

## CASE SUPPLEMENTARY REPORT

HK323454

3510 S. Michigan Avenue, Chicago, Illinois 60653  
For use by Chicago Police - Bureau of Investigative Services Personnel OnlyCase id : 3294722  
Sup id : 3193543 CASR339

## PROGRESS

DETECTIVE SUP. APPROVAL COMPLETE

Last Offense Classification/Re-Classification	IUCR Code	Original Offense Classification			IUCR Code
HOMICIDE / Involuntary Manslaughter	0141	BATTERY / Simple			0460
Address of Occurrence	Beat of Occur	No of Victims	No of Offenders	No of Arrested	SCR No
43 W DIVISION ST	1824	1		0	
Location Type	Location Code	Secondary Location			Hate Crime
Sidewalk	303				No
Date of Occurrence	Unit Assigned	Date RO Arrived	Fire Related?	Gang Related?	Domestic Related?
25-APR-2004 03:15	1884K	25-APR-2004 03:17	NO	NO	NO

Reporting Officer	Star No	Approving Supervisor	Star No	Primary Detective Assigned	Star No
GIRALAMO JR, Anthony	20780	O LEARY, Robert	1685	GILGER, James	21151
Date Submitted	Date Approved		Assignment Type		
10-NOV-2004 08:17	10-NOV-2004 08:33		FIELD		

## THIS IS A FIELD INVESTIGATION PROGRESS REPORT

## VICTIM(S):

KOSCHMAN, David

Male / White / 21 Years

DOB: ██████-1983

RES: ██████  
Mt Prospect IL  
████████

DESCRIPTION: 5'05,125,Brown Hair, Green Eyes

SSN: ██████

DLN/ID: ██████████

## SUSPECT(S)

UNKNOWN, Unknown (3)

## RELATIONSHIP OF VICTIM TO OFFENDER:

KOSCHMAN, David

- Friend/Acquaintance

MC CARTHY, Kevin

Male / White / 31 Years

DOB: ██████-1972

DESCRIPTION: 6'02, 170, Brown Hair, Blue Eyes, Light Complexion

RES: ██████ N Bosworth Ave D  
Chicago IL  
████████

## OTHER COMMUNICATIONS:

Cellular ██████████  
Phone: ██████████

HK323454

## VICTIM INJURIES

KOSCHMAN, DavidTypeWeapon Description

Blunt Trauma Other - Head On Pavement  
LOCATION OF INCIDENT: 43 W Division St  
Chicago IL  
303 - Sidewalk

DATE & TIME OF INCIDENT: 25-APR-2004 03:15

DEATH INFORMATION: KOSCHMAN, David (Victim)

DATE OF DEATH: 06-MAY-2004 12:16  
PRONOUNCED BY: Dr. An  
on 06-MAY-2004 12:16

AUTOPSY INFORMATION: CAUSE OF DEATH: Blunt Trauma  
MEDICAL EXAMINER #: 080MAY04

METHOD CODE(S): Dna

CAU CODE(S): Dna

PERSONNEL ASSIGNED: Assisting Detective/Youth Inv.

REDMAN, Charles A # 20910

Detective/Investigator

GILGER, James G # 21151

GILGER, James G # 21151

Reporting Officer

TREMORE, Edwin E # 5266

BEAT: 1824

WITNESS(ES): HAGELINE, Shawn P

Male / White / 21 Years

DOB: [REDACTED] 1983

RES: [REDACTED]  
Chicago IL

EMPLOYMENT: Laborer

SSN: [REDACTED]

OTHER INDIVIDUALS INVOLVED: CONNOLLY, Micheal (Person Reporting Offense)

Male / White / 29 Years

DOB: [REDACTED]

RES: [REDACTED]  
Arlington Heights IL

EMPLOYMENT: Carpet Installer

SSN: [REDACTED]

CRIME CODE 0141 - Homicide - Involuntary Manslaughter

**SUMMARY:**0141 - Homicide - Involuntary Manslaughter**IUCR ASSOCIATIONS:**

KOSCHMAN, David	( Victim )	
UNKNOWN, Unknown (3)		( Suspect )
KOSCHMAN, David	( Victim )	
UNKNOWN, Unknown (3)		( Suspect )

**REPORT DISTRIBUTIONS:**

No Distribution

**INVESTIGATION:**

THIS IS AN AREA THREE VIOLENT CRIMES HOMICIDE PROGRESS REPORT, RE-CLASSIFIED TO AN INVOLUNTARY HOMICIDE INCIDENT: (All deleted subtitles previously submitted.)

**VICTIM:**

KOSCHMAN, David M/W/21yrs.,

DOB- [REDACTED] 83, [REDACTED],

Mt. Prospect, Il. H/Ph# [REDACTED]

[REDACTED] SS# [REDACTED]

Il.DL# [REDACTED]

(Deceased)

**OFFENDER:**

Unknown.

**DATE, TIME, LOCATION OF INCIDENT:**

Sunday, 25Apr04, 0315hrs., 35 W. Division.

**DATE, TIME, LOCATION OF DEATH:**

Thursday, 06May04, 1126hrs., Northwestern Hospital. (Pronounced by Dr. Gould)

**MEDICAL EXAMINERS NUMBER:**

Me#80May04.

**CAUSE AND MANNER OF DEATH:**Craniocerebral Injuries, Blunt Trauma/  
Homicide per Dr. An, C.C.I.F.M.**EVIDENCE:**

Six Signed Line Up Photo Advisory Forms. Inv#10344778

Line up photos taken by Det. J. Griffin #21129.

Line up photos taken by E.T. W. Street #15833, Beat 9632.

**TO BE INTERVIEWED:**

VANECKO, Richard J. M/W/29yrs.,

DOB- [REDACTED] 74, 6'3", 230lbs., Grn.

Eyes, Blk. hair, [REDACTED],

IL.D.L.# [REDACTED]

INTERVIEWED:

KOHLER, Phillip N. M/W/30yrs.,  
DOB-[REDACTED]74, [REDACTED],  
Evanston, Il. Cell Ph#[REDACTED]-  
[REDACTED] W/Ph#[REDACTED].

ALLEN, Scott M/W/21yrs., DOB-[REDACTED]83,  
[REDACTED], Mt. Prospect, Il.  
60056, H/Ph#[REDACTED], C/Ph#[REDACTED]  
[REDACTED].

COPELAND, James M/W/21yrs., DOB-[REDACTED]83,  
[REDACTED], Mt. Prospect, Il. 60056,  
H/Ph#[REDACTED], C/Ph#[REDACTED].

FRANCIS, David M/W/21yrs., DOB-[REDACTED]83,  
[REDACTED], Mt. Prospect, Il.  
60056, H/Ph#[REDACTED], C/Ph#[REDACTED]-  
[REDACTED].

SAZIAN, Vrej M/W/21yrs., DOB-[REDACTED]83,  
[REDACTED], Mt. Prospect,  
Il. 60056, H/Ph#[REDACTED], C/Ph#[REDACTED]  
[REDACTED].

McCARTHY, Bridget F/W/26yrs., DOB-[REDACTED]78,  
[REDACTED], H/Ph#[REDACTED]  
[REDACTED].

McCARTHY, Kevin M/W/31yrs., DOB-[REDACTED]72,  
[REDACTED] N. Bosworth, Apt. #D, H/Ph#[REDACTED]  
[REDACTED], Cell & Wk/Ph#[REDACTED].

DENHAM, Craig R.C. M/W/29yrs., DOB-[REDACTED]74,  
[REDACTED], H/Ph#[REDACTED],  
Cell Ph#[REDACTED], W/Ph#[REDACTED].

PERSONNEL ASSIGNED:

Det. Ron Yawger #20853  
Det. A. Giralamo #20780  
Det. E. Louis #20755  
Det. A. Villardita #20849

R/D's, on 10May04, were assigned to locate and interview a witness to the above listed Homicide. Phillip N. KOHLER was mentioned in a previous report as being a person who was with listed witness Michael CONNOLLY, on the night of this incident.

R/D's learned that KOHLER was serving jury duty for the Circuit Court of Cook County in Rolling Meadows, Illinois. R/D's relocated to the Rolling Meadows Court building and spoke with C.C. Sheriffs who related that KOHLER had checked in for jury duty but was unavailable at the moment as he was going through jury selection process.

On 10 May 04, at 1215 hours, R/D's were allowed to interview KOHLER regarding his knowledge of this incident. The following is a summary and not verbatim of the interview with Phillip N. KOHLER.

KOHLER, Phillip

Was interviewed during which time he stated in summary that on 25 Apr 04, he and his friend Michael Connolly were drinking with some friends at a bar located next door, east of Mothers Tavern, on Division Street. KOHLER stated that at approximately 0300 hours, he and CONNOLLY left the bar and walked westbound on Division, just past Clark Street, to a hot-dog stand. KOHLER stated this restaurant is on the south side of Division located within a half a block west of Clark St.

They took their food as a carry out and began to walk back east, along Division Street, on the south side of the street. KOHLER stated as they approached approximately midway between Clark Street and Dearborn Street, he observed a group of males engaged in a dispute.

KOHLER stated that he and CONNOLLY stopped to watch the dispute out of curiosity. KOHLER stated that he observed two groups of male whites that appeared to be pushing and shoving each other along with loud verbal exchanges. KOHLER stated he could not make out what was being said and he did not hear any specific names being mentioned.

KOHLER described the two groups as young white males. KOHLER stated the one group numbered approximately 5-6 white males aging 20-22 years of age. The second group numbered approximately 3 male whites aging 27-29 years of age.

KOHLER stated that he and CONNOLLY walked up approximately 30 feet from the group in order to watch the altercation. KOHLER stated he observed the victim standing curbside, facing south, arguing and pushing one or more of the subjects in the older group.

KOHLER stated that he observed the victim charge into the group in an angered state, but was immediately pushed back out into the street. KOHLER stated he observed the victim fall backwards into the street, hitting the back of his head on the ground.

KOHLER stated he observed the three male whites from the older group, run east on Division, then south around the corner onto Dearborn Street. KOHLER stated he did not see these subjects again.

KOHLER stated he then observed the victim lying on the ground in an unconscious state. KOHLER then observed at least two of the males from the younger group, aiding the victim, and attempting to pick him up. KOHLER stated that he and CONNOLLY then walked up to the group and offered assistance.

KOHLER stated that within a short period of time the police arrived on scene and an ambulance was summoned. KOHLER stated that CONNOLLY spoke with police and provided his personal information for the report. A short time later, he and CONNOLLY left the scene and went home for the evening.

KOHLER stated that he has never seen any of the subjects from either group before and could not identify any of the persons involved.

KOHLER stated that it is his intention to fully cooperate in this investigation and would be available for further interviews if needed. KOHLER could not add any additional relevant information to the investigation at which time the interview was concluded.

On 12May04, as previously arranged, R/D's met with and interviewed the below listed subjects who were with the victim during the time of this incident.

ALLEN, Scott

Was interviewed during which time he stated in summary that he is a friend of the victim. Mr. Allen states that on the date of the incident, he, along with four of his friends, Shaun Hageline, James Copeland, Dave Francis, and the victim, had planned to go out for a few drinks on Division Street, spend the night at Shaun Hageline's house, and then go to the Cubs game the next day.

Mr. Allen states that he, along with Shaun, James, Dave, and the victim had a few drinks in a bar on Division Street called the Alumni Club. Mr. Allen states that they left the bar to go to Shaun's house and were walking west on Division Street. Mr. Allen states that as they were walking, the victim accidentally bumped into a male white, NKA Craig Denham, walking in the opposite direction. Mr. Allen states that an argument immediately started between the victim and this male white (Denham).

Mr. Allen states that the male white was with two other male whites, NKA Kevin McCarthy and Richard Vanecko, and a female white, NKA Bridget McCarthy.

Mr. Allen states that this argument appeared to last at least five minutes with a lot of name calling and swearing going back and forth. Mr. Allen states that as the argument intensified, he, along with Shaun, James, and Dave attempted to try and calm things down and get the victim to shut up. Mr. Allen states that one of the guys and the female in the other group also were trying to calm things down and break this argument up.

Mr. Allen states that the guy the victim was arguing with (Denham) was with a larger male white that was appearing to get very agitated at the victim as they kept arguing.

Mr. Allen states that as this argument continued, the female, NKA Bridget McCarthy, kept trying to pull one of the male whites, NKA Kevin McCarthy, away from the group. Mr. Allen states that at this time, one of the three male whites said, "fuck it, let's go!" Mr. Allen states that as the three male whites turned to walk away, the victim stated, "yeah, you better back off!"

Mr. Allen states that the three guys, (McCarty, Denham, and Vanecko) and everyone in his group (Scott Allen, Shaun Hageline, James Copeland, and Dave Francis) begin telling the victim to just shut up. Mr. Allen states that he, along with his group (Hageline, Copeland, and Francis) begin dragging the victim away and trying to just get him out of there. Mr. Allen states that as they were dragging the victim away, one of the three guys in the other group began asking what the hell was wrong with our friend.

Mr. Allen states that as they got the victim about ten feet from the group of three guys, the victim broke away and ran back toward them. Mr. Allen states that as the victim ran up to the three guys, the larger male white punched the victim in the face. Mr. Allen states that the victim appeared to be immediately knocked out from the punch and fell lifelessly to the ground, striking his head on the

curb.

Mr. Allen states that as soon as the victim fell to the ground, all three of the male whites and the girl ran from the scene. Mr. Allen states that the male white who punched the victim and the male white that was initially arguing with the victim (Denham) ran east from the scene, around the corner, south on Dearborn Street. Mr. Allen states that the other male white and the female, NKA Kevin and Bridget McCarthy, ran in the direction of a group of policemen who were on the street. Mr. Allen states that he ran after them and pointed them out to the police as being involved in this incident. Mr. Allen states that the police immediately stopped them and placed the male white (Kevin McCarthy) in handcuffs.

Mr. Allen states that the male white who was handcuffed, NKA Kevin McCarthy, was not the person who struck the victim or the person who was initially arguing with the victim.

Mr. Allen states that after the ambulance took the victim away, he, along with James Copeland and Dave Francis went with Shaun Hageline to his house and waited for the victim to call them. Mr. Allen states that he called the hospital later that morning to check on the victim's well being but was told that the hospital couldn't give him any information and that he would have to call the victim's mother.

#### COPELAND, James

Was interviewed during which time he stated in summary that he, along with his friends, Scott Allen, Dave Francis, Shaun Hageline, and the victim, were drinking at a bar on Division Street. Mr. Copeland states that he thinks that the bar they were drinking in was called the Loft. Mr. Copeland states that they left the bar and were walking on Division Street when the victim began arguing with a male white on the street. Mr. Copeland states that the male white that the victim was arguing with, NKA Craig Denham, was with another male white. Mr. Copeland states that during this argument, a third male white who was with a female white, (NKA Kevin and Bridget McCarthy) appeared, and sort of got involved in the argument. Mr. Copeland states that during this argument, he heard the female white (Bridget McCarthy) refer to the male white with her (Kevin McCarthy) as her husband. Mr. Copeland states that during this argument, the female white was constantly trying to grab her husband and drag him away from the dispute.

Mr. Copeland states that as the argument ensued, there was a lot of swearing and name-calling going back and forth. Mr. Copeland states that he, along with Shaun, Dave, and Scott eventually got the victim away from the group that the victim was arguing with. Mr. Copeland states that as they were trying to drag the victim away from the argument, he got away from them and ran back toward the three male whites.

Mr. Copeland states that as the victim ran back at the group, the largest of the three male whites punched the victim once in the face, knocking the victim to the ground.

Mr. Copeland states that as soon as the victim fell to the ground, the larger male white who hit him and the male white who was arguing with the victim (Denham) immediately ran east on Division Street and around the corner, south bound on Dearborn Street.

Mr. Copeland states that he didn't see the other male white and the female run away. Mr. Copeland states that he thinks that they stayed on the scene because he later noticed that the police had the male white (Kevin McCarthy) in handcuffs.

FRANCIS, David

Was interviewed during which time he stated in summary that he, along with Scott Allen, James Copeland, Shaun Hageline, and the victim were drinking at a bar on Division Street which he believes might have been the Loft. Mr. Francis states that they left the bar to go to Shaun's house where they were going to spend the night and then go to the Cub's game the next day.

Mr. Francis states that while walking west on Division Street, he observed three male whites and a female white walking toward them. Mr. Francis states that the victim bumped into one of the male whites, NKA Craig Denham, at which time an argument ensued between the victim and the three guys.

Mr. Francis states that everyone in their group, himself, Hageline, Copeland, and Francis, tried to calm the victim down and explained to the three guys that they didn't want any trouble, that the victim was drunk, and didn't mean anything he was saying. Mr. Francis states that the guy that he was talking to was saying the same thing, that they didn't want any trouble either.

Mr. Francis states that at one point they got the victim away from the group of three guys and he thought that everything was over. Mr. Francis states that he then observed the victim lunge at the three guys and then immediately come flying backwards, falling to the ground and hitting his head on the curb.

Mr. Francis states that he didn't see if the victim was hit or pushed. Mr. Francis states that he just stood there, looking at the victim in disbelief. Mr. Francis stated that all of his attention was on the victim and that he didn't see the three guys or the girl run away. Mr. Francis states that the police were on the scene right away.

SAZIAN, Vrej

Was interviewed during which time he stated in summary that he has been a friend of the victim since high school. Mr. Sazian states that he was not present during this incident but received a phone call on the morning of 25Apr04 and informed that the victim was in the hospital. Mr. Sazian states that he called the hospital to see how he was but couldn't get any information on the victim. Mr. Sazian states that he then called the victim's mother. Mr. Sazian states during his conversation with the victim's mother, he told her whom the victim was with when this incident happened. Mr. Sazian states that he does not know anything about the facts that led up to this incident.

HAGELINE, Shaun was interviewed by Det's Villardita and Louis of the third watch. This interview will be the subject of an additional supplementary report submitted by them.

Following these interviews, R/D's contacted the Attorney for Kevin and Bridget McCarthy, Bill Dwyer, 312-739-3500. Mr. Dwyer was informed of the facts surrounding this incident during which time Mr. Dwyer stated that he would have his clients come into the Area Three Violent Crimes offices to be interviewed on 13May04 at 1200hrs.

On 13May04, at 1200hrs., the Attorney for Kevin and Bridget McCarthy, Bill Dwyer, arrived at the Area Three offices with Bridget McCarthy and explained that Kevin McCarthy was unavailable at this time. Mr. Dwyer stated that Kevin McCarthy would be made available as soon as possible.

McCARTHY, Bridget

Was subsequently interviewed in the presence of her attorney during which time she stated in

summary that on the date and time of this incident, she, along with her husband, Kevin McCarthy, Richard Vanecko, and another friend, known to her only as "Craig", were at an engagement party for mutual friends. Mrs. McCarthy states that after the party, the four of them decided to go to Mcg ire's Tavern located on Division Street. Mrs. McCarthy states that they took a cab to an area near Division and Dearborn streets.

Mrs. McCarthy states that she and Craig exited the cab first and began walking on east Division Street. Kevin and Richard stayed behind to pay for the cab.

Mrs. McCarthy states that as she and Craig were walking, five to seven young male whites, ages 20-21 years old, were also walking and approaching them on the same side of Division Street as they were. Mrs. McCarthy states that as the group of younger male whites walked past them on the sidewalk, one of them, NKA David Koschman, reached up and "flicked" Craig's eyeglasses. Mrs. McCarthy states that Craig immediately turned to the male white (Koschman) and stated, "what the fuck!" Mrs. McCarthy states that at this time the kid (Koschman) who flicked Craig's glasses along with another short male white that was with the group started to come at Craig. Mrs. McCarthy states that Craig and the kid (Koschman) who flicked his glasses, then began to get into an argument. At this time, the rest of the kids who were in the group grabbed the kid (Koschman) who was arguing with Craig, and then began to pull him away. Mrs. McCarthy states that by this time, Craig and the kid (Koschman) were having a heated argument and that there was some pushing and shoving going on between them.

Mrs. McCarthy states that at this time, Kevin and Richard came up and grabbed Craig and said, "Lets go!" The group of young men that were with the kid (Koschman) doing the arguing with Craig was also trying to pull him (Koschman) away. Mrs. McCarthy states that the kid (Koschman) arguing with Craig got away from his friends, ran back up to Craig, at which time the pushing, shoving; and name-calling resumed.

Mrs. McCarthy states that at this time she got involved and stated to Kevin, Richard, and Craig, "Hey, come on, you guys are 30, their 20, let go!" Mrs. McCarthy states that Richard then stated, "you're right, lets go!" Mrs. McCarthy states that all four of them turned and began to walk away. Mrs. McCarthy states that as she was walking away, she was still talking to Kevin, Craig, and Richard, because she was under the impression that they were right behind her. Mrs. McCarthy states that when she realized that Kevin, Richard and Craig weren't there, she turned and looked back. Mrs. McCarthy states that she then observed the same kid (Koschman) that flicked Craig's glasses and was arguing with him, was now lying on the ground. Mrs. McCarthy states that she did not see the kid (Koschman) get hit or pushed, and does not know how he wound up falling to the ground.

Mrs. McCarthy states that at this time there was a lot of confusion and commotion going on. Mrs. McCarthy states that she observed Craig and Richard running and immediately turned her attention to her husband, Kevin. Mrs. McCarthy states that she didn't see where Craig and Richard had run to.

Mrs. McCarthy states that she and Kevin then began to walk east on Division, away from the scene, toward where a group of police officers were standing. Mrs. McCarthy states that two of the kids from the group ran past them, and up to where the police officers were standing. Mrs. McCarthy states that the two kids pointed to her and Kevin, and were telling them that Kevin was involved in this incident. Mrs. McCarthy states that the police officers at this time stopped her and Kevin, and

subsequently placed Kevin in handcuffs.

Mrs. McCarthy states that while Kevin was standing in the street in handcuffs, the kids began taunting him, calling him names, and telling him that he was going down. Mrs. McCarthy states that the police officers eventually got mad at the kids who were acting erratically, and threatened to arrest them if they didn't calm down.

Mrs. McCarthy stated that after the police interviewed her and Kevin, they released Kevin and placed them safely in a cab so they could go home.

Following this conversation, Attorney Bill Dwyer informed R/D that Richard Vanecko was going to be represented by Attorney Terrance Gillespie. R/D then contacted Mr. Gillespie and informed him of the circumstances surrounding this incident. During this conversation, it was agreed that Mr. Gillespie would come into this unit for a meeting on 17May04 at 1000 hours and then schedule a time to bring in his client.

On 17May04, the attorney for Richard Vanecko, Terrance Gillespie, arrived at he Area Three Violent Crimes Offices. Mr. Gillespie was informed of the circumstances surrounding this incident during which time he agreed to bring his client, Richard Venecko, into this unit on 20May04, at 1100hrs.

On 19May04, Attorney Bill Dwyer, arrived at the Area Three Violent Crimes offices, accompanied by Kevin McCarthy and Craig Denham.

McCarthy, Kevin

Was subsequently interviewed during which time he stated in summary that on the date and time of this incident, he and his wife, Bridget McCarthy, along with Richard Vanecko and Craig Denham had left an engagement party together and took a cab to the Division Street area for the purpose of going to Mcg ire's tavern.

Mr. McCarthy states that the cab dropped them off at approximately 51 W. Division, by the alley, during which time his wife and Craig exited the cab and immediately began walking east bound on the south side of Division street, toward Mcg ire's tavern. Mr. McCarthy states that he and Richard stayed behind and paid for the cab.

Mr. McCarthy states that after paying for the cab, he and Richard turned and proceeded to walk east on Division to catch up with Bridget and Craig. Mr. McCarthy states that as they began walking toward Bridget and Craig, he noticed that they had stopped and were engaged in some sort of conversation with a group of kids, male/whites that appeared to be between the ages of 18 and 20 years old. Mr. McCarthy states that as they approached them, he could see that there was some sort of altercation going on between Craig and at least two of the kids. Mr. McCarthy states that he could hear yelling and swearing and also observed Craig and one of the shorter male white kids, NKA David Koschman, pushing and shoving each other.

Mr. McCarthy states that he and Richard immediately got in between Craig and the group of kids. Mr. McCarthy states that he and Richard then just began pushing Craig east bound, away from the group. Mr. McCarthy states that their backs were toward the group of kids while pushing Craig away trying to get some separation between themselves and the group. Mr. McCarthy states that during this entire time, he and Richard kept saying, "Come on, Come on, this is stupid!" Mr. McCarthy states that some of the kids in the group were also trying to stop the one kid (Koschman) who was

most adamant about fighting, holding him back and attempting to keep him from getting at Craig.

Mr. McCarthy states that they got some distance from the group and he initially thought the incident was over until the main kid (Koschman) broke himself away from his group and charged back at them. Mr. McCarthy states that the main kid (Koschman) then forced his way between himself and Richard and attempted to get at Craig. Mr. McCarthy states that he stepped in between them and was able to stop this kid before he could get at Craig. Mr. McCarthy states that the group of kids immediately grabbed him (Koschman) and again was attempting to hold him and keep him from continuing this altercation. Mr. McCarthy states that he and Richard kept stating to the group of kids, "Come on, it's over, let's get out of here!"

Mr. McCarthy states that at this time the primary kid (Koschman) and another kid were still swearing, calling himself, Craig, and Richard names, and saying things like, "I'll kick your ass", etc. Mr. McCarthy states that at this time, he and Richard had their backs to the group of kids and were moving Craig farther east on Division, attempting to put distance between Craig and the group of kids. Mr. McCarthy states that during the entire time of this incident, Craig is allowing us to move him away without any resistance while at the same time, the group of kids were constantly struggling to hold the primary kid (Koschman) back and struggling to keep him (Koschman) from attacking Craig physically and verbally.

Mr. McCarthy states that at this time, his wife, Bridget, states, "Hey Kevin, this is stupid, you're 30, let's go!" Mr. McCarthy states that Richard then stated, "Hey, fuck it, this is it, let's get out of here!" Mr. McCarthy states that he could see that the group of kids were still struggling with the primary kid (Koschman) and attempting to hold him, and keep him from coming at Craig again.

Mr. McCarthy states that at this time, all four of them turned their backs on the group of kids and began to walk away. Mr. McCarthy states that Richard had Craig calmed down, and as far as he was concerned, the whole incident was over. Mr. McCarthy states that he thought that the group of kids had the primary kid (Koschman) calmed down also.

Mr. McCarthy states that as they began to walk away, he walked up closer to his wife, Bridget. Mr. McCarthy states that Richard and Craig were walking closely behind them. Mr. McCarthy states that he walked approximately ten to fifteen paces with Bridget at which time he turned and looked back. Mr. McCarthy states that as he turned around to look back, he observed the kid who had been the aggressive one (Koschman) in this incident lying in the street. Mr. McCarthy states that he didn't see Craig or Richard anywhere and didn't know where they had gone too.

Mr. McCarthy stated that he didn't really think much of it at the time and just turned back and kept walking east on Division, toward Mcg ire's, with Bridget.

Mr. McCarthy states that as they were walking to Mcg ire's, Bridget says, "Hey, I think that kid grabbed that Cop and he's coming up to you." Mr. McCarthy states that the police officer stopped him and stated, "Hold on, hold on, you've been identified in some incident." Mr. McCarthy states that he and his wife stood there with the police officer at which time the police officer got a radio call, telling the police officer to hold on to him. Mr. McCarthy states that the police officer then placed handcuffs on him and told him that he would have to stay there for a minute. Mr. McCarthy states that as he stood there in handcuffs, the other kid in the group that was aggressive along with the main Kid, was standing in the doorway of the Fifth Third Bank, and continually yelling obscenities at him, and berating him. Mr. McCarthy states that the police officer told this kid to calm down, or he

would be locked up.

Mr. McCarthy states that after a few minutes, the police officer told him that three of the kids had looked at him and stated that he was not the person involved in this incident.

Mr. McCarthy states that he was then released by the police officer and accompanied to a cab.

DENHAM, Craig

Was then interviewed during which time he stated in summary that he had just met Bridget McCarthy, Kevin McCarthy, and Richard Vanecko at an engagement party. Mr. Denham states that after the party, the four of them shared a cab and were heading for some bar on Division Street.

Mr. Denham states that the cab dropped them off on Division street, at which time he and Bridget began walking away. Mr. Denham states that he thinks that Kevin and Richard stayed behind to pay for the cab. Mr. Denham states that he was fairly intoxicated at this time and didn't have any money on him.

Mr. Denham states that he was walking down Division with Bridget when he got bumped into by a bunch of guys. Mr. Denham states that when he was bumped into, his glasses were knocked off by one of the guys in the group. Mr. Denham states that he is not sure if his glasses were knocked off by a glancing punch or if they were just flicked off of his face by an open hand.

Mr. Denham states that this incident made him mad and he then immediately began arguing with the group of guys. Mr. Denham states that some pushing and shoving began going on between him and one of the guys in the group, NKA David Koschman. Mr. Denham states that there was a lot of swearing and name calling going on back and forth between him and the group of guys. Mr. Denham states that during this confrontation, one the guys (Koschman) kept trying to fight with him. Mr. Denham states that he can't identify this guy but states that he remembers him being very short and slight of build.

Mr. Denham states that during this incident, the one main guy in the group (Koschman) kept trying to fight with him, and everyone else in his group, appeared to be trying to calm him down.

Mr. Denham states that he thought that everything was over so he just started walking away. Mr. Denham states that Bridget was ahead of him and saying, "Come on, let's go." Mr. Denham states that Richard or Kevin was saying, "Come on, let's get out of here." Mr. Denham states that as they were walking away, Bridget and Kevin were slightly in front of him, and Richard was walking slightly behind him.

Mr. Denham states that as they were walking away from the group of kids, he felt a hard jolt from behind. Mr. Denham states that the next thing he knew, he and Richard were running down the street. Mr. Denham states that he really doesn't know why he was running. Mr. Denham states that he was pretty intoxicated and doesn't know if he was running because he was afraid of getting jumped or if he was just afraid of being arrested for public intoxication. Mr. Denham states that he and Richard got into a cab and went to another tavern. Mr. Denham states that he didn't think anything of the incident after they left and didn't know that someone had been hurt.

Following these interviews, R/D's had a conversation with Attorney Terrance Gillespie during which time a line up was scheduled for Richard Vanecko to be viewed by witnesses to this incident for

1100hrs. on 20May04.

On 20May04, Richard Vanecko, Craig Denham, and Kevin McCarthy arrived in the area three violent crimes offices with their respective attorneys, Terrance Gillespie and Bill Dwyer, for the purpose of participating in lineups. At this time, Richard Vanecko was placed in a line up along with five other male white subjects and viewed by all of the witnesses to this incident. During the process of this line, no one identified Richard Vanecko as being the person who struck the victim. (Refer to line up supplementary report dated 20May04, 1115hrs.)

A separate line up was held consisting of Craig Denham and Kevin McCarthy which was subsequently viewed by all of the witnesses to this incident. During the process of this line up, various witnesses identified Craig Denham and Kevin McCarthy as being present during this incident. (Refer to line up supplementary report dated 20May04, 1155hrs.)

At the conclusion of this investigation, ASA Darren O'Brien, assigned to the felony review unit of the States Attorney's office, was contacted at which time he immediately arrived at the Area Three Violent Crimes offices. ASA O'Brien subsequently interviewed all available witnesses in this incident.

Based upon the evidence examined in this incident, the interviews of all parties involved, and the line ups conducted, the following was concluded; the investigation of this incident did not reveal any unjustifiable behavior on behalf of the subject who either pushed or punched David Koschman as David Koschman was clearly the aggressor in this incident. Also, the actual identity of the subject who either pushed or punched David Koschman could not positively be determined.

Upon the completion of these interviews, and after conferring with ASA Darren O'Brien, it was decided that no charges would, or could be sought due to the fact that the victim in this incident, David Koschman, was clearly the aggressor as corroborated by all of the witnesses interviewed, in that David Koschman continued to attack the group of people consisting of Bridget McCarthy, Kevin McCarthy, Craig Denham, and Richard Vanecko resulting in the victim either being pushed or punched in self defense, which subsequently caused David Koschman to fall to the ground, striking his head, and causing his death.

Due to the above information, R/D's request this Involuntary Manslaughter investigation remain in PROGRESS.

REPORT OF:

Det. Ron Yawger #20853  
Det. A. Giralamo #20780  
Det. Pat Flynn #20809  
Area Three Violent Crimes

