

### Request for Investigation of Attorney Jack P. Rimland

We the undersigned are requesting that the Illinois Attorney Registration and Disciplinary Commission commence a formal investigation of the conduct of Jack P. Rimland, a Chicago attorney, during a hearing in which Rimland represented Alstory Simon before then Chief Cook County Criminal Court Judge Thomas R. Fitzgerald in the fall of 1999.

Rimland offices at 820 W. Jackson Blvd., Ste. 300, Chicago, IL 60607. He can be reached by telephone at 312 831-1500; by fax at 312 831-1502; and by e-mail at Jack@jprimland.com.

Facts behind the case, titled PEOPLE OF THE STATE OF ILLINOIS vs. ALSTORY SIMON, Case No. 99 CR 769901, and Rimland's role in it, are multifold. Let it be said, generally, that Rimland's representation of Alstory Simon in the case, which concluded on Sept. 7, 1999 when Judge Fitzgerald sentenced Simon to 37 years in Danville State Penitentiary, amounted to a wanton dereliction of his sworn obligations and duties as an officer of the court and a member of the Illinois and Chicago Bar Associations.

The 37 year sentence was imposed by Fitzgerald after Simon pleaded guilty during the Sept. 7, 1999 hearing to a 1982 double homicide in Washington Park in Chicago that had been committed by Anthony Porter—a violent man with a rap sheet to prove it who was investigated for those murders, indicted for them, found guilty of them and sentenced to death for them. Following Simon's confession, Porter was freed and Rimland agreed to represent Simon during the 1999 sentencing hearing before Judge Fitzgerald.

During that hearing:

- A.) Rimland was aware that private investigators Paul Ciolino, and Jack Reed, a Ciolino associate, both of whom were packing handguns and were working for Northwestern University journalism professor David Protess, drove to Simon's Milwaukee home on Feb. 3 1999. Through threats of violence, the viewing of a Ciolino manufactured video, and promises of fame and fortune, Ciolino forced Simon into confessing to the murders. Rimland mentioned none of this to Judge Fitzgerald.
  
- B.) In the manufactured video played for Simon, an unidentified black man asserts that he was an eye-witness to the park shootings and that Simon in fact was the killer. Rimland did not disclose that he, Rimland, knew the video had been choreographed by Ciolino and that the unidentified man in the video actually was an actor who had been hired and scripted by Ciolino.

- C.) Aware that the confession had been coerced—indeed, Ciolino boasted in a subsequent magazine article that he had “bull-rushed” Simon into confessing during the Feb. 3, 1999 encounter—Rimland filed no motion to suppress the coerced confession. Nor did he request that an investigation be undertaken to determine how the forced confession came about.
- D.) Rimland conducted no presentence investigation of any kind, for that matter. Had he, for example, interviewed eyewitnesses to the 1982 Washington Park murders, eyewitnesses who were still alive and living in Chicago, they would have told Rimland what they had testified to at trial and during appearances before a 1999 Cook County grand jury headed by then Assistant State’s Attorney Tom Gainer. Namely, Anthony Porter was the triggerman.
- E.) Rimland was aware that he, Rimland, officed with Ciolino, that he, Rimland, got the Simon case through Ciolino, and that he, Rimland, was being reimbursed expenses by Ciolino to represent Simon. Rimland did not disclose this conflict.
- F.) Rimland represented Ciolino in a 2000 Illinois criminal case in which Ciolino, during an unannounced visit to a Summit man’s home, was accused of having threatened to put a bullet in the head of the Summit man unless the Summit man ceased harassing a then Ciolino client. Rimland did not disclose his having represented Ciolino in a past criminal matter.
- G.) Rimland was aware that Simon’s mental and emotional state had been diminished through years of alcohol and drug abuse. Yet Rimland filed no request for a hearing to determine his client’s fitness.
- H.) Finally, on May 7, four months before Rimland and Simon appear before the sentencing judge, Rimland presided at an Illinois Attorneys for Criminal Justice gathering in Chicago. There, he presented an association award to David Protes, the former Northwestern University journalism professor, his students and Ciolino for their help in freeing Porter and their help in convicting Simon.

In closing we would add the following. We are in possession of copies of transcripts of sworn testimony given in 1999 during the grand jury investigation headed by Gainer—transcripts we will forward upon request. A reading of those transcripts reveals that witnesses to the 1982 pool murders, who were called to those proceedings, would have told Rimland, had Rimland bothered to ask, what they told grand jurors—that Porter was the killer, not Simon.

We also are in possession of a sworn affidavit, signed by Ray Brown, in which Brown asserts that he was in the pool area the night of the murders and that he saw Porter shoot the victims and then flee from the killing scene. Upon request, we will make that affidavit—and a half dozen others like it—available for ARDC review.

In closing, one wonders if Judge Fitzgerald would have ordered a halt to the Simon sentencing had the judge been made aware that the eyeball witnesses fingered Porter as the triggerman and that Rimland et al had withheld other evidence that proved Simon’s innocence.

Respectfully Submitted,

William B. Crawford (Retired Investigative Journalist)	630 399-9490
James Delorto (Retired Alcohol, Tobacco, Firearms Agent)	630 761-0620
John Mazzola (Retired Alcohol, Tobacco, Firearms Agent)	630 761-0620
Martin Prieb (Chicago Police Department Officer)	312 493-8588
Raymond Brown (Eyewitness to the 1982 pool murders)	217 454-7392

###