

Attorney General Neil F. Hartigan
May 6, 1987
Page 3

was not possible, on April 16, 1987 he presented his concerns to me as DuPage County State's Attorney by way of the attached letter.

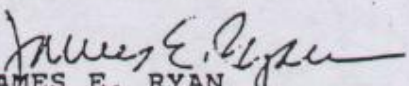
In March of 1987 attorneys for Hernandez and Cruz had filed a Motion for Post Judgment Relief before the trial Judge Edward Kowal, alleging the Dugan information to be new evidence such that should permit them a new trial. They sought to again litigate the same admissibility of the Dugan hearsay, using the same witnesses. Additionally, co-counsel for Hernandez was his trial attorney, one of the attorneys under consideration as a possible conduit through which the media had obtained "Dugan information".

Because of these problems, we ask you to assist us and undertake the investigation outlined by Judge Nolan's letter. Basically it would involve the following:

- a) Were there criminal violations committed by any investigators, attorneys or others in connection with the investigation and court presentation of the Dugan information? Possible areas to consider might be Official Misconduct and Obstructing Justice.
- b) Were there violations of the court's protective order concerning the Dugan information?

Because of the conflict situation in which we find ourselves, we sincerely hope you will be willing to assist us and to take this investigation. Obviously, every member of my staff stands ready and available to assist you in any way you deem necessary. I thank you in advance for your consideration of this matter.

Sincerely yours,


JAMES E. RYAN
DuPage County State's Attorney

JER:rb