

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

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**IN RE APPOINTMENT OF SPECIAL PROSECUTOR**

)  
) **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. (Apr. 6, 2012 Order at 33.) On April 23, 2012, the Court appointed Dan K. Webb as a Special Prosecutor and ordered him to investigate, "(1) whether criminal charges should be brought against any person in connection with the homicide of David Koschman in the spring of 2004, and (2) 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." (Apr. 23, 2012 Order at 1.) The Court further ordered that "at the conclusion of his investigation, the Special Prosecutor shall submit a final report to the 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." (Apr. 23, 2012 Order at 3.)

On September 18, 2013, the Special Prosecutor filed a 162-page report with the Court entitled *The Death of David Koschman: Report of the Special Prosecutor Dan K. Webb* ("the Report") detailing the evidence that was gathered by the Special Grand Jury, and the Special Prosecutor's analysis thereof. At the time of the filing, the Special Prosecutor also moved the Court to temporarily seal the Report until the conclusion of Richard J. Vanecko's criminal trial.

(Mot. Temp. Seal at 5.) In support of this motion, the Special Prosecutor argued that the contents of the Report could lead to significant pretrial publicity and exposure which could adversely impact Mr. Vanecko's right to a fair trial. Agreeing with the Special Prosecutor's concerns, the Court granted the motion and placed the Report under seal until the conclusion of Mr. Vanecko's trial. (Sept. 18, 2013 Order at 3; *see* Nov. 13, 2013 Order at 3, 19.)

On January 31, 2014, Mr. Vanecko appeared before the Honorable Maureen P. McIntyre and pled guilty to one count of involuntary manslaughter in connection with the death of David Koschman, and sentence was imposed. The prosecution of Mr. Vanecko being complete, the Special Prosecutor has moved the Court to lift the Report's temporary seal.

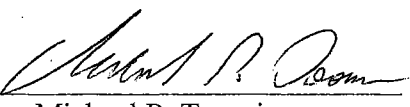
The Court having considered this motion, and for the reasons set forth therein, **IT IS ORDERED** that the September 18, 2013 report entitled *The Death of David Koschman: Report of the Special Prosecutor Dan K. Webb* is hereby unsealed. The Special Prosecutor is directed to publish the Report forthwith and deliver same to the President and Members of the Cook County Board of Commissioners.

Furthermore, because unsealing and publicly releasing the Report furthers the Court's goal of "bring[ing] transparency to the mixed signals emanating from this troubling case," the Court **FURTHER FINDS** that releasing the grand jury material contained in the Report is in the interests of justice.

Finally, because submission of the Report was mandated by the Court's Order, the Court **FURTHER FINDS** that neither the prior submission of the Report to the Court, nor any subsequent release of the Report now that it is 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: Feb. 3 2014

FILED  
MICHAEL P. TOOMIN-0501  
FFB 03 2014  
DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, IL  
DEPUTY CLERK

ENTERED: 

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