

IN THE CIRCUIT COURT FOR THE TWENTY THIRD JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

In Re:

Request for Appointment
of Special State's Attorney

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16 MR 271

FILED

AUG 22 2016

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

PETITION FOR APPOINTMENT OF A SPECIAL STATE'S ATTORNEY
DUE TO CONFLICT OF INTEREST

NOW COME THE PEOPLE OF THE STATE OF ILLINOIS, by and through Richard H. Schmack, State's Attorney in and or the County of DeKalb, moving that this Honorable Court appoint a Special State's Attorney due to the existence of a conflict of interest, and in support thereof do state as follows:

1. On August 16, 2016, the State's Attorney was advised by one Casey Porter, son-in-law of Jack D. McCullough, of the existence of a 78-minute video and audio recording of an interview between Seattle Detective Irene Lau and McCullough conducted at the Seattle Police Department on June 29, 2011. Porter indicated that he had obtained this video through a FOIA request from the Seattle Police Department, had posted it on You Tube, and provided the State's Attorney and the Public Defender with a link.
2. On August 14, 2012, on an oral motion to permit the testimony of Detective Lau, Assistant State's Attorney Julie Trevarthen represented to the Court that there was no video or audio of this interview, because McCullough "just happens to be in another room, and a tape is not running."
3. This false representation was made to the Court despite the fact that Detective Lau's official narrative report clearly states that she told McCullough he was being recorded.
4. Porter requested confirmation of his assumption that said video had not been in the possession of the DeKalb County State's Attorney's Office at any time, or at least since December 3, 2012 (when the current State's Attorney assumed office) and that it was not included in discovery tendered to the DeKalb County Public Defender by the prior State's Attorney.
5. After viewing the video via You Tube, the State's Attorney was able, on August 17, 2016, to confirm Mr. Porter's assumptions, and further provided the link to McCullough's Defense Counsel at Jenner and Block.

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6. The video appears to contradict elements of Detective Lau's narrative account prepared shortly after the interview and her testimony in the McCullough trial on September 10, 2012. At the very least, it was material evidence covered under the Defense motion for disclosure, and most likely also covered by Brady v. Maryland and RPC 3.8(d).
7. On August 19, 2016, Porter requested an investigation into Detective Lau's testimony on September 10, 2012. In relevant part, Porter states:

"After review of the video, and the corresponding testimony given by Ms. Lau in court on 9/10/2012 it is apparent Ms. Lau committed perjury. In the report she submitted, and in her testimony in court she stated Mr. McCullough in describing Maria Ridulph in the polygraph room of the Seattle Police Department on 6/29/2011 stated she was "lovely, lovely, lovely. Upon review of the tape, Mr. McCullough never made this statement."
8. Since Detective. Lau, who is apparently still employed by the Seattle Police Department, has likely resided outside the State of Illinois at all times since September 10, 2012, a perjury charge would not be barred by the statute of limitations. Any prosecution of Detective Lau would almost certainly involve inquiry into the handling of the entire investigation and prosecution of Jack D. McCullough, and such inquiry would clearly involve interviews with past, and perhaps, current employees of the DeKalb County State's Attorney's Office.
9. That given the involvement of the DeKalb County State's Attorney's Office in the McCullough prosecution, including calling Detective Lau as a witness for the prosecution, there exists an actual conflict of interest in said office investigating its own conduct, since such an investigation could conceivably lead to wrong doing by others beyond the allegations against Detective Lau.
10. That this conflict is not cured by the office being under the direction of a different elected State's Attorney than the one in office on the date of the alleged perjury.


WHEREFORE, the DeKalb County State's Attorney requests the appointment of a .

Special State's Attorney under the State's Attorney's Act to:

- A. Conduct an investigation into Mr. Porter's allegation of perjury concerning Detective Lau.
- B. To make a decision, within the bounds of prosecutorial discretion, concerning whether or not charges against Detective Lau, are warranted, and should such charges be brought, to prosecute the same.

- C. To, at said Special State's Attorney's discretion, investigate any other allegations of misconduct or wrongdoing in connection with the investigation of the kidnapping and murder of Maria Ridulph, and the prosecution of Jack D. McCullough, and
- D. To bring charges and prosecute same, if in the determination of the Special State's Attorney, such criminal charges are warranted.

Respectfully submitted:



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