

Attorney General Neil F. Hartigan  
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Members of the Illinois State Police, Department of Criminal Investigation, obtained a fairly detailed "hypothetical" and conditional statement from Dugan's attorney, reduced it to writing, and presented it to me as DuPage County State's Attorney. Because D.C.I. was not significantly involved in the original investigation, and because I wanted a fresh review of Dugan's claims which apparently suggested the convictions of Hernandez and Cruz were in error, I asked Director Zagel of the Illinois State Police to undertake an investigation of the Dugan information anew, without reference to the initial investigation in the case.

D.C.I. agreed, and the investigation resulted in eight different events during which information was received "hypothetically" from Dugan through his attorney. Alleged facts contained in this body of information were tested among the events themselves, and with general knowledge about the case. D.C.I. did an independent investigation, going to original witnesses to try to determine whether the information was truthful or not.

Culminating with the ruling in September of 1986, Buckley's attorneys sought court permission to introduce the Dugan information through hearsay testimony, as Dugan had previously claimed his Fifth Amendment privilege. The court found the information unreliable and inadmissible, ordering it not be used in the Buckley retrial.

During that hearing it appeared that information was leaked to the news media. The court entered a protective order that was seemingly ineffective, with leaks about the D.C.I. investigation apparently occurring. Also during the hearing, differences between various Dugan "statements" were developed, showing incorrect allegations sometimes changing to become more or less correct.

After making his ruling, Judge Nolan considered presenting the problems he perceived with the way the case was handled to a special grand jury and prosecutor. When this