No. 12-1529

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

DARRELL CANNON

Plaintiff-Appellant,

v.

JON BURGE, JOHN BYRNE, PETER DIGNAN, MICHAEL BOSCO, DANIEL MCWEENY, RAYMOND MADIGAN, RAY BINKOWSKI, THE ESTATE OF CHARLES GRUNHARD, TERRY HILLARD, THOMAS NEEDHAM, LEROY MARTIN, GAYLE SHINES, AND THE CITY OF CHICAGO

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division
Case No. 05 CV 2192
The Honorable Judge Amy J. St. Eve

PETITION FOR REHEARING AND SUGGESTION OF REHEARING EN BANC

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CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Seventh Circuit Rule 26.1, counsel for Plaintiff-Appellant states as follows:

1. The full name of every party that the undersigned attorneys represent in this case is: Darrell Cannon

2. The names of all law firms and the partners and associates that appeared for the party now represented by us in the trial court or are expected to appear in this Court are:

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3. The parent corporations and any publicly held companies that own ten percent or more of the stock of the party represented by the attorneys: N/A

Respectfully submitted,

/s/ G. Flint Taylor

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STATEMENT FOR SUGGESTION OF REHEARING EN BANC

This is a case of exceptional importance. It asks the Court to decide whether an acknowledged victim of the Burge torture scandal is bound by the settlement he entered into before the nature of the scandal could have been known outside the conspiratorial circle. The Panel held that the defendants are entitled to the benefit of their ill-gotten settlement, though it acknowledges what no one can fairly deny: that they hid the truth from the world for decades. Moreover, the decision of the Panel cannot be squared with this Court's landmark decision in *Bell v. City of Milwaukee,* 746 F.2d 1205 (7th Cir.1984), *overruled on other grounds by Russ v. Watts,* 414 F.3d 783 (7th Cir.2005). It also does violence to all fair principles of summary judgment law, as the Panel distorts and otherwise takes crucial facts in the light most favorable to the defendant torturers rather than their victim, Darrell Cannon. Additionally, its holding that the settlement was not unconscionable flies in the face of all principles of equity and fundamental fairness. Most fundamentally, the Panel impermissibly holds that Mr. Cannon is not worthy of just compensation because he is a former gang member who had a prior conviction for murder.

For these reasons, pursuant to Rules 35 and 40 of the Federal Rules of Appellate Procedure, rehearing is required.

FACTS

A. Plaintiff's Torture

In the early morning of November 2, 1983, Area 2 Defendants John Byrne, Peter Dignan, and Charles Grunhard burst into Plaintiff Darrell Cannon's apartment and arrested him for murder. R. 391, Plaintiff's Statement of Additional Facts ¶ 1. They informed him that they had "a scientific way of interrogating niggers," and that he was in for the "hardest day of his life." *Id.* Later that morning, they drove Mr. Cannon to a secluded location on the far southeast side of Chicago, where the torture began. *Id.* at ¶ 3.

At the torture site, Dignan jammed a shotgun into Mr. Cannon's mouth and demanded that he confess. When he refused, Dignan pulled the trigger. *Id.* Dignan repeated this mock execution twice more. *Id.* Dignan, Byrne, and Grunhard then forced Mr. Cannon, who remained handcuffed, into the back seat of their police car and yanked his pants down. *Id.* They then pulled out a cattle prod, pressed it against Mr. Cannon's testicles and repeatedly administered electric shocks that were excruciatingly painful. *Id.* During this entire ordeal, Dignan and Byrne repeatedly addressed Mr. Cannon as "nigger." *Id.* When Mr. Cannon again refused to cooperate, Byrne, Grunhard, and Dignan shoved the cattle prod into his mouth. *Id.* Mr. Cannon then agreed to tell the defendants he had knowingly participated in the murder, they returned to Area 2, and Cannon repeated his false confession to an Assistant State's

Attorney. *Id.* at ¶ 4. On the sole basis of this false confession, Mr. Cannon was convicted of murder and spent 24 years in prison. Id. at ¶¶ 7, 25.[1]

B. The Cover-up Which Preceded Plaintiff's Settlement

Contrary to the Panel's finding (*see Cannon v. Burge*, ___ F.3d ___ 2014 WL 2185016, *21 (7th Cir. May 27, 2014)), Plaintiff's evidence shows that there was a pattern and practice of racist police torture under the command of Defendant Jon Burge at Area 2 that was known at the highest levels of the Chicago Police Department and the Cook County State's Attorneys' Office as early as February of 1982. Those who knew included Police Superintendent Richard Brzeczek and his command staff, his successor Fred Rice, State's Attorney Richard M. Daley, and his First Assistant, Richard Devine, Area 2 Commander Leroy Martin, and Office of Professional Standards Director David Fogel.[2] The evidence further shows that this practice of torture was an "open secret" among the personnel of Area 2.[3] Additionally Plaintiff's evidence establishes that Rice and Fogel

[1]A video of Mr. Cannon's full recounting of his torture may be viewed at KosWorks, Police Torture Chicago Style: Darrell Cannon, Anthony Holmes and Flint Taylor Speak Out, YOUTUBE, (Jan. 10, 2012) http://www.youtube.com/watch?v=AgCZ-qcjFto&feature=email.

[2] The evidences shows that Brzeczek, his command staff, Daley and Devine knew as early as February, 1982) (R. 391, Plaintiff's Statement of Additional Facts ¶¶ 57-60); Area 2 Commander Leroy Martin knew as early as 1983, (*Id.* at ¶ 75), and CPD Superintendent Fred Rice and OPS Director David Fogel knew as early as 1984 (*Id.* at 110-111).

[3] *Id.* at ¶ 167.

knew that Mr. Cannon's torture was part of a pattern and practice of electric-shock torture as early as 1984.[4]

Moreover, the evidence also shows that these high ranking officials, with the active assistance of the CPD's Office of Professional Standards, actively kept the secret until it was revealed by an anonymous police source in 1989, and did absolutely nothing to stop the practice. They promoted Burge, vigorously prosecuted each and every torture victim, refused to investigate or prosecute Burge and his fellow Defendants, and rejected each and every disciplinary complaint, including Mr. Cannon's.[5] For their part, Defendants Byrne and Dignan continued to torture black suspects, at least 20 in number, from 1982 to 1988, committed wholesale perjury by offering false denials in Court on dozens of occasions, including on numerous occasions in Mr. Cannon's case, and secreted, destroyed, and lied about the implements of their torture, including the cattle prod and shotgun used to torture Mr. Cannon.[6]

C. The Settlement

In 1986, Plaintiff filed his six page *pro se* 42 U.S.C. § 1983 complaint. Unlearned in the law, saddled with a wrongful conviction, and buried in the bowels of Menard Penitentiary, Mr. Cannon sued Byrne, Dignan and Grunhard for torturing him. Contrary to the Panel's assertion (*Cannon* at *21) that Mr. Cannon sought only $45,000 in damages, he prayed for "reasonable attorney's fee and cost" (sic), and an order

[4] *Id*. at ¶¶ 110-111.

[5] *Id.* at ¶¶ 5, 58-60, 62, 110-111, 127, 63-132.

[6] *Id.* at ¶¶ 63-130, 132-133.

awarding "compensatory and punitive damages in the amount of $15,000, *plus [damages for] physical injuries, pain, suffering, mental distress, from each defendants*" (sic), and for "other and further relief that this court may deem just and proper." R. 391, Plaintiff's Statement of Additional Facts ¶8 (Ex. 5). (emphasis added) He was subsequently appointed a Chicago lawyer who took the depositions of the Defendants, at which they once again lied under oath. In 1988, Cannon reluctantly took his appointed lawyer's advice and settled for $3000, netting out $1247. *Id.* at ¶¶ 9-15.

ARGUMENT

I. There is no Principled Way of Distinguishing This Case From *Bell v. Milwaukee.*

The Panel spent much of its opinion trying to distinguish Appellant's case from the facts in *Bell v. Milwaukee.* However, as was recognized at oral argument, there is no relevant distinction. In both cases, the police committed an egregious crime and covered it up with a massive criminal fraud. In both cases, the true nature of the crime was later established - - - in *Bell* by a fellow officer who came forward 20 years later, in *Cannon* by the slow accumulation, piece by piece, as Chief Judge Wood described it in *Hinton v. Uchtman*,[7] of a "mountain of evidence" that torture was an "ordinary occurrence" (i.e. practice) under Defendant Burge during the exact time period that Mr. Cannon was tortured; by the suppressed findings, made after the 1994 OPS re-investigation, that Mr. Cannon was tortured by defendants Byrne, Dignan and Grunhard in the same barbaric manner that he had alleged in his *pro se* complaint, (R. 391, Plaintiff's Statement of

[7] 395 F. 3d 810 (7th Cir. 2005). Hinton was tortured with electric shock by Burge and several of his subordinates less than a month after Mr. Cannon.

Additional Facts ¶¶ 19-21); by additional officially suppressed 1993 OPS findings that Byrne and Dignan were also guilty of the racially motivated torture and abuse of a series of black suspects in the early to mid-1980s[8] (*id.* at ¶¶ 156-158); and by the officially suppressed 1990 findings that Defendants Byrne, Dignan, and Grunhard were "players" in Burge's systemic torture at Area 2. *Id.* at ¶¶ 147,149.

In *Bell*, a Coroner's Inquest finding that the killing was justifiable made the lawsuit more difficult, while the perjury based wrongful denial of Cannon's motion to suppress, his wrongful conviction for murder that was exclusively based on his coerced confession, and the original OPS finding of "not sustained" in his administrative complaint against his torturers all but destroyed his claim. In both *Bell* and *Cannon*, the Plaintiffs pursued their claims anyway, were compelled by the cover-up to accept paltry settlements, and renewed their claims decades later, equipped finally with the truth, which made their cases many times more valuable than they were when they were brought under the cloud of official cover-up and deceit.

No reasonable person could deny that, like *Bell*, Cannon's case, and the cover-up it implicates, is "extraordinary," and the Panel's attempt to use the completely inapposite garden variety cases of *Thompson v. Boggs*, 33 F.3d 847 (7th Cir.1994) and *Vasquez v Hernandez*, 60 F.3d 325 (7th Cir.1995), to support its abandonment of *Bell* is simply disingenuous. There was no settlement in either case, the Constitutional

[8] These cases included Byrne and Dignan's torture of Gregory Banks four days before Cannon's torture, during which they introduced the bag with which they tortured him with the statement "we have something special for niggers." R. 391, Plaintiff's Statement of Additional Facts ¶¶ 84-87 (Exhibit 59).

violation alleged was less serious and not fueled by racial animus, and the "cover-up," which consisted of the filing of some false police reports, was, in comparison to *Bell* and *Cannon*, short-lived, unsuccessful, and did not implicate high level police or prosecutorial officials. In short, *Cannon*, like *Bell*, is about as far away from *Thompson* and *Vasquez* as a hare is from a tortoise. As Judge Rovner correctly concluded at oral argument:

> Under *Bell*, the Plaintiffs, it seems to me, have shown exactly what they need to show, and any other result would mean that defendants could engage in a decade-long cover-up with impunity. The plaintiffs might "know" in quotes that there's a cover-up, in the sense that they know that the police are lying, but that's a great distance from being able to prove that that's the case . . . . [I]t seems to me that if the Defendant successfully suppressed the truth in an effort to force an unfavorable settlement out of the Plaintiff, they should not be rewarded for the success of their scheme when the truth eventually comes out.

Recording of January 22, 2013 oral argument *in Cannon v. Burge* at 23:32 to 24:23.[9]

The panel also attempts to "blame the victim" - - - a wrongfully convicted prisoner in a maximum security prison, saddled with an appointed lawyer with no relevant litigation experience - - - for not cracking the cover-up. In so concluding, it makes oblique reference to the undersigned People's Law Office lawyers, who, according to the panel, "pursued their claims with more vigor than Cannon and eventually uncovered the broader police torture scandal involving Jon Burge, the officers who worked under him, and the police officials who looked the other way and sometimes actively concealed what they knew about the torture." *Cannon v. Burge* at

[9] See also, *Id.*, at 15:44 to 16:24, where Judge Rovner again states that *Bell* and *Cannon* are on all fours. The recording of the oral argument can be accessed at http://media.ca7.uscourts.gov/sound/2013/sp.12-1529.12-1529_01_22_2013.mp3.

*19. Both the historical record and the record in this case, particularly the March 22, 2011 Declaration by attorney G. Flint Taylor, completely belie this assertion. *See* R. 391-4, Declaration of G. Flint Taylor. As counsel in the Andrew Wilson case, Taylor and his co-counsel pursued a mind-numbing pre-trial crusade to uncover the truth, conducting some 50 depositions and making numerous discovery demands in 1988 and early 1989, yet they were not able to unearth the truth. It came to light only because Taylor received a letter and a phone message from an anonymous police source ("Deep Badge") while he was cross-examining Jon Burge mid-trial that identified other victims of torture, labeled the pattern as "racist," implicated SA Daley and former Mayor Byrne in the cover-up, named Defendant Byrne as Burge's "main man," and named Bryne, Dignan, and Grunhard as prominent Burge "asskickers." R. 391, Plaintiff's Statement of Additional Facts ¶¶ 137-141, and Exhibit 90 thereto. As the Illinois Supreme Court later recognized:

> The problem with defendant's argument is that much of the information relating to other allegations of torture would simply not have been discoverable by [Patterson's lawyer] at the time of the suppression hearing in 1987. At approximately the same time that defendant's case was proceeding, defendant's current attorney, G. Flint Taylor, Jr., was representing [Andrew] Wilson in a federal suit against the City of Chicago, Burge, and other officers. Notwithstanding the fact that Taylor had available to him the full panoply of the civil discovery process, he did not discover the vast majority of the information upon which defendant now relies until February 1989. ... Moreover, Taylor discovered the information relating to the other allegations of torture only because he was assisted by an anonymous police department informant.

People v. Patterson, 192 Ill. 2d 93, 108-109 (2000); *see also*, *People v. Cannon*, 293 Ill. App. 3d 634, 640-41 (1st Dist. 1997) (28 separate incidents of torture, including 16 by defendants Byrne and Dignan, constituted newly discovered evidence at the time of Cannon's 1994

re-trial); *People v. Wrice*, 406 Ill. App. 3d 43, 52-53 (1st Dist. 2010), aff'd 962 N.E.2d 934 (Ill. S. Ct. 2012) (information revealed by the Cook County Special Prosecutor in July 2006 about systemic torture in Area 2 and Byrne and Dignan's role in it was newly discovered evidence sufficient to overcome procedural default); R. 391-4, Declaration of G. Flint Taylor, ¶¶ 3-12.

Moreover, contrary to the Panel's determination, *Bell* itself requires no such pursuit: "defendants have not established that had Dolphus Bell and his attorney sought discovery, they would have obtained sufficient documentary and testimonial evidence to overcome the inquest finding of justifiable homicide, a finding facilitated by perjured testimony..." *Bell*, 746 F. 2d at 1228. As Judge Rovner said of this "requirement" at oral argument:

> That astonishes me, that argument because he was supposed to ask in discovery "by the way, have these officers tortured anyone else? Is the City helping these officers cover-up other criminal acts?" Was he obliged to ask if they were committing other criminal acts? How do you suppose they would have answered . . . . "yes, yes we're criminals?"

Recording of January 22, 2013 oral argument *in Cannon v. Burge* at 20:33-20:57, 21:01-21:03.

Hence, it is clear that the Panel refused to follow binding Seventh Circuit precedent when it distorted the law and the facts in order to avoid *Bell's* clear holding.

II. The Panel's Decision on the Question of Unconscionability is itself Unconscionable.

The Panel blithely states that "what the officers did to Cannon was unconscionable," but that the $3000 settlement, secured by fraud and perjury, was not. *Cannon v. Burge* at *20. In reaching this conclusion, it relies on the erroneous "fact" that

the cover-up did not precede the settlement; that Cannon's lawyer did not pursue, as Judge Barker described it at oral argument, the "futile" act of aggressively pursuing evidence that his torturers tortured others;[10] that the decade of perjury, as well as the destruction and suppression of evidence by his torturers and their confederates, amounted only to a "typical credibility contest;" *id.*, and that any disparity in bargaining position was Cannon's fault because he had a prior murder conviction. Hence, in the Panel's view, it was not unconscionable for the City to escape further liability for Cannon's "unconscionable" torture, the resultant cover-up, his 24 years in prison, and God knows what else, for a net total of $1247.

On this record, such a conclusion defies all fair and equitable principles, to say nothing of Illinois law (*see, e.g., Phoenix Insurance Co. v. Rosen*, 949 N.E.2d 639, 647 (Ill. S. Ct. 2011), and is, in and of itself, unconscionable. Judge Rovner repeatedly recognized this at oral argument:

> Here are the facts on summary judgment. They take a man with a prior murder conviction, then they lie, then they torture him into making a statement that leads to a second murder conviction, then they lie about it, then they destroy evidence, then they engage in this incredibly lengthy cover-up with other city officials. You've got to help me, on what planet does he have meaningful redress in the courts under those circumstances? I mean, of course he was forced to settle unfavorably because the officers and perhaps the City have made it virtually impossible for him to prove his case. You would have us force a settlement procured by defendants that rigged the deck that no Plaintiff could have proven a legitimate claim and that to me seems to be the bottom line. . . . it's the defendants' fraud that prevented them from ever proving it. I think it's a miracle that it was ever proved, a miracle.

[10] Recording of January 22, 2013 oral argument in *Cannon v. Burge* at 21:39.

Recording of January 22, 2013 oral argument in *Cannon v. Burge* at 19:09-20:10, 25:09-2521; see also, recording at 17:33-18:21; 22:36-23:10.

In rejecting Cannon's unconscionability argument, the Panel also emphasized that Cannon had a prior murder conviction and dismissed the fact that similarly situated Area 2 torture victims have, after the cover-up came to light, collected multimillion dollar settlements from the City by saying that Cannon makes "no attempt to demonstrate similarities between the settlement circumstances of other plaintiffs and himself." *Cannon*, at *21. In fact, both the public record and the record in this case, as summarized in Cannon's reply brief at pages 18-22, show that the torture of the other settling victims was similar, that the criminal histories of the other torture victims were more egregious, and that the time they served in prison was either not a factor in the settlement or somewhat less lengthy than Cannon's. For example:

- **Andrew Wilson**: convicted of the murder of two Chicago police officers and brutally tortured with electric shock; the City agreed that he was tortured and he did not allege a wrongful conviction: $1.1 million damages and attorneys' fees settlement in 1997;

- **Stanley Howard**: extensive violent criminal history, tortured with a plastic bag by Byrne and others, in prison on a rape conviction at the time of the settlement; settlement for the torture only: $1.8 million settlement in 2008;

- **Aaron Patterson:** even more extensive violent criminal history than Howard that was ongoing at the time of the settlement and spanned twenty years; gang leader at the time of his torture and at the time of the settlement; tortured with a plastic bag and gun threat by Burge and others; 16 years in prison on his wrongful conviction: $5,000,000 settlement in 2008.[11]

[11] Since Cannon's case went on appeal, Byrne and Dignan torture victim Michael Tillman, who was bagged and beaten, received a $5.375 million settlement from the City for 23 years in prison, (see, http://articles.chicagotribune.com/2012-07-23/news/chi-city-settles-burge-torture-case-avoids-daley-deposition-20120723_1_burge-torture-

Hence, like its abandonment of *Bell*, the Panel's refusal to acknowledge the patent unconscionability of Cannon's settlement terms, as a matter of basic equity and fairness, and in conformance with Illinois law, requires rehearing.

III. The Panel Based its Erroneous Rejection of *Bell*, its Abandonment of all Applicable Summary Judgment Standards, and its Refusal to Honor the Basic Precepts of Equity on its Impermissible Conclusion That Cannon was a "Bad Guy" who was Therefore Unworthy of the Benefit of the Law.

When the Panel's detailed, yet legally and factually deficient, opinion is properly analyzed, it becomes clear that it is a moral judgment masquerading as legal reasoning. It is first articulated in its introduction:

> This appeal casts a harsh light on some of the darkest corners of life in Chicago. The plaintiff, at the time of the events giving rise to this suit, was a general in the El Rukn street gang, out on parole for a murder conviction, when he became embroiled in a second murder. Among the defendants are several disgraced police officers, including the infamous Jon Burge, a man whose name evokes shame and disgust in the City of Chicago.

Cannon v. Burge at *1. Relegated to a footnote was that "more than one hundred African–American arrestees accused [Defendant] Burge and officers working under him [Defendants Byrne, Dignan, and Grunhard being the primary offenders] of engaging in sadistic acts. Burge was later prosecuted and convicted on charges of obstruction of justice and perjury related to lies he told during lawsuits for civil damages. He is

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burge-victims-daley-deposition); Burge torture victim Ronald Kitchen, who was beaten on the testicles and with a telephone, received a $6.1 million settlement from the City for 21 years in prison, (see http://articles.chicagotribune.com/2013-09-05/news/chi-more-burge-torture-settlements-123-million-20130905_1_ronald-kitchen-burge-cases-settlements); and Patterson's co-defendant, Eric Caine, who was "ear cupped," and beaten, received a $10.2 million settlement from the City for 25 years in prison. See, http://articles.chicagotribune.com/2013-07-19/news/ct-met-burge-million-dollar-settlement-20130719_1_eric-caine-burge-case-police-torture.

currently serving a fifty-four month sentence in a federal penitentiary." *Id*. (Bracketed material added).

The Panel then spends much of the rest of its opinion blaming Cannon and his lawyer again and again, while sprinkling in an incomplete, and at times inaccurate, version of the underlying crime and its ultimate dismissal, which impermissibly suggests an inference - - - rebutted by Cannon's evidence - - - that he was criminally accountable and therefore not wrongfully convicted despite the controlling fact that he was convicted and re-convicted on the sole basis of a false confession that even the Panel accepts was sadistically tortured from him.

In its conclusion, the Panel applies the final condemnation:

> This case casts a pall of shame over the City of Chicago: on the police officers who abused the position of power entrusted to them, on the initial trial judge who was later imprisoned for accepting bribes to fix murder cases, on City officials who turned a blind eye to (and in some instances actively concealed) the claims of scores of African–American men that they were being bizarrely and horrifically abused at Area 2, and last but not least on Cannon himself, who was a convicted murderer out on parole when, by his own admission, he drove a car for his fellow El Rukn general as a murder was committed in the back seat, and then helped dispose of the body and conceal the crime.

Id. at *23. The Panel then washes its hands of the matter:

> It is difficult to conceive of a just outcome given the appalling actions by almost everyone associated with these events but the law regarding the finality of settlements governs the result.

Id.

In fact, there *is* a just outcome in this case, one that is dictated by *Bell* and the principles of fairness and equity, but the Panel, after seemingly embracing that outcome at oral argument, ultimately shirked its judicial obligation to dispense real justice

because, at bottom, it felt that Cannon was, to borrow a term from the Defendants, a "bad guy" who had forfeited his right to the benefit of the law. More than twenty years ago in *Wilson v. City of Chicago*, 6 F.3d 1233 (7th Cir 1993), another panel of this Court addressed the torture case of the ultimate "bad guy" - - - double cop killer Andrew Wilson. Unlike the *Cannon* panel, the Court in *Wilson*, despite being misled by Police Superintendent Brzeczek on the *Monell* claim, refused to be swayed by Wilson's criminal background, and recognized that the crime of racist police torture by a serial torturer required a just outcome, "bad guy," or no. Twenty-one years later, Darrell Cannon deserves no less.[12]

CONCLUSION

This is without question, an exceptional case. It is demonstrated by its facts, as well as by the Panel's opinion. Additionally, it is a case of national and international importance, as it is now the subject of Amnesty International's Global Campaign Against Torture, and implicates Article 14 of the Convention Against Torture (CAT)

[12] It is truly ironic, in light of the Panel's broad condemnation, that Mr. Cannon, after serving 24 years in prison, has been a model citizen since his release more than seven years ago and has devoted his life to speaking to youth about the horrors of prison and to quelling gang violence as a CEASEFire supervisor, while Burge is in prison; that Byrne and Dignan barely escaped federal indictment for committing perjury in this case; and that all three of them, as well as their numerous confederates, all invoke the Fifth Amendment whenever they are asked under oath if they tortured any of the 118 now known victims of torture. Additionally, while Cannon is told to be satisfied with $1267 (minus appellate costs) for his trouble, Burge, Byrne and Dignan continue to collect their pensions - - - FOIA records obtained by the People's Law Office from the Police Pension Board document a total of over $2 million to date - - - and they have reaped the benefit of legal representation by private lawyers whom the City has now paid more than $1.8 million in this case alone.

under which the United States is obligated to "ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible."[13]

For all the reasons set forth above, Plaintiff-Appellant Darrell Cannon prays that he be granted a rehearing, or, alternatively, a rehearing *en banc*.

Dated: June 9, 2014

Respectfully submitted,

/s/ G. Flint Taylor

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[13] Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, (C.A.T.) U.N. G.A. Res. 39/46 (Dec.1984), entered into force June 26, 1987. The United States signed the C.A.T. on April 18, 1988, and ratified the C.A.T. on October 21, 1994, subject to certain declarations, reservations, and understandings.

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this petition complies with the volume limitations of Federal Rule of Appellate Procedure 35(b)(2) in that the Petition for Rehearing and Suggestion for Rehearing En Banc is less than 15 pages, exclusive of material not counted under Federal Rule of Appellate Procedure 32.

/s/ G. Flint Taylor
G. Flint Taylor

CERTIFICATE OF SERVICE

The undersigned, counsel for Plaintiff-Appellant, hereby certifies that on June 9, 2014, a true and correct copy of the foregoing Petition for Rehearing and Suggestion of Rehearing En Banc was served electronically on all counsel via the CM/ECF system.

/s/ G. Flint Taylor
G. Flint Taylor