

## Third trial of Jackie Wilson suddenly gets dropped

After the murder case against him abruptly was dropped Friday, Jackie Wilson embraces his wife, Sandra, left, and daughter, Candice, outside the Leighton Criminal Court Building. (Abel Uribe/Chicago Tribune )

BY MEGAN CREPEAU

A murder case with decades of baggage — three different trials, a high-profile exoneration, a legacy of police torture — was abruptly dropped after allegations that a Cook County prosecutor lied under oath.

The defendant, Jackie Wilson, proclaimed his innocence in the 1982 cop killing with tears in his eyes. Wilson long alleged he was abused by notorious Chicago police Cmdr. Jon Burge after his arrest.

The prosecutor, Nick Trutenko, was fired from the office late Thursday after testifying that he had a long-standing relationship with a witness reputed to be an international con man. He returned to court Friday under threat of contempt charges.

The judge, William Hooks, spent two hours Friday dressing down the Cook County state's attorney's office for its role in the series of bizarre events, but did not make good on his repeated hints that he would find multiple players in contempt of court.

And the third trial in a shocking 1982 cop killing ended without a formal finding of guilty or not guilty. Wilson's defense attorneys openly speculated that the team of special prosecutors trying the case knew Hooks was about to acquit when they threw out charges Thursday.

"Jackie Wilson is innocent, he was going to be acquitted, they had an ethical obligation to dismiss this case with prejudice after a sitting state's attorney committed perjury on the stand," Elliot Slosar told reporters Friday.

Hooks on Friday called Wilson's case perhaps the most complicated Burge-related case that has surfaced.

Undisputed is that Wilson's brother Andrew fired the shots that killed Chicago police officers William Fahey and Richard O'Brien in 1982. Both brothers alleged they were tortured at the hands of police after their arrest. Wilson's first conviction was thrown out on appeal; at retrial in 1989 he was convicted of O'Brien's murder but acquitted of Fahey's.

Hooks threw out Wilson's second conviction in 2018 after extensive litigation on whether Wilson was tortured.

As in most Burge-related cases, a team of specially appointed private attorneys handled the prosecution, not Cook County state's attorneys. In the Wilson case, they were tasked with prosecuting a nearly 40-year-old murder, and decided to move ahead.

Much of their case centered on a key witness from the 1989 trial: one William Coleman, who testified that Wilson confessed the murder to him while they were both locked up in Cook County Jail.

Prosecutors and defense attorneys both made efforts to find Coleman, who is reputed to be an international con man and fraud. Since he could not be located, prosecutors introduced his 1989 trial testimony into evidence, three decades later, by reading it into the record.

Trutenko, a longtime assistant state's attorney, was a lead prosecutor in that trial. He testified Thursday that he considered the prosecution of the Wilson brothers to be one of the proudest moments of his career — a "crown jewel."

In Wilson's recent trial proceedings, the defense alleged that Trutenko leaned on witnesses to change their stories in between Wilson's first and second trials. And they made it their goal to attack Coleman's credibility, painting him as a liar.

On Thursday, defense attorneys even called Coleman's ex-wife and grown son as witnesses. Testifying over Zoom from England, both said he abused them, lied to them and was a habitual con man.

Neither knew whether he was alive or dead.

An investigator for the defense, former Chicago Reader journalist John Conroy, also tried to find out if Coleman was alive. He could not, and added that someone had specifically warned him against affirmatively saying he was dead, since "he had died before."

When Trutenko hit the stand shortly afterward, he testified that he had developed a close friendship with Coleman after Wilson's 1989 trial, during a period when Trutenko was in private practice. Trutenko even flew to England on Coleman's dime to become godfather to Coleman's daughter.

But the true bombshell came when defense attorney Slosar asked Trutenko when he last had contact with Coleman.

"You formed a bond with Mr. Coleman," Slosar asked. "How many years did that bond last, sir?"

"To this day," Trutenko said, then adding he last heard from Coleman only a few days prior.

The admission stunned the courtroom.

But the case was not dropped until slightly later, after Trutenko testified that he had not discussed Coleman in his previous conversations with the special prosecutors.

A recess was called; Trutenko left the room at Hooks' bidding.

Special prosecutors told Hooks that Trutenko's testimony was false. They had, in fact, discussed Coleman with him.

And they then dropped the charges against Wilson entirely. He cannot be tried a fourth time for the slaying.

Trutenko was fired from the office Thursday evening. An internal job posting for his position was emailed to assistant state's attorneys the next morning, and then, apparently inadvertently, State's Attorney Kim Foxx herself hit reply-all.

"Well that's fast," she wrote.

The Cook County state's attorney's office will not be determining whether to criminally charge Trutenko, due to a conflict of interest, according to a statement from the office. Instead, it is referring the matter to "the appropriate agencies."

When asked which agencies would be receiving the referral, the office said only that they would "provide an update when we have additional information to share."

Hooks ordered Trutenko to appear before him in court Friday, and expounded at length on the history of the case. At that hearing Friday morning, special prosecutors initially balked at giving the reason for their decision.

Only under aggressive questioning from Hooks — "this is not the time to play games" — did they repeat that Trutenko's testimony had been perjured.

"State's attorneys cannot stand by and hear perjury in a courtroom where a person is under oath," Hooks said Friday, commending the special prosecutors for dropping the case after the ethical concern arose.

But Hooks turned his ire on the Cook County state's attorney's office, noting that they too presumably knew Trutenko was not truthful on the stand, and instead of bringing it to his attention, "they book out the courtroom ... and I can't get the sheriffs to find them."

In another shock, a Cook County prosecutor assigned to represent Trutenko apparently advised special prosecutors not to ask any questions about Coleman while they prepared Trutenko for his testimony.

"It's nothing illegal, it's nothing unethical, but it's weird," the prosecutor told Special State's Attorney Larry Rosen, according to Rosen's statements in court Friday.

And Hooks was particularly furious that before the trial Cook County state's attorneys had fought hard to keep secret a 2019 memo about Trutenko's alleged misconduct in a different case. Prosecutors on Friday largely removed their objections, since Trutenko had been terminated.

"What you have done is suggest a pattern and practice of hiding materials relative to bad prosecutors," he said.

If there were more transparency, Hooks said, the bad prosecutors wouldn't become judges, and bad cops wouldn't become top police brass.

"In Chicago, you can end up anywhere despite of what you did in public service, because you don't have stuff like this," he said, shaking the memo in the air. "It gets put in a drawer, licensed attorneys come in and try to hide it."

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