

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CRIMINAL DIVISION**

IN RE APPOINTMENT OF SPECIAL PROSECUTOR

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) **No. 2011 Misc. 46**

) **The Honorable**
) **Michael P. Toomin**
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ORDER

On April 6, 2012, the Court granted Petitioners Nanci Koschman, Susan Pazderski, and Richard Pazderski's Petition to Appoint a Special Prosecutor in connection with the death of David Koschman. On April 23, 2012, the Court appointed Dan K. Webb to serve as Special Prosecutor.

The Court's April 23, 2012, Order directed the Special Prosecutor to investigate, "whether criminal charges should be brought against any person in connection with the homicide of David Koschman in the spring of 2004." On December 3, 2012, a special grand jury impaneled by the Special Prosecutor indicted Richard J. Vanecko for involuntary manslaughter in connection with David Koschman's death. That case remains pending and a trial date has yet to be scheduled.

The Court's April 23, 2012, Order also directed the Special Prosecutor to investigate,

“whether, from 2004 to the present, employees of the Chicago Police Department and the Cook County State’s Attorney’s Office acted intentionally to suppress and conceal evidence, furnish false evidence, and generally impede the investigation into Mr. Koschman’s death.” The Court further directed that, “at the conclusion of his investigation, the Special Prosecutor shall submit a final report to this Court and for the benefit of the Cook County Board of Commissioners detailing the progress and ultimate results of the investigation and any criminal prosecutions commenced.”

In accordance with the Court’s April 23, 2012, Order, the Special Prosecutor has submitted his report entitled *The Death of David Koschman: Report of the Special Prosecutor Dan K. Webb* (“the Report”) to the Court. Having reviewed the Special Prosecutor’s report, the Court finds that it fulfills the mandate of the Court’s April 23, 2012, Order in that it sets forth in great detail the evidence available to the Chicago Police Department and the Cook County State’s Attorney’s Office relating to their investigations into David Koschman’s death and the manner in which they conducted those investigations.

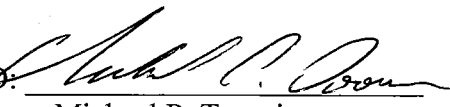
Along with the submission of the Report, the Special Prosecutor has filed a motion to temporarily seal the Report from any further dissemination until after Richard J. Vanecko’s trial concludes.

The Court, having considered the motion and for the reasons set forth therein, including the concerns articulated by the Special Prosecutor:

IT IS THEREFORE ORDERED that the report entitled *The Death of David Koschman: Report of the Special Prosecutor Dan K. Webb* is hereby temporarily sealed from any dissemination, including to the defense in the case of *People v. Vanecko*.

IT IS FURTHER ORDERED THAT because submission of the Report by the Special Prosecutor has been mandated by this Court, that neither the submission of the Report to the Court, nor any subsequent release of the Report if unsealed, constitutes a waiver by the Special Prosecutor of any privilege related to its investigation, the Report, or its prosecution of Richard J. Vanecko.

DATE: Sept. 18, 2013

ENTERED: 

Michael P. Toomin,
Judge of the
Circuit Court of Cook County

