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THE BURGER KING SLAYING

Suspect freed in '82 killings

Court ruled police search illegal

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Video: [Burger King slaying](#)

The man charged with strangling a Burger King manager last month had been convicted of a brutal quadruple murder in 1982, but the case was overturned by appellate judges who ruled that Chicago police had violated his rights.

James Ealy had been sentenced to life without parole in 1984 for the strangulation murders of four members of one family: a pregnant woman, a 15-year-old girl and a 12-year-old girl, and a 3-year-old boy.

Ealy was 17 at the time.

In 1986 the Illinois Appellate Court determined that police detectives had arrested Ealy without probable cause and illegally searched his home.

The judges ruled that evidence found in the search--including pieces of cloth that matched those used to strangle the victims--could not be cited in retrying him.

The court also threw out Ealy's confession after finding that detectives held him for 18 hours and denied him food, water and access to a bathroom before he signed the statement.

Without the critical evidence, prosecutors decided another trial would be futile.

Questionable police work has on many occasions prompted the courts to release prisoners, some of whom were proved to be completely innocent.

In this case, though, the appellate court pointed out that there was enough evidence to conclude Ealy had committed the murders, but the violation of his rights by police required them to throw out his conviction anyway.

Brian Telander, a former prosecutor who tried the original murder case, said the appellate ruling was flawed. And he said he had always feared Ealy might be violent in the future.

"If the system had worked, that lady would be alive today," Telander said.

Ealy was ordered held without bond Saturday, charged with murdering Mary Hutchison, the 45-year-old manager of a Burger King in north suburban Lindenhurst.

Lake County prosecutors allege that Ealy, who previously worked at the Burger King, decided to rob the restaurant when he drove past it early in the morning on Nov. 27 and saw Hutchison's car outside. He allegedly beat her and strangled her with the bow tie from her uniform.

Police said he killed her because he feared she could identify him.

In 1982 police also said that Ealy strangled a person who could identify him; in that case, it was a 3-year-old boy.

Police said Ealy got into an argument with friends in the Rockwell Gardens housing complex in Chicago where he lived with his mother. According to court records, the victims, who included his former girlfriend, were teasing him about an eye infection he had. Ealy had been convicted of strangling Kristina Parker, 33, her two daughters Mary Anne, 15, and Cora, 12, and Mary Anne's son, Jontae, according to court records.

He allegedly molested Jontae, then strangled him because he feared the boy would be able to identify him, according to court records. At the time of the killings he was free on bond after being charged with sexual assault.

Retired Detective Vic Switski was one of the officers who questioned Ealy and searched his apartment. Police were questioning him because he lived in the building and dated one of the victims, and they had an inkling that he might be involved but had no hard evidence, Switski said in an interview Monday.

"I asked him to sign a consent to search his apartment, because we couldn't get a warrant. There wasn't enough [evidence] to search. And he did sign," Switski said. The terms of the consent were narrow and only allowed the detectives to search Ealy's belongings and personal space in the apartment, which he shared with his mother and brother.

"If we were acting improperly we would have tossed the place," he said. "There was nothing rash here. There was a lot of discussion about how to proceed."

Under Ealy's bed, the detectives found a sheet wrapped around some other fabric, including a piece of a torn garment that matched the ligatures removed from the neck of one of the victims, Switski said.

However, the appellate court ruled that the detectives' questioning of Ealy was a "detention" that "resembled a traditional arrest," noting that they interrogated him continuously over 18 hours.

When the appellate court reversed the conviction and tossed out the evidence and confession, "We were stunned," said former prosecutor Telander. "It's frustrating. We spent all that time and effort and were absolutely convinced we protected [Ealy's] rights and that he got a fair trial."

Lake County State's Atty. Michael Waller said he became aware of the quadruple murder conviction on Saturday after the bond hearing.

Waller called the appellate court decision "terrible."

"If you read the factual situation, it seems to me that they very easily could've found that the police conduct was appropriate," he said.

"What does the appellate court expect the police to do?"

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Chicago police officials defended the police work Monday, saying detectives initially thought Ealy was a cooperative witness, but then had to make a series of complicated decisions when they suspected he was involved in the murders. The appellate court viewed the case with the hindsight that evidence eventually pointed at Ealy, ruled that police had placed him under arrest, and had done so improperly.

"Had the police failed to continue talking to James Ealy at the time, they would be criticized today for not solving the crime and allowing James Ealy to go free," spokeswoman Monique Bond said.

Several detectives worked the case with Switski, including Ralph Vucko.

A 2001 Tribune investigation, "Cops and Confessions," found that Vucko played a role in several homicide cases in which an illegal arrest prompted courts to throw out a suspect's confession.

At least five defendants in cases in which Vucko was involved, the Tribune found, had charges against them dropped. At least three others were convicted in spite of an illegal arrest, either because judges allowed the confession anyway or because of other evidence.

When Ealy's murder conviction was overturned, he was serving a 23-year sentence for a rape. He was paroled in that case in 1993, but was convicted in 1996 of attacking a prostitute on the South Side.

After picking the woman up and paying her \$10 for sex, he showed her a gun and put a knife to her side and told her "this is the last day of her life," according to court records. The woman saw a police car, grabbed the steering wheel of Ealy's car and caused a crash, and police arrested him. He was convicted of unlawful restraint and gun possession and sentenced to 10 years. He was paroled in 1999, according to state records.

Ealy got married after his release. Federal records show he and his wife, Cathyann Ealy, filed for bankruptcy in 2002, when they were living in south suburban Dolton. Waller said he does not believe Ealy has any children.

Neighbors at the three-story Lakeview Terrace apartment complex in Lake Villa described Ealy as a reserved man who appeared to live alone and work nights.

Ealy worked about a year at Burger King before he resigned in early November, leaving on good terms and of his own volition, said Chris Ondrula, vice president of corporate affairs for Fox Lake Family Dining of Crystal Lake, which holds the store's franchise.

When asked if the restaurant managers conducted a background check on Ealy, Ondrula would not comment, saying that the information was turned over to police.

Ealy began working for a Value City department store about three weeks ago, a sales clerk there said. Ealy worked in stocking and receiving at the store, located at Gurnee Mills shopping mall. The store is within walking distance of a McDonald's restaurant, where he also held a job.

The Value City clerk, who declined to give her name, said, "He was quiet. He didn't talk to anyone; just did his job."

A McDonald's spokesman said Ealy falsified his job application. "Mr. Ealy falsified his background information. He did not disclose as required that he had felony convictions," William Whitman said.

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