

[Click to Print](#)

Thursday, May 20, 2010

## Profiles in Courage against wrongful conviction

BY LARRY GOLDEN

A special event will take place in Springfield on Monday, May 24, when exoneree Rolando Cruz comes to Springfield to recognize those who helped free him almost 15 years ago.

In 1983, 10-year-old Jeanine Nicarico was kidnapped from her Naperville home in the middle of the day, taken to a nearby wooded location and brutally killed. But despite the tragedy of the killing and the injustice of the wrongful convictions that followed, there are stories that don't get told very often of those who, at great personal cost, pursued justice.

Some law enforcement officials followed stereotypical thinking to focus on Rolando Cruz and Alejandro Hernandez, lower class Hispanics living in the nearby town of Aurora. Cruz and Hernandez were convicted despite the confession, shortly after Cruz's first conviction, of the real perpetrator, Brian Dugan. Their arrests, convictions and death sentences comprise one of the most renowned innocence stories in American legal history. Cruz was tried three times and spent 12 years on death row before he was shown to be innocent and then released.

The case became nationally known as a major example of prosecutorial misconduct. Reporters Thomas Frisbie and Randy Garrett wrote their book, *Victims of Justice Revisited*, about the case. Following Cruz's exoneration a special grand jury indicted seven highly prominent individuals – four sheriff's deputies and three former prosecutors – for perjury and obstruction of justice in the case. Although a DuPage County jury acquitted the seven, the county later agreed to pay \$3.5 million to settle the defendants civil rights claims.

Despite the wrongful prosecution, many who constituted the legal team, such as local lawyers Michael Metrick, John Hanlon and investigator Bill Clutter, vigorously fought to have the truth told and justice achieved. The legal team also relied upon other individuals who demonstrated courage to the point of sacrificing established careers because they believed Cruz and Hernandez were innocent. These individuals include:

**DuPage County Detective John Sam.** Sam had a distinguished record for nearly 11 years. After reviewing all the evidence in the Nicarico murder investigation, Sam was convinced that Cruz, et al. were innocent. He pursued other suspects until the chief of prosecutions and the sheriff removed him from the case and demoted him, forcing him to quit the force in 1984. He has been unable to continue his career in law enforcement.

**Mary Brigid Hayes.** Hayes (formerly Kenney) was working for then Attorney General Roland Burriss in 1991 when she was asked to continue the prosecution of Cruz. After examining the case, she became convinced that neither Cruz nor Hernandez were guilty. When Attorney General Burriss insisted that prosecution of Cruz go forward, Hayes resigned, proclaiming: "I cannot sit idly as this office continues to pursue the unjust prosecution and execution of Rolando Cruz." She now works for the Cook County Public Guardian's Office in Chicago.

**Ed Cisowski.** During the 1980s, Cisowski worked as commander of the Illinois State Police's investigation division in DuPage County. Cisowski was asked to look into the possible involvement of repeat sex offender and murderer Brian Dugan in several cases. In the course of the interviews, Dugan confessed to killing Nicarico as well. Despite his confession backed by corroborating evidence, investigators refused to consider Dugan as the culprit and even accused Cisowski of leaking specific case-related details to Dugan. As a result Ed retired from the Illinois State Police. In 2009 Brian Dugan was finally convicted and sentenced to death for killing Nicarico.

Each of these individuals is a "profile in courage." Their willingness to stand up and sacrifice for what was right serves as a contrast to the ugliness of the crime and the oppression of the state authorities. Their actions need to be recognized and their stories told many times. We owe that to these honorable people; we owe it to ourselves to follow their example.

*Larry Golden is an emeritus professor of political studies and legal Studies at UIS and is the director of the Downstate Illinois Innocence Project.*

### Innocence Project reception

Mary Brigid Hayes, Ed Cisowski and John Sam will be formally recognized and thanked by Rolando Cruz with "Profiles in Courage" Awards Monday evening, May 24, 5-7 p.m. at the Executive Mansion at an awards reception sponsored by the Downstate Illinois Innocence Project. Reservations can be made by calling 206-7989 or at [www.innocence.uis.edu](http://www.innocence.uis.edu).