

12CR2245001

RICHARD J VANECKO

THE PEOPLE OF THE STATE OF ILLINOIS VS.

DATE	PAPERS FILED
12-3-12	INDICTMENT/INFORMATION FILED IN THE CLERK'S OFFICE PRES. JUDGE ASSIGNMENT DATE: 12-10-12 @ 9:30 BAIL PREVIOUSLY SET \$

DATE	JUDGE	ORDERS ENTERED
JUDGE MICHAEL R. TOOMIN-0901 DEC 10 2012		NO ARRAIGNMENT ASSIGNED TO JUDGE Hill
12-10-12	HILL	B) Atty Martin & Atty Green in Ct #16711 LV to file app (6) ASA WERB in Ct. WER PNG SEM + ATD ATTA AFMED B/A 12-17-12
12-17-12	HILL	B) PP Court re Judge Hill Recuses himself/ Transfer to Judge Toomin instantly in Room 101 For Further proceedings
JUDGE MICHAEL R. TOOMIN-0901 DEC 17 2012		B) PP Motion for appointment or Assignment of a Judge from outside Cook County endorsed and transferred to Chief Judge Timothy Evans to request such assignment by the Illinois Supreme Court

Order

(2/24/05) CCG 0002

IN THE CIRCUIT COURT OF COOK COUNTY, ILL.

ENTERED
THIRD MUNICIPAL DISTRICT
OF CIRCUIT COURT COOK COUNTY

JAN 18 2013

DOROTHY BROWN
CLERK OF CIRCUIT COURT

People of the State of Illinois

v.

No. 12 CR 2245001

Richard J. Vanecko

ORDER

THIS CAUSE COMING TO BE HEARD on the Court's own motion for Status, and with the State and Defense having been present, it is so ordered that:

1) Defendant's Rule 412 Motion is granted, but the State may raise any objections when its Answer is filed on or before February 8, 2013. State will continue to produce discovery material, with most having been produced by February 8, 2013 and the State recognizes its Rule 415(b) obligations subsequent thereto.

2) State will file a certificate of completeness once its production is complete. Defense will do the same on April 9, 2013.

3) State's Rule 413 Motion is granted, but the Defense may raise any objections when its Answer is filed on or before April 9, 2013. Defense will produce any discoverable material on or before April 9, 2013. 4) Five business days before any hearing, all motions are to be filed, Parties must submit their papers and case law to the clerk, with courtesy copies to the Judge. Case law for oral argument shall also be included. 5) Next status set for May 14, 2013 @ 1:30 pm, Court Room 201, Rolling Meadows Courthouse, Status Date set by agreement.

Atty. No.: 2954087

Name: Dan K. Webb/Steve Senderowitz/Sean Wieber

ENTERED:

Room 201, Rolling Meadows Courthouse, Status Date set by agreement.

Atty. for: Office of the Special Prosecutor

Address: 35 W. Wacker Dr.

Dated: January 18, 2013

City/State/Zip: Chicago, IL 60601

Maurice M. Fontaine
Judge

Judge's No.

Telephone: 312-558-5600

STATE OF ILLINOIS)
)
COUNTY OF COOK)

FILED

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

FEB 08 2013

DOROTHY BROWN
CLERK OF CIRCUIT COURT

PEOPLE OF THE STATE OF ILLINOIS)
)
 v.) No. 12-CR-2245001
)
RICHARD J. VANECKO)

NOTICE OF FILING

To:

Terence P. Gillespie
GENSON & GILLESPIE
53 W. Jackson Blvd., Suite 1420
Chicago, IL 60604
Counsel for Defendant

Marc W. Martin
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Counsel for Defendant

Thomas M. Breen
BREEN PUGH & ASSOCIATES
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Counsel for Defendant

YOU ARE HEREBY NOTIFIED that on February 8, 2013, before 5:00 p.m., the undersigned filed the attached Answer To Discovery with the Clerk of the Circuit Court through Chief Judge Paul J. Biebel, Jr. at the George N. Leighton Criminal Courthouse, 2600 South California Avenue, Room 101, Chicago, Illinois 60608, with a courtesy copy provided to Judge Maureen P. McIntyre's chambers at the McHenry County Government Center, 2200 North Seminary Avenue, Woodstock, Illinois 60098.

STATE OF ILLINOIS)
)
COUNTY OF COOK)

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

PEOPLE OF THE STATE OF ILLINOIS)

v.)

) No. 12-CR-2245001

RICHARD J. VANECKO)

FILED

FEB 08 2013

DOROTHY BROWN
CLERK OF CIRCUIT COURT

ANSWER TO DISCOVERY

TO: Attorney of Record

NOW COME the People of the State of Illinois, by and through their attorney, Dan K. Webb, Special Prosecutor in this matter, by and through his Deputies, Daniel D. Rubinstein and Sean G. Wieber, and answer the Defendant's December 10, 2012 Motion for Pretrial Discovery as follows:

1. A Bill of Particulars containing:

a) The exact time and date of the occurrence; and

ANSWER: The date of the occurrence is April 25, 2004. The time of the occurrence is approximately 3:00 AM.

b) The exact street address and any physical description of the location of the occurrence.

ANSWER: The location of the occurrence is at or near 35 West Division Street, Chicago, Illinois 60610. The physical description of the location of the occurrence is contained in the police reports that have been tendered to the defense.

2. A List of Witnesses of persons whom the prosecution may call as witnesses and their last known addresses and telephone numbers, including production of the following:

ANSWER: The State may call the following persons as witnesses to the trial of this cause:

Civilians

Scott Allen	Kevin McCarthy
James Copeland	Michael Connolly
David Francis	Phillip Kohler
Shaun Hageline	Edwin Tremore
Craig Denham	Robert Clemens
Bridget McCarthy	

The last known addresses and telephone numbers of the persons identified above will be provided to the defense. Additionally, the State may also call any person named in police reports, arrest reports, medical reports, laboratory reports, Grand Jury transcripts, evidence reports, or any other document tendered to or available to the defense. Furthermore, the State's potential witness list is subject to change.

- a) Any written or recorded statements by such witnesses, including those written or recorded statements by police officers; and

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

- b) Any memoranda reporting or summarizing oral statements by such witnesses.

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

3. A list of persons who were occurrence witnesses at the scene of the alleged offense, together with those persons' last known addresses and telephone numbers.

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense to

the extent it differs from material produced by the State to the defense in response to Paragraph Two (2) *supra*.

4. Any written or recorded statement or statements and the substance of any oral statements made by the accused including:

- a) A list of any witnesses to the making and/or acknowledgment of such statements;
- b) The time, place, and date of the making of such statements; and
- c) Any written or recorded memoranda containing the substance of such statements.

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

5. Any transcripts of the Grand Jury Minutes containing testimony of any witnesses who were called to testify at any Grand Jury proceeding on this matter. This is to include any transcription made of witnesses' testimony that may be favorable to the defense.

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

6. A list of all physical property that the State intends to use at the time of trial, including:

- a) A list of all physical property in the possession of law enforcement officials;
- b) Date and time the property was acquired;
- c) Location from which property was acquired;
- d) What person or persons first took the property into their possession;
- e) Reports made by law enforcement authorities pertaining to this property, including scientific reports, etc.; and
- f) That such property be made available to the defense for inspection before trial.

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

Furthermore, the State will comply with all reasonable requests for inspection by the defense within a time period agreed to by the parties.

7. Any reports or statements of experts made in connection with this particular case, including the results of physical or mental examinations and/or scientific tests, experiments and comparisons.

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

8. Any books, papers, documents, photographs and tangible objects which the prosecution intends to use in the hearing or trial and/or which were obtained from or belong to the accused.

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

9. Complete multi-jurisdictional criminal records of all State's witnesses which may be used for impeachment at trial or for assisting in the preparation and investigation of a competent and effective defense to the charges. This request includes any evidence requiring disclosure under *Giglio v. United States*, 405 U.S. 150 (1972).

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

10. It is further requested that the prosecution disclose whether there is pending against any witnesses listed in Paragraph Two (2) *supra*, any criminal or civil action involving the People of the State of Illinois or any such action pending during the pendency of the prosecution of the accused, and if so, full disclosure as to the nature and outcome of such legal action or actions.

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

11. In addition, the defense requests that the State disclose whether there is pending against any witness listed in Paragraph Two (2) *supra*, any criminal action or investigation involving the People of the State of Illinois, the Federal Government, or authorities from another state.

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

12. Whether the prosecution intends to use certified copies of convictions of the accused for purposes of impeachment during trial and the time and jurisdiction of such convictions.

ANSWER: The State intends to use certified copies of all convictions of the defendant, if any exist, for purposes of impeachment during the trial of this cause.

13. That the prosecution disclose and provide notice whether it will rely on any prior acts or convictions of the accused of a proof of knowledge, intent, modus operandi, lack of mistake, or motive of the accused. This request includes, but is not limited to, any "prior bad acts," gang affiliations, or other evidence which tends to reflect upon the character of the accused.

ANSWER: The State has no intent at this time to rely on any prior acts or convictions of the accused as proof of knowledge, intent, modus operandi, lack of mistake, or motive of the accused. If such an intent is formed, the State will disclose and provide notice of an intent to rely on any such evidence, and to the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

14. That the prosecution disclose whether any person has identified anyone other than the accused as the perpetrator of the actions with which the accused is charged.

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

15. To supply any reports and results of any and all scientific tests, experiments and examinations made by experts or others and the names of such persons who conducted the tests, pertinent to this case.

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

16. That the prosecution shall inform the defense of any electronic surveillance (including wire-tapping) or conversations to which the accused was a party.

ANSWER: The State currently has no knowledge of any electronic surveillance having been employed in connection with this cause.

17. That the prosecution inform the defense whether any evidence was acquired as a result of the execution of any legal process. If so, a copy of the process is to be supplied to the defense for purpose of inspection.

ANSWER: To the extent the State has material responsive to this request, or comes into possession of material responsive to this request, such material will be tendered to the defense.

18. That the prosecution disclose to the defense the names and addresses of any witnesses who may be or would be favorable to the defense. The same disclosure is requested of any physical, scientific, or any other type of evidence that might be or would be favorable to the defense, including the names of experts who made findings favorable to the defense. This request includes any evidence requiring disclosure under *Brady v. Maryland*, 373 U.S. 83 (1963).

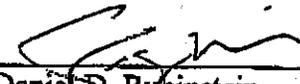
ANSWER: Any evidence that may be favorable to the defense that the State is aware of has been disclosed to the defense in the various productions made by the State. The State acknowledges its continuing duty to disclose such material to the defense, and to the extent the State comes into possession of material responsive to this request, such material will be tendered to the defense.

19. That pursuant to Supreme Court Rule 415(b), an order be entered upon the People to, from time to time, make such amendments to their Answer as may be required by new or modified information in their possession, knowledge or control.

ANSWER: Pursuant to Illinois Supreme Court Rule 415(b), the State agrees to make such amendments to this Answer as may be required by new or modified information in its possession, knowledge, or control.

Respectfully submitted,

DAN K. WEBB
Special Prosecutor


Daniel D. Rubinstein
Sean G. Wieber
Deputy Special Prosecutors
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5-14-13
Rolling Meadows

STATE OF ILLINOIS)
)
COUNTY OF COOK)

FILED

FEB 08 2013

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

DOROTHY BROWN
CLERK OF CIRCUIT COURT

PEOPLE OF THE STATE OF ILLINOIS)

v.)

No. 12-CR-2245001)

RICHARD J. VANECKO)

DOROTHY BROWN
CLERK OF CIRCUIT COURT

FEB 08 2013

FILED

NOTICE OF FILING

To:

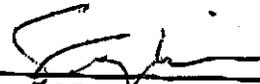
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Counsel for Defendant

Thomas M. Breen
BREEN PUGH & ASSOCIATES
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Chicago, IL 60604
Counsel for Defendant

YOU ARE HEREBY NOTIFIED that on February 8, 2013, before 5:00 p.m., the undersigned filed the attached Certificate of Completeness with the Clerk of the Circuit Court through Chief Judge Paul J. Biebel, Jr. at the George N. Leighton Criminal Courthouse, 2600 South California Avenue, Room 101, Chicago, Illinois 60608, with a courtesy copy provided to Judge Maureen P. McIntyre's chambers at the McHenry County Government Center, 2200 North Seminary Avenue, Woodstock, Illinois 60098.

DAN K. WEBB
SPECIAL PROSECUTOR

By: 
Daniel D. Rubinstein
Sean G. Wieber
DEPUTY SPECIAL PROSECUTORS

PROOF OF SERVICE

I, Sean G. Wieber, Deputy Special Prosecutor, hereby certify that I caused a copy of the above Notice and Certificate of Completeness to be mailed to all parties on February 8, 2013, at or before 5:00 p.m., with proper postage prepaid.

By: 
Sean G. Wieber
DEPUTY SPECIAL PROSECUTOR

STATE OF ILLINOIS)
)
COUNTY OF COOK)

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

PEOPLE OF THE STATE OF ILLINOIS)
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v.)
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No. 12-CR-2245001

FILED

FEB 08 2013

DOROTHY BROWN
CLERK OF CIRCUIT COURT

CERTIFICATE OF COMPLETENESS

TO: Attorney of Record

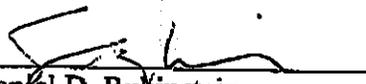
NOW COME the People of the State of Illinois, by and through their attorney, Dan K. Webb, Special Prosecutor in this matter, by and through his Deputies, Daniel D. Rubinstein and Sean G. Wieber, to certify the completeness of the production made by the Office of the Special Prosecutor in response to the Defendant's December 10, 2012 Motion for Pretrial Discovery and state as follows:

1. This Certificate of Completeness is filed pursuant to Judge McIntyre's January 18, 2013 Order.
2. The State, pursuant to the Defendant's December 10, 2012 Motion for Pretrial Discovery has to date produced approximately 18,000 documents, consisting of approximately 218,000 pages, from 35 custodians.
3. Specifically, the following productions were made:
 - a. On December 19, 2012, 93 documents were produced, consisting of 1,335 pages.
 - b. On January 11, 2013, 10,290 documents were produced, consisting of 103,700 pages.

- c. On January 18, 2013, 7,335 documents were produced, consisting of 112,011 pages.
 - d. On January 25, 2013, 281 documents were produced, consisting of 884 pages.
 - e. On February 1, 2013, 70 documents were produced, consisting of 327 pages.
 - f. On February 7, 2013, 16 documents were produced, consisting of 87 pages.
4. The State has organized these productions to defense counsel by custodian, Bates stamped each page, and indexed these materials.
 5. The State has been in frequent contact with defense counsel about discovery and these document productions. All materials have been produced in the format requested by defense counsel. The State has expressed to defense counsel that the State is available to answer any questions related to discovery and these document productions.
 6. The State has produced all required materials in its possession, custody, and control, with the exception of materials discussed in Paragraph 8 below.
 7. The State recognizes its continuing obligations under Illinois Supreme Court Rule 415(b) to make such amendments to its Answer and discovery disclosures as required if the State discovers additional material or information which is subject to disclosure that comes into its possession, knowledge, or control.
 8. The State has been in contact with defense counsel about the Office of the Special Prosecutor's on-going court-ordered investigation into "whether, from 2004 to the present, employees of the Chicago Police Department and the Cook County State's Attorney Office acted intentionally to suppress and conceal evidence, furnish false evidence, and generally impede the investigation into Mr. Koschman's death." (Judge Toomin's April 23, 2012 Order, *In re Appointment of Special Prosecutor*, No. 2011 Misc.

46.) The Office of the Special Prosecutor has further communicated to defense counsel that material obtained from that investigation could be responsive to Defendant's Motion for Pretrial Discovery. As such, and as agreed to by the Parties, the State will review material received pursuant to this on-going investigation and produce any responsive material on or before May 1, 2013.

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that pursuant to the Court's January 18, 2013 Order, the production in response to Defendant's Motion for Pretrial Discovery is complete in accordance with the Defendant's requests and subject to the limitations enumerated above.



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