguez was, however, still arrested by Chicago police Detective Reynaldo Guevara, who claimed to have received an anonymous tip, and was eventually convicted on the basis of questionable testimony from two eye-witnesses. On Tuesday, Cook County Judge James Obbish finally threw out Rodriguez's case at the request of the state prosecutors.

The *Chicago Sun-Times*, which initially reported the story, pointed out that even prior to this case, Cook County has had a rather dubious distinction. According to data compiled by the National Registry of Exonerations, a wrongful conviction database maintained by the University of Michigan, at least 159

people have been freed from prison after being convicted in Cook County—a total that ranks the county which encompasses Chicago and its closest suburbs higher than almost every state for exonerations.

The record of Detective Guevara, who arrested Rodriguez, is particularly notable in this regard. This case marks the 10th involving him that has been tossed out since mid-2016. Guevara apparently has had a reputation of beating and improperly coercing witnesses. In Rodriguez's case, the two “eye-witnesses” apparently could not recognize the shooter, until coached by Guevara with a photograph of the suspect. The Exoneration Project also found another witness who testified that Rodriguez was in fact not the shooter. Guevara's cases are now being looked into on a case-by-case basis by the state attorney's office.

A spokesperson for the state's attorney's office admitted that the burden of proof could not be met, which is why they had requested the judge to throw out the case against Rodriguez. Tara Thompson, Rodriguez's attorney, told the *Chicago Tribune*: “For decades the community has known that Detective Guevara was involved in wrongful convictions, and we are grateful that the courts are taking notice and that Kim Foxx's office took action in this case.”

For Rodriguez, the release from prison after 20 years of wrongful conviction did not bring about any measure of justice. He was immediately picked by federal immigration officials, and for much of Wednesday, his family was unaware of his location or of what exactly had transpired. It was only several hours after his release that the Department of Corrections announced that Rodriguez “had been detained” by the Department of Homeland Security. Later in the day he was able to call his family to let them know that he was being held in an ICE facility in Kankakee, Illinois.

Maria Rodriguez-Lopez, the victim's sister, told the *Chicago Tribune* that her brother was "hoping that they do the right thing, and they can get him out of there." But, her family was "deeply afraid" that Rodriguez would be deported and that "[i]t would be a very big injustice for them to do that to not only my mother, but my family, who have tried so hard to prove his innocence all these years."

Rodriguez came to the United States as a child with his family, and his entire family now resides in the United States. Apart from two convictions for cannabis possession in his youth, his criminal record is marked only by the horrific miscarriage of justice that kept him falsely incarcerated for two decades. He lost his permanent resident status because of what has now been officially admitted as a wrongful conviction. Instead of providing him the restitution he deserves, the US immigration enforcement system seems to be intent on compounding the injustice that has already marred the life of Ricardo Rodriguez and his family.



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