

Dan K. Webb
Special Prosecutor for Cook County

FOR IMMEDIATE RELEASE
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**SPECIAL PROSECUTOR ISSUES REPORT IN THE MATTER OF
THE DEATH OF DAVID KOSCHMAN**

CHICAGO, IL (September 19, 2013) - Dan K. Webb, Chairman of Winston & Strawn LLP, and Special Prosecutor for Cook County, announced today that he has completed his investigatory assignment and issued a 162-page report entitled *The Death of David Koschman: Report of the Special Prosecutor Dan K. Webb*, that has been temporarily placed under seal pursuant to court order.

The inquiry began on April 23, 2012, when Judge Michael P. Toomin appointed Mr. Webb as a Special Prosecutor and ordered him to investigate, “whether criminal charges should be brought against any person in connection with the homicide of David Koschman in the spring of 2004 and 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.”

Judge Toomin further ordered 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.”

As part of the investigation, a special Cook County grand jury was empaneled. Over the course of its 17-month investigation, the Office of the Special Prosecutor (“OSP”)—working through a combination of witness interviews and Special Grand Jury proceedings—obtained information

from 146 individual witnesses. In addition, the OSP reviewed over 22,000 documents (totaling more than 300,000 pages), including telephone records, e-mails, police reports, policy and procedure manuals, internal memoranda, attendance records, medical records, access logs, historical cell site data, recovered computer data, video surveillance, billing records, and receipts.

Mr. Webb and the Special Grand Jury completed their first investigative assignment when, on December 3, 2012, an indictment was returned against Richard J. Vanecko for involuntary manslaughter in connection with David Koschman's death. The trial of that case will likely commence early next year, and the State will be represented by Special Prosecutor Webb and his team.

The second investigative assignment by the Court to the Special Prosecutor has now been completed and the Special Grand Jury was recently discharged. The Special Prosecutor, after having thoroughly reviewed the evidence, has determined that no additional indictments would be sought because: (1) any prosecution as to actions taken by Chicago Police Department ("CPD") or the Cook County State's Attorney's Office ("SAO") personnel in 2004 are barred because of the three-year statute of limitations period, which was not otherwise extended under applicable state criminal law; (2) there is insufficient evidence to prove beyond a reasonable doubt any violations of Illinois criminal law as to actions taken by CPD personnel in 2011; and (3) there is no evidence of any kind suggesting any violations of Illinois criminal law as to actions taken by SAO personnel in connection with its participation in the Koschman investigation in 2011 and 2012.

The Special Prosecutor's Report has been filed with Judge Toomin and details the evidence that was gathered by the OSP and the Special Grand Jury. While no additional indictments were returned, it is the Special Prosecutor's conclusion that the evidence outlined in his report does, "bring transparency to the mixed signals emanating from this troubling case," as was Judge Toomin's stated objective in his April 6, 2012, order and decision to appoint a special prosecutor in the Matter of the Death of David Koschman.

When Mr. Webb submitted the Report to Judge Toomin, he requested in the interest of justice, that the Court seal the report until after Mr. Vanecko's trial concludes. As set forth in the Special Prosecutor's motion, "while there is a strong public interest that supports the immediate release of the Report, there is an overriding interest in protecting the defendant's right to a fair trial. Because of the keen public interest in this case, it is likely that release of the detailed evidence set forth in the Report could result in significant and continuing publicity adverse to Mr. Vanecko's defense." A copy of Mr. Webb's Motion to Seal the Report is attached.

Judge Toomin concurred in the concerns articulated by the Special Prosecutor's motion and granted Mr. Webb's motion to temporarily seal the Report. A copy of the Court's Order is attached.

The Special Grand Jury reviewed the Special Prosecutor's Report and approved of the Report and its findings. Following the discharge of the Special Grand Jury, Mr. Webb stated, "The Special Grand Jury was empaneled in June 2012, and its members have worked diligently in hearing testimony and reviewing evidence. Their service has been exemplary and consistent with the highest traditions of our justice system. They have our admiration and deepest gratitude."

Mr. Webb thanked the Winston & Strawn LLP attorneys¹ who have worked tirelessly on the project, and some of whom will assist him at the trial of Mr. Vanecko. Mr. Webb also thanked Chicago Inspector General Joseph M. Ferguson and Jeffrey H. Cramer, Managing Director of international investigations firm Kroll Inc., whose investigators assisted in the Special Prosecutor's investigation.

¹ Special Prosecutor, Dan K. Webb, is the Chairman of Winston & Strawn LLP, and the former United States Attorney for the Northern District of Illinois. This is the fourth time Mr. Webb has served as a special prosecutor. Mr. Webb was principally assisted in the investigation by Winston & Strawn attorneys and Deputy Special Prosecutors Stephen J. Senderowitz, Daniel D. Rubinstein, Derek J. Sarafa, Matthew J. Hernandez and Sean G. Wieber. Mr. Senderowitz is a former Assistant United States Attorney and has previously served as a deputy special prosecutor on another matter. Mr. Rubinstein is a former Assistant United States Attorney. In addition, valuable assistance was provided by other Winston & Strawn attorneys, including: Jennifer L. Bekkerman, Andrew C. Erskine, Matthew R. Carter, Thomas G. Weber, Shannon T. Murphy, Jared L. Hasten, Solana P. Flora and Katherine V. Boyle.

In consideration of Mr. Vanecko's right to a fair trial, and for the reasons set forth in the Special Prosecutor's motion to temporarily seal the Report, Mr. Webb will not be making any additional public statements until Mr. Vanecko's trial has concluded.