

Winston's Dan Webb Serves as Special Prosecutor in Matter of the Death of David Koschman

FEBRUARY 4, 2014

Winston & Strawn chairman Dan Webb, with the assistance of a team of Winston lawyers, recently concluded the role as Special Prosecutor in the matter of the death of David Koschman, as former Chicago mayor Richard M. Daley's nephew, Richard Vanecko, pleads guilty to involuntarily manslaughter.

On April 25, 2004, at 3:00 in the morning, a group of men leaving one of Chicago's popular nightlife districts bumped into another group on the sidewalk. Words were exchanged, one punch was thrown, and according to eyewitnesses, a 29-year-old Chicago man, later identified as Richard Vanecko (6' 3" and 230 pounds), punched David Koschman (5'5" and 125 pounds). Vanecko ran away with one of his friends. The force of the punch knocked Koschman backwards and he hit his head on the pavement. Koschman suffered severe brain trauma precipitated by skull fractures sustained in the fall and died 11 days later.

Shortly after the incident the Chicago Police Department (CPD) identified everyone involved, including Vanecko, who was the nephew of Chicago's then mayor Richard M. Daley. Despite facts to the contrary, the police and the Cook County State's Attorney's Office concluded that they (1) could not determine if Koschman was punched or pushed, (2) could not determine if it was Vanecko or one of his friends who struck Koschman, but (3) did determine that whoever struck Koschman acted in self-defense. Vanecko was not prosecuted at the time.

Seven years later, in January 2011, the *Chicago Sun-Times* became interested in the case, and issued a Freedom of Information Act inquiry request to the CPD seeking records relating to the Koschman case. The request prompted the then Chicago Chief of Police to assign a new group of detectives to investigate what happened. One month later, the CPD concluded that it was Vanecko who punched Koschman, but also found, despite evidence to the contrary, that he had acted in self-defense.

Alleging that a cover-up had occurred, lawyers for Koschman's mother Nanci Koschman, sought the appointment of a Special Prosecutor and on April 23, 2012, Cook County Circuit Court Judge Michael Toomin took the extraordinary step of appointing Dan Webb as the special prosecutor to: (1) investigate the homicide of David Koschman and charge anyone found criminally responsible; and (2) investigate the actions by the Chicago Police Department and the Cook County State's Attorney's Office in their handling of the 2004 investigation and the 2011 reinvestigation into Koschman's death.

Mr. Webb and a team of Winston lawyers empanelled a Special Cook County Grand Jury at the Chicago office of Winston and Strawn, interviewed 146 witnesses, reviewed 300,000 pages of documents, obtained an indictment of Richard Vanecko for involuntary manslaughter, and wrote a 162-page report containing 852 footnotes detailing the deficiencies by police and prosecutors in their previous handling of the case. On January 31, 2014, Vanecko pled guilty to the charge of involuntary manslaughter, received a split sentence of jail, home confinement and probation and was ordered to pay expenses to Koschman's mother, to whom he also apologized in open court.

Mrs. Koschman publicly supported the plea agreement and repeatedly thanked Dan Webb and his team for their extraordinary efforts. A *Chicago Sun-Times* reporter described the conviction as a "stunning" and "remarkable" achievement accomplished by a Winston team with "ferocious talent and tenacity"; while another commended Webb and his team "who courageously picked up the ball when the reporters could carry it no further."

On February 4, 2014, the report titled "The Death of David Koschman: Report of the Special Prosecutor Dan K. Webb," detailing the events of the Koschman homicide and the failed investigations by the CPD and the State's Attorney, was released. A *Sun-Times* commentator described the Report as "a must-read for all of law enforcement whose job it is to serve and protect the public."

This is the fourth time Dan Webb, a former United States Attorney, has served as a special prosecutor. He was principally assisted in the investigation by Winston & Strawn attorneys and Deputy Special Prosecutors Derek Sarafa and Sean Wieber. In addition, valuable assistance was provided by other Winston & Strawn attorneys, including Matthew Carter, Thomas Weber. Chicago Inspector General Joseph Ferguson and his staff, as well as Jeffrey C. Kramer and his staff from Kroll Global Investigations, also provided valuable assistance during the course of the investigation.

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