

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

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PEOPLE OF THE STATE OF ILLINOIS,	)	
Respondent,	)	
	)	
v.	)	
	)	
JOHNNY PLUMMER and VINCENT WADE,	)	Nos. 90CR12036, 91CR22152,
as Representatives of the Class of Petitioners,	)	91CR22460, 91CR21451, 92CR
	)	20236, 84C10108, 87CR15089,
	)	89CR15497
SHAWN WHIRL, GEORGE ANDERSON,	)	
ROBERT SMITH, and DARRYL CHRISTIAN,	)	
as Petitioners.	)	

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**ORDER**

On April 11, 2013, this Court entered an order finding that the Cook County State's Attorney's Office continues to operate under a conflict of interest regarding post-conviction Burge-related claims of police torture at Area 2 and Area 3 police headquarters in Chicago. As such, it is necessary to appoint a Special State's Attorney to represent the interests of the People in the request for a class action that is now pending before this Court.

Pursuant to the recently passed Public Act 97-982, codified at 55 ILCS 5/3-9008 (West 2013)(Appointment of a Special State's Attorney), this Court contacted various prosecutorial agencies in Illinois to determine whether any of the offices would serve as Special Prosecutor in the pending cause at no additional cost to Cook County. This Court personally contacted Illinois Attorney General Lisa Madigan, State's Attorney's Appellate Prosecutor Patrick Delfino, Champaign County State's Attorney Julia Rietz, DeKalb County State's Attorney Richard Schmack, DuPage County State's Attorney Robert Berlin, Kane County State's Attorney Joseph H. McMahon, Kankakee County State's Attorney Jamie Boyd, Lake County State's Attorney Michael Nerheim, McHenry County State's Attorney Louis A. Bianchi, Madison County State's

Attorney Thomas D. Gibbons, Sangamon County State's Attorney John Milhiser, St. Claire County State's Attorney Brendan F. Kelly, Will County State's Attorney James W. Glasgow and Winnebago County State's Attorney Joseph P. Bruscato. After having carefully considered this Court's request, each of these offices declined due to a lack of resources. Because a publicly-funded prosecutorial agency is not available to represent the interests of the People in this cause, a Special State's Attorney must be appointed from the legal community within Chicago.

Hon. Stuart A. Nudelman (Ret.) has served since 2009 as a Special State's Attorney in Burge-related matters in a skillful, fair-minded and objective manner. In an effort to provide a clear benefit of continuity this Court once again names Mr. Nudelman as a Special State's Attorney to undertake the representation of the interests of the People in the proposed Burge-related post-conviction class action.

Judge Nudelman is given the authority to employ other attorneys and non-attorney staff as he deems necessary to assist him in this effort.

This cause is continued until May 21, 2013 at 3:00 p.m. At that time a briefing schedule will be set concerning the class-action issue.

ENTERED: Paul P. Biebel Jr. 1688  
Hon. Paul P. Biebel, Jr.  
Presiding Judge  
Criminal Division

DATED: May 7, 2013

