

12/26/2016

Jury awards \$22 million in damages to wrongly convicted ex-El Rukn

Jason Meisner and Elyssa Cherney Contact Reporters Chicago Tribune

A federal jury on Thursday awarded a whopping \$22 million in damages to a former El Rukn gang member who alleged two [Chicago police](#) detectives framed him for an infamous 1984 double murder that sent him to death row.

The Tribune has chronicled the case in several front-page stories over the past two years, detailing how Nathson Fields' "street file" was found in 2011 buried in an old filing cabinet with hundreds of other homicide cases in a South Side police station basement.

After two and half days of deliberations, the jury found that Sgt. David O'Callaghan and Lt. Joseph Murphy violated Fields' civil rights by withholding critical evidence from defense attorneys that could have pointed away from him as the killer.

The jury also found that at the time Fields was arrested and charged, the city had a pattern and practice of keeping the secret street files in homicide investigations even though the practice was supposedly abolished in 1983.

In what is believed to be one of the largest awards in a wrongful conviction case in Chicago history, the jury held the city liable for \$22 million in damages and also assessed punitive damages against the officers — \$30,000 for O'Callaghan and \$10,000 for Murphy, money that each might have to pay himself.

In a brief statement Thursday, a spokesman for the city's Law Department said the city was "disappointed" by the verdict and would appeal. O'Callaghan's lawyer, Shelly Kulwin, said he was "deeply disappointed." Attorneys for Murphy could not be reached.

At a news conference hours after the verdict, Fields grew teary-eyed as he stood with his family and attorneys at the Near West Side offices of Loevy & Loevy, reflecting on his time on death row and how close he had come to being executed for a crime he didn't commit.

Fields recalled the suffocating feeling of being locked in a 5-by-7-foot cell so confined that he could "touch all the walls" if he stood in the middle. He also spoke of the despair of watching fellow death row inmates lose their lives to stress and witnessing others being marched to their execution.

"I had times that I was under so much stress I didn't think I could take anymore, so this day is very humbling, and I'm so happy," Fields told reporters.

While he said the jury verdict brought him closure, he said he regretted his mother wasn't still alive to witness it.

His lawyer, Jon Loevy, said the jury awarded more than the \$18 million he sought — \$1 million for each of the 18 years Fields spent in prison.

Loevy said police kept street files on at least another 400 defendants, but it was impossible to say how many of them had been wrongly convicted.

"Not only is Nate a victim of a wrongful conviction ... there are other guys, too, in prison who are there because ... that exculpatory evidence was withheld from them," he said.

This marked the third trial for Fields over his lawsuit, which was originally brought by attorney Candace Gorman who uncovered much of what became the crucial evidence in the case.

The first ended in a mistrial in 2014. In the second trial, a jury awarded him only \$80,000 in damages. But the verdict was overturned after U.S. District Judge Matthew Kennelly decided jurors should have heard evidence that Earl Hawkins, an El Rukn hit man who was a key witness for the city and police, was expecting to be freed from prison years early.

After the trial, it was revealed that police detectives and prosecutors involved in the case had written glowing letters to the parole board about Hawkins and his cooperation — although lawyers for the city have presented evidence that prison officials had already granted Hawkins' release before they read them.

Last month, as Fields' latest trial was getting under way, the U.S. attorney's office filed an unusual motion asking a federal judge to cut the 25-year prison sentence of convicted El Rukn killer Derrick Kees to 12 years because of his anticipated testimony against Fields. Earlier this month, Kees testified that his agreement could mean he'll gain freedom next year.

While commonplace in criminal cases, it's highly unusual for prosecutors to cut deals with witnesses in exchange for testimony in civil proceedings.

Attorney Leonard Goodman, who represented Fields in a failed petition for a certificate of innocence, told the Tribune last month that unless there's a bona fide public safety reason to negotiate for a prisoner's release, such deals are tantamount to bribery.

"I've never seen it," Goodman said. "What possible public safety reason could there be in a civil trial to be letting serial killers out of prison?"

The stunning verdict marks the latest twist in the nearly four-decade legacy of El Rukn prosecutions that decimated the leadership of one of the more flamboyant and murderous street gangs in Chicago history.

Led by kingpin [Jeff Fort](#), El Rukn operated under cover of a so-called religious organization out of a heavily fortified former movie theater called the "fort" that once stood near Pershing Road and Drexel Avenue.

Even after Fort went to prison, he ran El Rukn from behind bars, participating by phone in weekly meetings of his leadership team, according to testimony.

While widely hailed as a triumph, the prosecution ultimately exploded in controversy and scandal. Numerous convictions were reversed after it was alleged that several gang leaders cooperating with the government — including Hawkins — had received perks while in custody, ranging from drugs and clothes to conjugal visits in federal offices.

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"The first time I read it was two weeks ago," he testified.

Fields and Hawkins were originally convicted of the 1984 slayings of Talman Hickman and Jerome "Fuddy" Smith, a leader of the rival Black Gangster Disciples' Goon Squad who Fort believed was encroaching on El Rukn drug territory.

But Circuit Judge Thomas Maloney, who presided over the bench trial, was later convicted of pocketing \$10,000 to fix the case, only to return the money in the midst of the trial when he suspected the FBI was onto the bribe. Maloney instead convicted Hawkins and Fields and sentenced both to death.

While on death row, Hawkins began cooperating with investigators, eventually testifying against dozens of gang leaders as well as Maloney, who was convicted in 1993 of fixing several murder cases, including that of Hawkins and Fields.

Hawkins pleaded guilty to lesser charges of armed violence in exchange for a 78-year sentence and a promise to testify against Fields at his retrial. During the 2009 retrial, Hawkins said he saw Fields fire the five shots that killed Hickman. But Judge Vincent Gaughan acquitted Fields of both murders, ripping Hawkins as an unreliable witness who had admitted to the murders of 15 to 20 people during his days as an El Rukn soldier.

"If someone has such disregard for human life, what regard will he have for his oath?" Gaughan said in finding Fields not guilty.

After the acquittal, Fields filed a petition for a certificate of innocence to clear his name and allow him to recoup money from the state for his wrongful imprisonment. But county prosecutors strenuously fought back. To prove that Fields was the actual killer, they made unusual deals with Hawkins and Kees to testify at the civil hearing — not a criminal proceeding where such maneuvering is commonplace.

Then-Presiding Judge Paul Biebel denied the certificate of innocence for Fields based on that testimony.

The controversy over buried street files first erupted in 1983 when Detective Frank Lavery blew the whistle during a trial for the killing of a 12-year-old girl. Incensed that the prosecution was going forward despite evidence that defendant George Jones was innocent, Lavery turned his street file over to defense attorneys in the middle of the trial. The charges against Jones were dropped.

Lavery, a veteran homicide detective, was demoted to overseeing urine tests for recruits at the police academy, but his whistle-blowing wasn't for naught. After Jones successfully sued the police for railroading him, police issued a new general order doing away with street files and instituting what are called general progress reports in which detectives' notes and other updates on the investigation are typed into a form that is inventoried and subject to subpoena.

But Fields' trial has shown that the use of street files by Chicago police didn't end. The hundreds of files found in the Wentworth Area basement never should have been there at all. In fact, all homicide files older than 10 years were supposed to be placed in the Police Department's permanent records division, where they would be subject to subpoena.

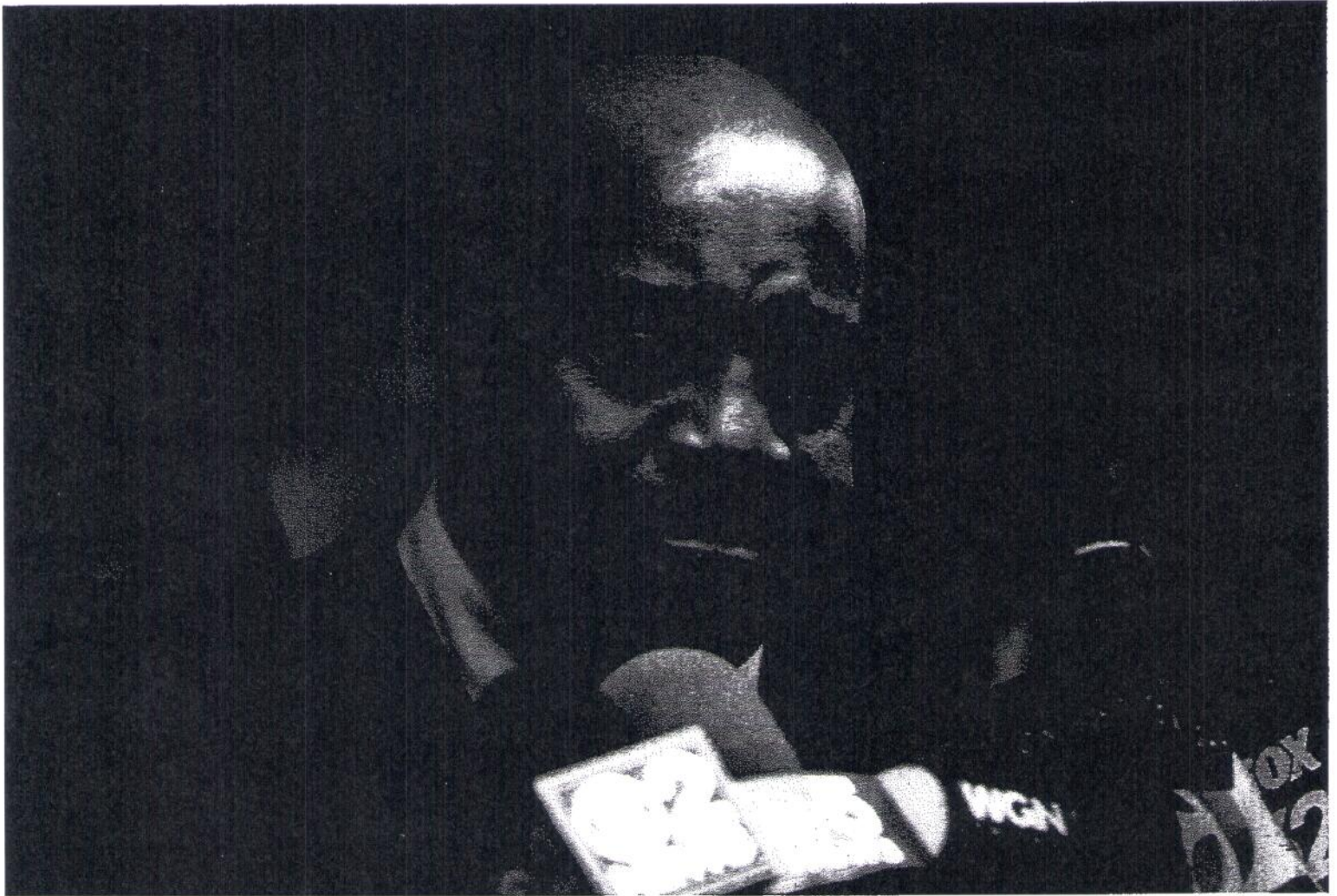
Discovered in Fields' street file were handwritten notes about alternate suspects from early in the investigation as well as lineup cards that were not included in the information turned over to Fields' criminal defense attorneys.

In his closing argument Monday, Loevy said the information that was withheld was "maybe only five pages total," but that it could have meant the difference between exoneration and death row for Fields.

"It's not that it's a ton of paper," Loevy told the jury, holding up the 6-inch-thick, fading Manila folder that contained Fields' street file. "But it's important paper."

CHICAGO 12/15/2016, 01:27pm

Former gang member wins \$22 million in lawsuit



Former El Rukn gang member Nathson Fields broke down crying during a press conference at Loevy & Loevy, 311 N. Aberdeen, after a federal jury awarded him \$22 million in his lawsuit over wrongful prosecution. | Santiago Covarrubias/Sun-Times

Two years ago, a federal jury handed a mere \$80,000 to a wrongfully convicted ex-El Rukn gang member who spent more than a decade on Death Row only to be cleared of a double murder.

Nathson Fields called it a “travesty” at the time and he called for a federal investigation.

But little did he know, his decades-long legal saga wasn’t over. A judge would order a do-over within a year because another former gang member had gone free under suspicious circumstances. So the case went to trial again last month. And Thursday, a jury came back with a new verdict in Fields’ case against the city and Chicago detectives David O’Callaghan and Joseph Murphy.

This time, it handed Fields \$22 million.

“Through his own hard work and good fortune and good luck along the way, (Fields) was able to exonerate himself,” Jon Loevy, Fields’ attorney, said at a news conference held later. “He was able to win his retrial and prove his innocence. And the last chapter was this case in federal court, where Nate spent the last month putting on evidence that he was framed.”

In the midst of the trial, federal prosecutors persuaded a judge to reduce the sentence of a notorious El Rukn killer who gave incriminating testimony against Fields. Fields’ lawyers have argued that killer could now go free as soon as next year.

Fields broke out in tears in the courtroom of U.S. District Judge Matthew Kennelly when the verdict was read. He continued to wipe his eyes as he stepped out of the courtroom to celebrate with his attorneys.

At a news conference later, Fields, who was slated to be executed twice while in prison, said he hopes his exoneration could give hope to others who have been wrongly convicted.

“I stand before you as the living proof that there’s other men in prison for things they didn’t do,” Fields said. “I hope my case will be the catalyst to bring all this the light and to bring many innocent men and women home to their family.”

O’Callaghan’s attorney, Shelly Kulwin, told a reporter he had recently lost faith in the electoral process and added: “Today, I lost all my faith in the judicial system.”

Later, Chicago law department spokesman Bill McCaffrey suggested Fields’ legal fight isn’t over.

“We are disappointed by and will be appealing the jury’s verdict,” McCaffrey said in a statement.

The jury handed Fields \$22 million to be paid by the city, \$30,000 from O’Callaghan and \$10,000 from Murphy. It found that O’Callaghan and Murphy violated Fields’ due process rights, and that the violation was a result of a Chicago policy or widespread practice. It also made an intentional infliction of emotional distress finding against O’Callaghan.

Fields spent 18 years behind bars, including 11 on Death Row, before he was cleared at a 2009 retrial for the 1984 murders of Talman Hickman and Jerome “Fuddy” Smith. It was revealed in the meantime that Cook County Judge Thomas Maloney, who presided over Fields’ original 1986 trial, took a \$10,000 bribe that he returned only because he thought the feds were watching.

After Fields was cleared, a long-missing police file connected to his case was “discovered,” buried in an old filing cabinet in the basement of a South Side police station. For years, police and prosecutors denied it existed. But Fields’ lawyers believe it was hidden on purpose because it held evidence that might have cleared their client far sooner.

Fields filed his lawsuit in 2010. Though he first took it to trial in 2014 and landed an \$80,000 verdict, the release later that year of El Rukn killer Earl Hawkins months after he testified against Fields raised eyebrows. The U.S. Parole Commission received letters supportive of Hawkins’ parole from O’Callaghan and Chicago Police Det. Daniel Brannigan, as well as Cook County Assistant State’s Attorney Brian Sexton, records show.

Kennelly ruled in April 2015 that it appeared Hawkins got a “bonanza” deal, ordering a new trial that began Nov. 14.

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Three days into the latest trial, federal prosecutors asked U.S. District Judge Rebecca Pallmeyer to cut the sentence of El Rukn enforcer Derrick Kees from 25 years to 12 years, saying Kees had provided “substantial assistance to the government” by testifying against Fields. Kees told jurors last month that he had a conversation with Fields, Hawkins and others soon after the 1984 murders. Kees said Hawkins gave a “play-by-play” of the killings, and Fields said “it was a good exercise.”

Kees once faced 99 years in prison for racketeering on top of a state murder sentence of 55 years. He is now on track to be released in November 2021, though Fields’ lawyers say he could go free as early as next year.

On the stand, Kees denied being a “hit man,” “serial killer” or “sociopath.” But he told the jury, “I killed people,” and he declined to say how many.

At the news conference after the jury’s decision, Loevy called the decision to offer reduced sentences to two convicts in exchange for their testimony against Fields “outrageous.”

“They took guys that were recidivist murderers — assassins, really — and they gave them big sentence breaks to testify in this civil case consistent with the police version, and I guess the jury wasn’t buying it,” he said.

Two decades after scandal, prosecutor testifies in defense of El Rukn case

By **Jason Meisner**
Chicago Tribune

DECEMBER 9, 2016, 7:50 PM

William Hogan Jr.'s career as a federal prosecutor has long been linked to the landmark El Rukn trials that ended in controversy two decades ago over allegations that cooperating witnesses had used drugs in jail, stole sensitive prosecution papers and had sex in government offices.

At the time a rising Justice Department star, Hogan was fired from his job after the bombshell allegations surfaced. But he fought hard to clear his name, and two years later was ordered reinstated to his post at the U.S. Attorney's Office by an administrative judge who found no convincing evidence of wrongdoing on Hogan's part.

lawyer - Shelby Kulwin, lawyer for Police defendant

Now, some 20 years later, Hogan took the witness stand in a federal courtroom Friday to tell a jury about his stewardship of an El Rukn prosecution that decimated the gang's leadership.

Hogan's testimony came in the trial over a lawsuit alleging former El Rukn general Nathson Fields was framed by Chicago police in a notorious 1984 double murder.

Using a sometimes contentious tone, Hogan, 65, now in his 36th year as a federal prosecutor in Chicago, denied he had any knowledge of the drug use or sexual misbehavior by several cooperating witnesses. Either way, he said, "it had nothing to do with the prosecutions."

Hogan false + MO

Hogan said the prosecution documents that were found in a cell at the Metropolitan Correctional Center had been inadvertently snatched up by cooperating witness Derrick Kees during a visit to Hogan's office. The documents were recovered a short time later and did not contain anything that would have affected the witnesses' testimony, he said.

Hogan false MO

"It was no big deal," Hogan told jurors.

During a heated cross-examination, Hogan bristled when Fields' attorney, Jon Loevy, questioned him about a grand jury statement from another cooperating witness that erroneously stated Fields had taken part in another double murder.

Hogan testified he had neglected to remove the reference to the homicides before submitting El Rukn general Earl Hawkins' final 36-page statement. When Loevy tried to pin him down, Hogan said the statement was corrected as soon as the error was realized. He also quibbled with whether it was false in the first place.

"Isn't it true you were feeding false information into a grand jury statement?" Loevy asked.

"That's ridiculous," Hogan said.

"It's false, isn't it?" Loevy countered.

"No," Hogan said. "It's incorrect. There's a difference. It's a mistake."

Fields' double murder conviction and death sentence were tossed after it was revealed the judge in the case had accepted a bribe. After Fields was exonerated in a 2009 retrial, he filed the suit claiming police had buried a "street file" in his case to hide evidence helpful to him.

Attorneys for the city, however, have long maintained that Fields was guilty of the murders and vehemently denied that any damaging evidence was concealed from the defense.

It's the third time that Fields' lawsuit has gone to a jury. The first ended in a mistrial in 2014. The verdict in the second trial was overturned after the judge decided jurors should have heard evidence that Hawkins — an El Rukn hit man who admitted to at least a dozen killings — was expecting to be freed from prison years early in exchange for his testimony.

Same repeat as to Hogan misconduct regarding El Rukn result in mistrial

After the trial, it was revealed that Hogan and others involved in the case had written glowing letters to the parole board about Hawkins and his cooperation — although lawyers for the city have presented evidence that prison officials had already granted Hawkins' release before they read them. — Hogan MO

Meanwhile, as Fields' third trial was getting underway last month, the U.S. Attorney's Office filed an unusual motion asking a federal judge to reduce Kees' federal racketeering sentence from 25 years to 12 years because of his anticipated testimony against Fields. Last week, Kees testified that his agreement could mean he'll gain freedom next year. — repeat again + again

On Friday, Hogan was asked repeatedly about how Kees, in a bid to get out of his federal plea deal in 1994, alleged Hogan had cut a side deal promising him he'd serve less time. In response, prosecutors wrote that Kees' false allegations ruined his credibility as a trial witness. The move made headlines in Chicago and added to the fallout in the El Rukn prosecutions.

But Hogan testified Friday that he'd never seen Kees' motion to withdraw his guilty plea and that he'd only recently read his own office's response.

"The first time I read it was two weeks ago," he said.

Hogan MO

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This article is related to: Crime, Trials and Arbitration, U.S. Department of Justice

Latest deal for El Rukn hit man could mean his early freedom in 2017



El Rukn operated out of this heavily fortified former movie theater called the "fort" in the 3900 block of South Drexel Boulevard in the Oakland neighborhood in the 1980s. (Chicago Tribune)

By **Jason Meisner**
Chicago Tribune

NOVEMBER 30, 2016, 6:51 PM

Two decades ago, federal prosecutors assured a judge that El Rukn hit man Derrick Kees would effectively spend the rest of his life behind bars.

But Kees, who admitted to participating in at least 20 slayings, has been cutting deals with the government ever since. In exchange for breaks on his state and federal sentences, Kees testified in the landmark El Rukn trials of the 1990s that decimated the gang's hierarchy as well as the sensational trial of a Cook County judge who took a bribe to fix the murder case of two of Kees' associates.

Hogan, Former Witness

ADVERTISING

On Wednesday, Kees, now 59, told a federal grand jury that his latest agreement with federal prosecutors could mean he'll taste freedom next year — as much as 17 years early.

"Believe me, I wanted time served," Kees told jurors.

The revelation came during Kees' testimony in the civil lawsuit filed by another former El Rukn member, Nathson Fields, who claims he was framed in an infamous 1984 double murder that sent him to death row.

Earlier this week, U.S. District Judge Rebecca Pallmeyer approved an unusual motion by the U.S. attorney's office asking her to cut Kees' 25-year federal racketeering conspiracy sentence to 12 years in prison in exchange for testifying that Fields was, in fact, guilty of the murders.

That agreement meant Kees would've been released in 2021. But on Wednesday, he testified that because his sentence falls under the old federal rules of parole, with good-time credit he believed his "out" date could come as early as 2017.

It's the second time in less than two years that prosecutors have gone to bat for an imprisoned El Rukn hit man in exchange for testimony in Fields' civil proceedings. While commonplace in criminal cases, it's highly unusual for federal prosecutors to cut deals with prisoners in exchange for testimony in a civil trial.

another Hoys benefit witness
In December 2014, the Tribune first reported that Earl Hawkins, a former El Rukn general once described by prosecutors as a "trained killer," was quietly released from prison at least 10 years early after he testified against

Fields at a hearing over his petition for innocence as well as at the first trial over Fields' lawsuit.

The jury in the first trial, which awarded Fields \$80,000 in damages, had not been told of the release, a key reason why U.S. District Judge Matthew Kennelly overturned that verdict and granted Fields the new trial now underway.

Hawkins, now in witness protection, testified this week that he and Fields and two other El Rukn soldiers, acting on the orders of imprisoned gang leader [Jeff Fort](#), had executed gang rivals Jerome "Fuddy" Smith and Talman Hickman as they walked through the breezeway of a South Side public housing high-rise.

On Wednesday, Kees reiterated what he'd said numerous times before — that he had helped plan the Smith and Hickman murders and that after they were carried out, Fields reported to him that it was "a good exercise."

In intense questioning, Fields' lawyer, Jon Loevy, repeatedly asked Kees about his deals with prosecutors over the years. Kees acknowledged "there were discussions" with the government about what benefit he might receive for his latest testimony, but he denied he was willing to lie to win his freedom.

"I'm not gonna lie under any circumstances," Kees said. "I don't have to."

Kees told jurors he'd killed people but said he didn't know how many. At one point, Loevy turned to Kees on the stand and asked bluntly, "You're a serial killer, are you not?"

"No," Kees replied.

"Are you a sociopath?" Loevy said.

"No," Kees again replied.

Kees was first convicted in 1988 in state court in the machine-gun slaying of El Rukn rival Willie "Dollar Bill" Bibbs outside a bar and sentenced to 55 years in prison.

Facing even more time in a federal racketeering case, Kees began cooperating with authorities in 1989 and wound up testifying for the government at six of eight El Rukn trials, as well as the trial of drug dealer Alexander "Ghost" Cooper, who was convicted of killing a federal informant.

But it was his testimony at the trial of Circuit Judge Thomas Maloney that garnered Kees the most attention. Maloney had pocketed \$10,000 from the gang to acquit Hawkins and Fields of the 1984 double murder, only to return the money and convict them when he suspected the FBI was onto the bribe.

Maloney was later convicted himself and sentenced to nearly 16 years in prison.

Fields, meanwhile, had his case overturned because of the scandal and was found not guilty in a 2009 retrial. His lawsuit alleges two Chicago police detectives framed him for the Smith and Hickman murders, burying

evidence that could have been used at his trial in a secret "street file" that was found decades later in an old filing cabinet.

While historic, the El Rukn cases were also fraught with allegations of misconduct by the U.S. attorney's office. Several convictions were reversed after it was alleged that former gang leaders cooperating with the government received clothing, money and other gifts, obtained drugs and even had conjugal visits with their wives in federal offices.

In 1995, Kees tried to get out of a plea deal calling for a 99-year federal sentence after he said Assistant U.S. Attorney William Hogan, the lead prosecutor in the case, had cut a side deal promising him he'd serve less time. Hogan contended Kees wasn't given any promises outside the written plea agreement that called for, in effect, a life sentence.

U.S. District Judge Marvin Aspen ultimately ruled that while he didn't believe Hogan's courtroom denials about the deal, he said there wasn't enough evidence to corroborate the assertions by Kees.

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This article is related to: [Crime](#), [Homicide](#), [Jeff Fort](#)

Prosecutors want El Rukn hit man's prison term cut for testifying in trial



El Rukn operated out of this heavily fortified former movie theater called the "fort" in the 3900 block of South Drexel Boulevard in the Oakland neighborhood in the 1980s. (Chicago Tribune)

By **Jason Meisner**
Chicago Tribune

NOVEMBER 18, 2016, 6:17 PM

Derrick Kees is a convicted killer, a onetime member of the El Rukn gang's notorious "hit team" responsible for dozens of murders and attempted murders ordered by gang leader **Jeff Fort**.

Having already served decades in state prison for murder, Kees, 59, has for the past three years been serving out a 25-year sentence on federal racketeering conspiracy charges, a term that should keep him locked up well into his 70s.

But now, a federal judge is being asked to spring Kees from prison early. And it's not Kees' lawyers who made the request.

9 Who??

In an unusual motion filed Thursday, the U.S. attorney's office sought to reduce Kees' sentence to 12 years in exchange for his anticipated testimony in an ongoing trial involving another alleged former El Rukn general,

Nathson Fields, who claims he was framed in an infamous 1984 double murder that sent him to death row.

If U.S. District Judge Rebecca Pallmeyer approves, Kees could be freed as soon as November 2021 — as much as 13 years early.

It's the second time in less than two years that prosecutors have gone to bat for an imprisoned El Rukn hit man in exchange for testimony in Fields' civil proceedings.

In December 2014, the Tribune first reported that Earl Hawkins, a former El Rukn general once described by prosecutors as a "trained killer," was quietly released from prison at least 10 years early after he testified against Fields at a hearing over his petition for innocence as well as at the first trial over Fields' lawsuit.

Ironically, federal prosecutors cite Hawkins' release after 30 years in custody in their argument that Kees' time should be reduced, saying his sentence "will still exceed that of all the other cooperating El Rukn witnesses."

But the filing does not mention prosecutors' role in obtaining Hawkins' early release. The jury that had awarded Fields only \$80,000 in damages had not been told of the release, a key reason why U.S. District Judge Matthew Kennelly overturned that verdict and granted Fields the new trial now underway.

Kees' motion has lawyers for Fields once again demanding answers. After Fields' trial wrapped for the day on Thursday, attorney Jon Loevy likened the move to paying off a witness.

"We want to see every communication between the federal government and the people at this table," said Loevy, pointing at lawyers representing the city and two Chicago police detectives accused in the alleged frame-up.

Kennelly ordered the defense to turn over any emails or other messages exchanged with the U.S. attorney's office about the request to reduce Kees' sentence.

Attorney Leonard Goodman, who represents Fields in separate litigation seeking a certificate of innocence, told the Tribune on Friday that while commonplace in criminal cases, it's highly unusual for federal prosecutors to cut deals with prisoners in exchange for testimony in a civil trial. He alleged that unless there's a bona fide public safety reason to negotiate for a prisoner's release, it's tantamount to bribery.

"I've never seen it," Goodman said. "What possible public safety reason could there be in a civil trial to be letting serial killers out of prison?"

Joseph Fitzpatrick, a spokesman for U.S. Attorney Zachary Fardon, had no comment Friday.

For three decades, Kees has figured prominently in the historic but also controversial El Rukn prosecutions that decimated the gang's leadership.

In 1988, Kees was convicted in state court in the 1981 machine-gun slaying of El Rukn rival Willie "Dollar Bill" Bibbs outside a bar and sentenced to 55 years in prison. Facing even more time in a federal racketeering case,

Prosecutors deny any mischief in early release of El Rukn hit man



El Rukn operated out of this heavily fortified former movie theater called the "fort" in the 3900 block of South Drexel Boulevard in the Oakland neighborhood in the 1980s. (Chicago Tribune)

By **Jason Meisner**
Chicago Tribune

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Defense attorney cries foul when El Rukn hit man Earl Hawkins freed more than a decade earlier than expected.

JANUARY 12, 2015, 2:40 PM

The surprise release of former El Rukn general Earl Hawkins from prison more than a decade sooner than had been expected was not the result of any conspiracy to reward Hawkins for his recent testimony in two civil proceedings involving a former gang cohort, federal prosecutors wrote in a recent court filing.

Last month, the Tribune reported that Hawkins, one of the most legendary informants in Chicago history who was once described by prosecutors as a "trained killer," was quietly freed from prison to start a new life in the federal witness protection program.

ADVERTISING

The release came after Hawkins testified against his former El Rukn cohort and co-defendant Nathson Fields, who was trying to obtain a certificate of innocence from the state and also had sued authorities for allegedly framing him for the 1984 murders of two gang rivals. At each of those hearings, Hawkins testified he expected to be locked up at least until 2026 when he would be 72.

After Hawkins' release last month, Fields' attorney, Candace Gorman, cried foul, accusing federal and state prosecutors of secretly arranging a deal with Hawkins in exchange for his unprecedented testimony against Fields in two civil matters.

In asking for a new trial on Fields' allegations of a frame-up, Gorman revealed that two prosecutors and two former Chicago cops — three of whom played key roles in the El Rukn investigation years ago — wrote letters of support for Hawkins in July in his bid to win release on his federal sentence from the U.S. Parole Commission.

The U.S. Attorney's Office, which represents the Parole Commission, shot back in a court filing late Friday, calling the allegations "baseless and reckless."

In a sworn affidavit, Assistant U.S. Attorney William Hogan, who led the gang prosecutions more than two decades ago, said Hawkins' release was the result of an independent decision by a parole examiner as well as a revised plea deal worked out last year between Hawkins and Cook County prosecutors.

Hogan said in the 12-page statement that the letters sent on Hawkins' behalf were a routine requirement of his 1989 federal plea deal. Also, Hogan said, the letters arrived after Hawkins' July 11 parole hearing and apparently were not a factor in the examiner's decision to grant Hawkins' release.

"I categorically deny (the) reckless and false allegations that I conspired with anyone ... to have Earl Hawkins commit perjury in this court by lying about the date he expected to be released from his federal and state prison sentences, or to obtain Hawkins' early release from those sentences in exchange for false testimony," Hogan said in the affidavit.

→ Hogan's relationship - who paid

Hawkins' attorney, David Stetler, also has denied there was a conspiracy, telling the Tribune last month that the release came after the U.S. Bureau of Prisons recalculated Hawkins' "out" date based on a number of factors, including credit for time served in Cook County Jail and for good behavior during his three decades in the federal prison system.

Stetler said Gorman was "mistaken if she thinks there is anything more to this."

Hawkins had been serving out concurrent federal and state sentences of 60 years for racketeering conspiracy and 78 years for armed violence. His release from prison was not secured until Dec. 12, when his attorney asked Cook County Criminal Court Judge Vincent Gaughan to enforce an arcane plea deal struck with state prosecutors last year in advance of Fields' hearing for a certificate of innocence.

That agreement included a crucial clause guaranteeing Hawkins would be finished with his state time once his federal prison sentence was over, court records show.

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Testimony That Led To Mistrial In El Rukn Case A \$68,000 Error

November 10, 2015 6:29 AM

Filed Under: David O'Callaghan, Earl Hawkins, El Rukn, Jeff Fort, mistrial, Murder, Nathson Fields, Testimony, trial

CHICAGO (STMW) — Testimony by a former Chicago police detective that triggered a mistrial in the ongoing saga of a wrongfully convicted former death row inmate has turned out to be a \$68,000 mistake.

U.S. District Judge Matthew Kennelly ordered David O'Callaghan's lawyer to pay \$63,000 in attorney's fees and \$5,618 in expenses to counsel for former El Rukn gang member Nathson Fields. He did so because O'Callaghan's testimony last year ran afoul of a court order and short-circuited a trial over Fields' federal lawsuit against the city.

Convicted in 1986 of a double murder, Fields spent 18 years behind bars — 12 on death row — before he was cleared after a retrial in 2009.

After he was cleared, a long-missing police file connected to his case was "discovered" buried in an old filing cabinet in the basement of a South Side police station. Police and prosecutors for years denied the file existed; Fields' lawyers claimed it was hidden on purpose because it held evidence that might have cleared Fields far sooner.

Fields sued the city and the cops he said had framed him. The first attempt to take the lawsuit to trial ended in a mistrial when O'Callaghan violated a court order by referring to "terrorism cases" during his testimony. Records show he made the comment in response to questions from city lawyer Terrence Burns.

Kennelly found the reference to El Rukn gang leader Jeff Fort's 1987 conviction for domestic terrorism could have unfairly prejudiced the jury against Fields.

The judge wrote in his ruling Friday that he doesn't believe Burns meant for O'Callaghan to violate the court order.

Fields lost on nearly all of his claims when he took the lawsuit to trial again, prevailing only on a single claim against O'Callaghan; jurors found

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O'Callaghan had either fabricated or withheld evidence to help convict Fields. But Kennelly also found earlier this year that the second trial was unfair.

Authorities hid a "bonanza" deal that allowed a key witness for the city to get out of prison early after he testified against Fields last year.

Fields' alleged accomplice and fellow high-ranking El Rukn, Earl Hawkins, testified for the city that Fields was in fact guilty. He told jurors he had no deal with authorities for a significant reduction in his sentence in return for his testimony and that he did not expect to get out of prison until 2026.

But just months after his testimony helped the city, Hawkins was a free man. Among those who had urged the parole board to release him were O'Callaghan, several other cops, Assistant Cook County State's Attorney Brian Sexton and Assistant U.S. Attorney William Hogan.

The decades-long legal saga began with Hawkins bribing a Cook County judge when he stood trial alongside Fields in 1986 for the murders of two men.

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City attorney ordered to pay \$70,000 in sanctions for El Rukn mistrial



Nathson Fields, a former El Rukn gang leader, with Maggie Parr, after his acquittal of murder charges in a 2009 retrial in Cook County. (John Smierciak / Chicago Tribune)

By **Jason Meisner**
Chicago Tribune

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Judge hits city with \$70,000 in sanctions after improper testimony by witness causes mistrial in El Rukn case

NOVEMBER 9, 2015, 12:23 PM

A federal judge has ordered a city attorney to pay nearly \$70,000 in sanctions for causing a mistrial last year in the wrongful conviction case brought by a former high-ranking El Rukn gang member.

The gaffe occurred seven days into testimony on Nathson Fields' lawsuit against [Chicago police](#) and Cook County prosecutors alleging they framed him in an infamous 1984 double murder that sent him to death row.

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Former Chicago police Sgt. David O'Callaghan, who is one of those sued, was answering a seemingly innocuous question from his attorney about the role a particular prosecutor played years ago in the prosecution of the notorious El Rukn gang. O'Callaghan blurted out that the prosecutor was involved in "terrorism cases" before Fields' lawyers shouted objections.

U.S. District Judge Matthew Kennelly, who had barred city attorneys from mentioning at trial any terrorism links to El Rukn leader [Jeff Fort](#) from decades ago, quickly declared a mistrial.

In an eight-page ruling Friday, Kennelly said he did not believe the misstep by O'Callaghan's attorney, Terrence Burns, was intentional. But the judge said the attorney was "extremely negligent" and "did not properly and sufficiently instruct O'Callaghan regarding the court's ruling concerning the terrorism matter before he testified."

Kennelly ordered Burns to pay \$68,618 in attorney's fees and expenses to Fields' lawyer, Candace Gorman, to cover the cost of retrying the case.

"Fields suffered a clear and unmistakable harm, consisting of wasted effort and expense by his counsel and the need to prepare for a second trial," Kennelly wrote.

A spokesman for the city Law Department did not immediately return calls seeking comment.

Fields' legal saga began in 1986 when Cook County Judge Thomas Maloney convicted him and a co-defendant in a double murder allegedly ordered by Fort. Maloney himself was later convicted of pocketing \$10,000 to fix the verdict, only to return the money in the midst of the trial when he suspected the FBI was onto the bribe. Fields eventually won a new trial and was acquitted in 2009. He was released after spending 17 years in prison.

In his federal lawsuit, Fields alleged that Chicago police and prosecutors buried the so-called street file containing crucial information on the murders for nearly three decades before it was suddenly discovered in 2010 in a filing cabinet in the basement of the old Wentworth Area detective headquarters.

The April 2014 retrial on his lawsuit ended with a jury finding for Fields on only one count, awarding him just \$80,000 in damages.

Earlier this year, however, Kennelly ordered yet another new trial, saying the jury should have known that a key witness, former El Rukn hit man Earl Hawkins, had cut a deal that sprung him from prison years early despite earlier public assurances from prosecutors that he would remain locked up until 2026.

Gorman has alleged in court filings that a second witness also was given an early release without the jury being notified.

Kennelly also made a potentially bombshell decision, allowing Fields' attorneys to expand their investigation into whether Chicago police have for years buried street files of hundreds of other murder suspects.

The third trial is set for May.

Gorman told the Tribune in an email Monday she was pleased with the judge's decision to sanction the lawyers.

"These defendants refused to play by the rules when they framed my client for a double murder that he did not commit," Gorman said. "... Even when the second trial was over, they continued their fraud on the court by helping to arrange for the early release from prison for two of the witnesses that falsely testified against my client. It is my hope that this sanction will send a message to these men that the Court will not put up with their misconduct at the next trial."

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Notorious El Rukn killer wins surprise release from prison



El Rukn operated out of this heavily fortified former movie theater called the "fort" in the 3900 block of South Drexel Boulevard in the Oakland neighborhood in the 1980s. (Chicago Tribune)

By **Jason Meisner**
Chicago Tribune

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Notorious El Rukn killer, a key informant for law enforcement, wins surprise release from prison

DECEMBER 19, 2014, 6:58 AM

He's one of the most legendary informants in Chicago history, a former El Rukn general once described by prosecutors as a "trained killer" who bribed a Cook County judge to fix the infamous double murder case that landed him on death row.

Even though Earl Hawkins' extraordinary cooperation later helped convict dozens of El Rukn leaders as well as the corrupt judge, he had been slated to remain in prison for more than another decade, serving out concurrent federal and state sentences of 60 years for racketeering conspiracy and 78 years for armed violence.

But now, after testifying against his former El Rukn cohort and co-defendant Nathson Fields in two recent civil proceedings, Hawkins suddenly is a free man.

The former hit man who testified that he killed as many as 20 people was quietly freed from prison in recent days to start a new life in the federal witness protection program. His surprising release comes despite earlier public assurances from prosecutors that Hawkins was nowhere near release and the 59-year-old Hawkins' own testimony that he expected to remain locked up until he was 72.

The development has Fields' lawyers demanding answers. In court papers filed this week in federal court, they accused federal and state prosecutors of secretly arranging a deal with Hawkins to secure his early release in exchange for his unprecedented testimony against Fields, who was trying to obtain a certificate of innocence from the state. Hawkins also testified at a federal trial over Fields' lawsuit alleging that authorities framed him for the 1984 murders of two gang rivals.

Fields' lead attorney, Candace Gorman, revealed that two prosecutors and two former Chicago cops — three of whom played key roles in the El Rukn investigation years ago — wrote letters of support for Hawkins in July in his bid to win release on his federal sentence from the U.S. Parole Commission.

"Despite the danger to himself and his family, Hawkins always remained steadfast in his cooperation and his truthful testimony was critical to the successful prosecution of Chicago's most dangerous and notorious gang organization," wrote Assistant U.S. Attorney William Hogan Jr., who led the gang prosecution only to have it ignite in controversy. "I recommend that Earl Hawkins be given full consideration ... for parole."

The commission granted Hawkins' parole in September, but its hearings are not public and a spokesman declined to provide further details.

Gorman acknowledged in her filing that she is still trying to get to the bottom of Hawkins' release after learning about it when his brother contacted her office over the summer. Once she started asking questions, Gorman said, she was met at first with claims of surprise and later with stonewalling.

"That (they) were engaged in a conspiracy is clear," Gorman wrote in the filing. "The complete scope of that conspiracy is not clear."

Hawkins' attorney, David Stetler, denied Thursday any conspiracy, saying that the release came after the U.S. Bureau of Prisons recalculated Hawkins' "out" date based on a number of factors.

"Candace Gorman is a lawyer I respect for the fine work she has done for people who are underrepresented," Stetler told the Tribune in a telephone interview. "I do, however, think she's mistaken if she thinks there is anything more to this."

Hawkins' release from prison was not secured until Dec. 12, when his attorney asked Cook County Criminal Court Judge Vincent Gaughan to enforce an arcane plea deal struck with state prosecutors last year in advance

of Fields' hearing for a certificate of innocence.

That agreement included a crucial clause guaranteeing Hawkins would be finished with his state time once his federal prison sentence was over, court records show.

Despite that deal, Cook County prosecutors as recently as last week seemed surprised to have learned that Hawkins would soon be free. Assistant State's Attorney Brian Sexton, who five months earlier wrote a glowing letter to the parole commission on Hawkins' behalf, told Gaughan he had been "operating under the assumption" that Hawkins would be in federal custody for at least another 13 years

"We all assumed he was getting out in 2027, however, that is not the case," Sexton told the judge, according to a transcript.

But Sexton also said there were "no side deals or other arrangements" with Hawkins.

He made no mention to Gaughan of his parole letter.

At a brief hearing Thursday, U.S. District Judge Matthew Kennelly, who is presiding over Fields' lawsuit, gave lawyers for the police and prosecutors until next month to file their response to the allegations.

Outside the courtroom, Fields said he's "hopeful the truth will come out" about why Hawkins was released.

"I feel like it's just lies and corruption at its best, letting a person like this out," Fields said.

Randall Samborn, a spokesman for the U.S. attorney's office, declined to comment.

In response to the Tribune's questions about the deal, the state's attorney's office said in a statement Thursday that Sexton's letter was written at the request of Hawkins' attorney to document Hawkins' cooperation and truthful testimony. The office said such letters are not unusual and that at the time Sexton wrote his he believed Hawkins would be incarcerated until "at least 2027."

"This office was as surprised as anyone when Hawkins received early parole by the U.S. Parole Commission in light of his background and admission of criminal activity," the statement read. "... No consideration was sought or given for Hawkins' testimony related to Fields' civil lawsuit."

Whatever the reasons for Hawkins' sudden release, it marks one more twist in the nearly four-decade legacy of the El Rukn prosecutions that decimated the leadership of one of the more flamboyant and murderous street gangs in Chicago history.

Led by imprisoned kingpin [Jeff Fort](#), the Rukns operated under cover of a so-called religious organization out of a heavily fortified former movie theater called the "fort" that once stood near Pershing Road and Drexel Avenue.

For years, Fort ran El Rukn from behind bars, participating by phone in weekly meetings of his leadership team, according to testimony.

While widely hailed as a law enforcement triumph, the cases that ultimately brought down Fort's organization were also fraught with allegations of misconduct. Several convictions were reversed after it was alleged that several gang leaders cooperating with the government — including Hawkins — had received perks while in custody, ranging from drugs and clothes to conjugal visits in federal offices.

Hogan was fired in 1996 amid an FBI probe into allegations he had concealed drug use in jail by two of his star witnesses, but that decision was reversed two years later by an administrative judge. Hogan was ordered reinstated and remains an assistant U.S. attorney.

Hawkins and Fields, both high-ranking members of El Rukn, were originally convicted of the 1984 slayings of two leaders of the rival Black Gangster Disciples' Goon Squad who Fort believed were encroaching on El Rukn drug territory.

But Circuit Judge Thomas Maloney, who presided over the bench trial, himself was later convicted of pocketing \$10,000 to fix the case, only to return the money in the midst of the trial when he suspected the FBI was onto the bribe. Maloney instead convicted Hawkins and Fields and sentenced both to death.

While on death row, Hawkins began cooperating with investigators, eventually testifying against dozens of gang leaders as well as Maloney, who was convicted in 1993 of fixing several murder cases, including that of Hawkins and Fields.

Hawkins pleaded guilty to lesser charges of armed violence in exchange for an 78-year sentence and a promise to testify against Fields at his retrial following his release from prison after 17 years. Hawkins was also serving a concurrent 60-year sentence for federal racketeering conspiracy.

During the 2009 retrial before Gaughan, Hawkins said he saw Fields fire the five shots that killed Talman Hickman. But Gaughan acquitted Fields of both murders, ripping Hawkins as an unreliable witness who had admitted to the murders of 15 to 20 people during his days as an El Rukn soldier.

"If someone has such disregard for human life, what regard will he have for his oath?" Gaughan said in finding Fields not guilty. "I find him incredible."

After the acquittal, Fields filed a petition for a certificate of innocence to clear his name and allow him to recoup money from the state for wrongful imprisonment. But county prosecutors strenuously fought back. To prove that Fields was the actual killer, they made unusual deals with Hawkins and another former El Rukn general, Derrick Kees, to testify at the civil hearing — not a criminal proceeding where such maneuvering is commonplace.

On its face, Hawkins' deal shaved just three years off his state sentence. But also included was the crucial clause providing that his state sentence would be over whenever he was paroled on his federal time.

At a hearing last December before Criminal Court Presiding Judge Paul Biebel, one of Fields' attorneys, Leonard Goodman, blasted the deals as "unprecedented."

"The state is going to let people out of prison to say it their way," Goodman said. "This has never been done in the history — that we can tell — of civil cases."

Sexton, however, assured Biebel that the deals with Hawkins and Kees would not lead to their release anytime soon.

"They're still serving significant federal time," the prosecutor said at the time. "They'll probably be in their 70s when they get out."

Biebel denied Fields' petition in a written ruling in February.

While Gaughan may have found Hawkins to be less than credible, the letters written on Hawkins' behalf to the parole commission heap praise not only on him but on the El Rukn prosecutions themselves.

Two of the letters came from Daniel Brannigan and David O'Callaghan, the now-retired Chicago police detectives who played key roles in investigating dozens of El Rukn-connected shootings and murders, including the double murder that sent Hawkins and Fields to death row.

In April, a federal jury found only O'Callaghan liable for violating Fields' due process rights to a fair trial during the original investigation into the double murder. According to trial testimony, O'Callaghan coached witnesses to point out Fields in lineups as the man they saw running from the scene, even though the gunmen wore ski masks.

O'Callaghan wrote in his letter that Hawkins had been debriefed for "well over a hundred hours," not only helping police put together cases against Hawkins' fellow gang members but also implicating himself in crimes that detectives did not know he had committed — including a murder in which two other men had wrongly been convicted and sent to prison.

"I believe that Earl Hawkins, as he has aged, would no longer be a threat to society," O'Callaghan wrote.

Sexton, meanwhile, commended Hawkins as "an excellent witness" in Fields' civil trial, saying he had testified "without receiving any consideration on his state or federal case."

"He was cooperative, had an amazing memory, and most importantly, he testified truthfully each and every time he was asked to do so, whether it was for a local prosecutor, a federal prosecutor, or a civil attorney," Sexton wrote.

Hogan — who is Hawkins' longtime witness protection handler — told the commission in his letter that Hawkins had testified in a total of 12 federal racketeering trials from 1991 to 1996, leading to the convictions of

55 El Rukn members and Maloney. He also said he believed that Hawkins — who had been in custody since 1985 — would not "re-engage in criminal activity if released from prison."

Gorman, Fields' lawyer, said in court papers this week that she learned of the letters only after they were filed by attorneys for Hawkins as they sought to terminate his state sentence from Gaughan on Dec. 12.

At that hearing, Sexton explained to Gaughan that both he and Hogan had thought Hawkins would be serving 13 more years of federal time, calling it a "mutual mistake of assumption."

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Mistrial declared in former El Rukn leader's lawsuit against police, prosecutors



Nathson Fields, a former El Rukn gang leader, with Maggie Parr, after his acquittal of murder charges in a 2009 retrial in Cook County. (John Smierciak / Chicago Tribune)

By **Jason Meisner**
Tribune reporter

MARCH 25, 2014, 7:20 PM

Lawyers for a former El Rukn gang member who alleges he was wrongly convicted decades ago are asking for sanctions against city attorneys after a former police sergeant improperly uttered the word “terrorism” on the stand, prompting a federal judge to abruptly declare a mistrial and dismiss the jury last week.

The gaffe occurred seven days into testimony at a trial over Nathson Fields’ lawsuit against Chicago police and Cook County prosecutors for allegedly framing him in an infamous 1984 double murder that sent him to death row.

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Former Chicago police Sgt. David O'Callaghan, who is one of those sued, was answering a seemingly innocuous question from his attorney about the role a particular prosecutor played years ago in the prosecution of the notorious El Rukn gang. O'Callaghan blurted out that the prosecutor was involved in "terrorism cases" before Fields' lawyers shouted objections, according to a trial transcript.

U.S. District Judge Matthew Kennelly, who had barred city attorneys from mentioning at trial any terrorism links to El Rukn leader [Jeff Fort](#) from decades ago, immediately ordered the jury out of the room.

When O'Callaghan's attorney, Terrence Burns, fumbled at answering how the slipup had occurred, Kennelly shot back, "I didn't ask you that question."

"...I am prepared to sit here until hell freezes over until I get a responsive answer to the question that I have now asked you twice," the transcript quoted Kennelly as saying. The judge later explained that he was forced to declare a mistrial because of the powerful connotations of the word "terrorism."

"The problem with this is that I don't think -- you know, given what -- given the reference and given the nature of it in this day and age, I just do not think that this is a bell that can be unrung," the transcript quoted Kennelly as saying.

After dismissing the jury, the judge scheduled a retrial for April 7.

In the aftermath, Fields' attorney, Candace Gorman, asked the judge to impose more than \$250,000 in sanctions – double the total expenditures Fields' attorneys say they incurred in the weeklong trial – and hold O'Callaghan and his attorneys in contempt of court.

Kennelly has yet to rule on that request, but last week he seemed to be considering it, telling the defense "when people violate court orders, there's a word for it. It starts with a 'C.' OK? It's called contempt."

In an interview this week, Gorman told the Tribune she does not believe the question that illicited the terrorism comment was an accident.

“The city wants to make this a trial of the El Rukn gang when it’s really a civil rights allegation,” Gorman said. “The fact that my client was a member of the gang 30 years ago is not the issue, and the judge has repeatedly said it’s not the issue.”

Burns did not respond to a call seeking comment. The city’s law department issued a statement saying it was “extremely disappointed by the mistrial” and looked forward to presenting its defense to a new jury.

Fields' legal saga began in 1986 when Cook County Judge Thomas Maloney convicted him and a co-defendant in a double-murder allegedly ordered by Fort. Maloney himself was later convicted of pocketing \$10,000 to fix the trial, only to return the money in the midst of the trial when he suspected the FBI was onto the bribe. Fields eventually won a new trial and was acquitted in 2009. He was released after spending 17 years in prison.

Fields' lawsuit alleges Chicago police withheld an investigative file containing 150 pages of detectives' notes that showed he was not involved in the double murder. The file was suddenly “discovered” 26 years later in a cabinet at the detective headquarters at 51st and Wentworth. Gorman said jurors were about to get a look at the mystery cabinet – which had been hauled into Kennelly’s courtroom as evidence – once O’Callaghan’s testimony was done.

Earlier this month, the presiding judge of the Cook County criminal courts denied a certificate of innocence to Fields, ruling that evidence showed Fields was aware of the bribe paid to fix his murder case. Kennelly had barred attorneys from mentioning that development in the civil trial, however.

Fort, now 66, is serving an 80-year sentence in the supermax federal prison in Florence, Colo., for his 1987 conviction for plotting acts of domestic terrorism in exchange for \$2.5 million from Libya.

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Judge denies certificate of innocence in historic fixed case



Tribune illustration

By **Steve Schmadeke**
Tribune reporter

MARCH 4, 2014, 6:11 PM

A former member of one of Chicago's most notorious gangs has spent years trying to prove his innocence after he was convicted at an infamous double-murder trial before a corrupt Cook County judge who later went to prison for taking \$10,000 to fix the case.

But on Tuesday, the presiding judge of the Cook County criminal courts denied a certificate of innocence to Nathson Fields, writing in a 50-page ruling that the former El Rukn had failed to prove he was truly innocent of the 1984 gang slayings and that evidence showed he was aware of the bribe paid to fix his murder case.

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The ruling by Judge Paul Biebel Jr. comes as a blow for Fields less than a week before his federal lawsuit over his allegedly wrongful conviction is scheduled to go to trial in federal court. A certificate would not only have strengthened Fields' civil rights lawsuit but also expunged the murder conviction from his record and made him eligible for \$200,000 from the state.

The decision marks a reversal for Biebel, who in 2009 granted Fields the certificate, only to have the decision overturned by an appeals court in 2011.

Prosecutors vigorously fought Fields' efforts to obtain the certificate, making an unprecedented offer to reduce the sentences of two murderous El Rukn "generals" in exchange for their testimony at the civil hearing.

But in the end, Beibel found that Fields' own testimony was "unbelievable," particularly his statements that he knew the gang only as a religious organization and that his role was limited to managing one of its properties and enforcing El Rukn rules with sanctions like push-ups.

"Listening to Fields testimony, it would be difficult to distinguish the El Rukn organization from the Boy Scouts," Biebel wrote.

Fields was originally convicted of a 1984 double murder ordered by gang kingpin [Jeff Fort](#). But Thomas Maloney, the judge who presided over the bench trial, himself was later convicted of pocketing \$10,000 to fix the case, only to return the money in the midst of the trial when he suspected the [FBI](#) was onto the bribe. Maloney convicted Fields and a co-defendant and sentenced both to death.

After Maloney's sensational conviction years later, Fields won a new trial and was acquitted in 2009 of the double murder. He was released after spending 17 years in prison and sought a certificate of innocence to clear his name.

Biebel held an extraordinary eight-day hearing last year that served as a history lesson on El Rukn at which former leaders and a current Cook County judge testified.

After he and other Black P Stone leaders went to prison in 1968 for using a \$1 million federal grant to buy guns and drugs, Fort ran El Rukn from behind bars, giving orders and discussing strategy in coded language for up

to 10 hours a day, according to testimony.

“In the daytime...we was wearing the Islamic garment,” former gang hit man Jackie Clay testified at last year’s hearing. “And at nighttime we was shooting and killing people. We was selling dope.”

In several recorded conversations, Fort discussed bribing Maloney in exchange for acquitting the gang members on murder charges and made clear that he wanted Fields told about their efforts to have him cleared, Biebel noted in his ruling.

“This court finds that Fields was a willing participant in the bribe of Mahoney and therefore has unclean hands in this civil proceeding,” Biebel wrote.

Fields, who previously served more than 12 years in prison for a 1971 murder in Dixmoor, vowed to continue fighting to prove his innocence.

“It’s a life-long process for me,” he said. “It’s never going to end because I know I’m innocent and I didn’t do the crime.”

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Judge Reverses 3 Convictions In Gang Cases

By DON TERRY,
Published: June 5, 1993

CHICAGO, June 4— After working for more than 20 years to smash El Rukns, one of the city's most powerful street gangs, local and Federal prosecutors reveled in their victory over the gang two years ago, when dozens of El Rukns and their associates were convicted or pleaded guilty on the testimony of gang leaders turned Government witness.

But today, in a blistering 137-page decision, a Federal judge granted three of the defendants a new trial, citing a long and "disturbing" list of prosecutorial misconduct. The three defendants, Tom Burnside, Codell Griffin and C. D. Jackson, were not members of El Rukns but were convicted of supplying the gang with drugs.

Today's ruling could be only the beginning of a highly embarrassing set-back for Federal prosecutors here. Another round of hearings involving high-ranking gang members is to resume later this month. **Sharp Criticism of Prosecutors**

The convictions began to unravel after defense lawyers raised the question of prosecutorial misconduct in post-trial hearings before three Federal judges.

Today Judge James F. Holderman of Federal District Court said in his decision that prosecutors had repeatedly ignored and withheld potentially damaging evidence that their witnesses were using drugs while in custody, even on occasion while in the offices of the United States Attorney in Chicago.

The judge said the drug use by the witnesses was "impeaching evidence" that could have tainted their testimony and that, as such, it should have been disclosed to defense lawyers who could have used the information to discredit the witnesses before the jury.

Prosecutors have denied the misconduct charges during weeks of post-trial hearings. Reading from a prepared statement today, Michael J. Shepard, the United States Attorney for the Northern District of Illinois, said that his office was "saddened" by Judge Holderman's ruling but that he could not comment further because of a pending investigation.

The Federal Department of Justice's Office of Professional Responsibility is investigating the matter, which has been removed from the the United States Attorney's office in Chicago. John A. Smietanka, the United States Attorney for the Western District of Michigan, is now in charge.

At the center of the storm is William Hogan, the lead prosecutor on El Rukns cases, who at one point after the convictions was dispatched to Los Angeles to share his gang-busting tactics with the authorities there. In his statement, Mr. Shepard said Mr. Hogan had an "unblemished and longstanding record of outstanding public service."

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But the judge said that on at least one occasion, Mr. Hogan had apparently dismissed a colleague's concerns about the need to disclose the drug use. Allowed Visits With Wives

El Rukns cases offer a rare look at the sometimes murky relationship between prosecutors and their informers. For prosecutors, informers offer the detailed inside knowledge to bolster a prosecution involving gangs, guns and drugs. And for cooperative informers, most of whom face long sentences of their own, prosecutors can offer attractive plea agreements.

Judge Holderman said prosecutors had failed to disclose certain "benefits" given to the witnesses, which might have been relevant in determining their motivation for testifying, and their credibility."

For example, he said, the witnesses were allowed contact visits with their wives or girlfriends while in a Federal jail in downtown Chicago, a violation of jail policy. Complaining about lax security at the jail, the judge said the women were rarely searched before seeing the men and may have used the visits to smuggle cocaine, marijuana and heroin into the jail.

One witness, Harry Evans, was caught engaging in a sexual act during a contact visit with his common-law wife, the judge wrote. His visiting privileges at the jail were revoked, the judge said, but Mr. Evans subsequently had contact visits with his wife at the United States Attorney's Office.

Judge Holderman said the authorities had also granted the witnesses unheard of and "especially troubling" telephone privileges. "In light of the evidence indicating that the witnesses received drugs from outside sources," the judge wrote, "the court can only infer that the El Rukn cooperating inmate witnesses utilized their telephone privileges to contact their illegal drug suppliers at taxpayer expense."

The inmate witnesses became so bold that some even answered the telephones in the office of a special Government task force, in some cases pretending to be Federal agents.

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