

break a story about a federal grand jury investigation of a so-called “Midnight Crew.” <http://www.nbcchicago.com/news/local-beat/burge-midnight-crew-grand-jury-89651152.html>. Featured in Reporter Carol Marin’s story was an interview of Taylor, who proclaimed that Burge’s men worked “under cover of darkness” to “torture” individuals in “case after case.” Taylor stated that “baggings,” electric-shocking and “mock executions” had been administered by a group of officers at the Area Two Chicago Police Station.

4. This story was also published in the *Chicago Sun-Times* and affiliated newspapers. <http://www.suntimes.com/news/24-7/2134797,burge-grand-jury-investigate-police-torture-040110.article>; Exhibit 1. In addition, the print media, national news outlets and Internet sites picked up the report. See Exhibit 2, first three pages of Google search results on April 2, 2010 for “Burge midnight crew.”

5. Fox News, too, jumped on the bandwagon, and ran a lead story on this case in its April 1, 2010 local television newscast. Taylor again made himself available for an interview in which he made statements similar to those voiced to Marin, and repeated the comparison of this case to Al Capone’s from the government’s highly prejudicial press conference announcing the indictment.

6. The recent media impinges the Defendant’s fair trial right because it comes on the heels of the jury qualification letter being sent out to prospective jurors. Further, leak of a grand jury investigation impinges the Defendant’s right to present a defense in that counsel for certain subpoenaed defense witnesses have recently informed the defense that their clients will not provide testimony.

7. This Court is guardian of the Defendant's fair trial right. We respectfully move this Honorable Court to enforce Rule 3.6(a) and Local Rule 83.53.6 against lawyers who participated in the investigation.

8. The government perhaps may assert it is insulated from rebuke on grounds that Taylor is not a government agent. While perhaps technically correct, Taylor has participated in this investigation. Taylor's meetings with federal prosecutors were reported in the press shortly after the indictment. The 3500 material also includes reports of Taylor meeting with the prosecutors and providing them with leads. In the recent television interview, he purported to have personal knowledge of a federal grand investigation of police officers.

WHEREFORE, based on the foregoing, Defendant Jon Burge respectfully moves this Honorable Court to change the venue, enforce professional conduct rules against attorneys who have participated in the investigation and/or decree equitable and appropriate relief.

Respectfully submitted,

/s/ Richard Beuke

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CERTIFICATE OF SERVICE

I, MARC W. MARTIN, an attorney for Defendant Jon Burge, hereby certify that on this, the 5th day of April, 2010, I filed the above-described document on the CM/ECF system of the United States District Court for the Northern District of Illinois, which constitutes service of the same.

/s/ Marc W. Martin

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