

Casey Porter

From: Dave Zulawski [DZulawski@W-Z.com]
Sent: Saturday, November 17, 2012 9:57 AM
To: Casey Porter
Subject: your note

Hi Casey,

I think you may be misinformed about some aspects of the case. The FBI reports were not admissible as a matter of law relating to the use of reports. However, the reports were indirectly admitted because they were used during the conversation with the defendant. I'm not sure what you think are in the FBI reports but since I have read them from cover to cover I know that they do will not in any way exonerate the defendant. In fact, Jack "Johnny" admitted that what he told the FBI was correct in the reports I showed him. Unfortunately, his statements at the time to the FBI were directly contradicted by any number of witnesses who appeared at trial establishing what he told the FBI was not the truth.

The defense had an opportunity to present the recorded interview to establish the "proof" in the reports which you mentioned, however they chose not to. The judge had an opportunity to review the entire interview and hear the contents of the reports. The judge ruled the interview admissible and the defense had copies which they could have introduced to indirectly bring the reports into the record. The judge did rule that the interview was admissible so clearly the defense could have chosen to introduce the reports in this fashion if they thought it would help their case in any way. Since the judge had already seen the entire interview the prosecution held the interview back to rebut testimony if Jack elected to testify. As you probably are aware he chose not to take the stand.

There were a number of areas that were judged to be prejudicial to the defendant which were not admitted at trial. For example his ex-wife's testimony about finding him with a young girl. His conviction in the state of Washington for having sex with a female minor while he was a police officer. The sexual contact that he had with his sisters which was forcible. In addition, the large number of inappropriate pictures of young girls he had were also not admitted into evidence.

Introduced into evidence was his confession to three separate inmates at the DeKalb County jail that he killed Maria. These inmates were not in jail at the same time and could have concocted the same detailed story except by clairvoyance or actually being told by Jack that he had done the murder. The dates and times of these conversations were also confirmed by jail video.

In short, I think if you read the trial transcript you would understand why the judge found the defendant guilty in less than a half hour of deliberation.

I read your news release on the assistance you gave in the Jack McCullough case. Are you really sure you want to be associated with this case long term? The entire case is interviewing a tired 71 year old man with a heart condition about events that took place 55 years ago, and then the ability of the prosecution to be able to keep the FBI report out of the trial. When 48 Hours does the story on the case, and the case goes to appeal, you might find your advertise time not well spent.

The FBI report shows Jack McCullough could not have committed the crime.

Casey

Regards,

Dave

David E. Zulawski, CFI, CFE
Wicklander-Zulawski & Associates, Inc.
4932 Main Street
Downers Grove, Illinois 60515
630-852-6800 x104
www.w-z.com