



COUNTY OF COOK  
OFFICE OF THE STATE'S ATTORNEY

ANITA ALVAREZ  
STATE'S ATTORNEY

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August 16, 2013

The Honorable Patrick Quinn  
Governor of the State of Illinois  
Office of the Governor  
207 State House  
Springfield, IL 62706-1150

The Honorable Patrick Quinn  
Governor of the State of Illinois  
James R. Thompson Center  
100 W. Randolph, 16-100  
Chicago, IL 60601

Dear Governor Quinn,

Thirty years ago this month, on August 29, 1983, JoEllen and Dean Pueschel were brutally murdered in their home in Chicago. They were murdered in the presence of their eleven-year old son, Rick Pueschel. Mr. and Mrs. Pueschel were savagely beaten during this crime. Jo Ellen Pueschel was sexually assaulted. Young Rick Pueschel was forced to witness this horrific crime while also being stabbed, and beaten with baseball bats.

Defendants Reginald and Jerry Mahaffey were convicted of having committed these crimes and they were both sentenced to death in 1985. After one successful appeal, Reginald Mahaffey was re-tried and once again convicted and sentenced to death. Despite multiple court filings, and after having their complaints and legal issues aired and litigated thoroughly, defendants Jerry and Reginald Mahaffey remained on death row until former Governor Ryan commuted their sentences to sentences of life without parole.

I have recently learned that defendant Jerry Mahaffey's case has been pending before the Illinois Torture Inquiry and Relief Commission (TIRC). Apparently, the TIRC has determined that there is "credible evidence" to suggest that Jerry Mahaffey was tortured and referred this case for further proceedings which could potentially result in more litigation, in yet another re-trial, or worse.

The Office of the Cook County State's Attorney is in no way involved in any pending litigation regarding the conviction of this defendant. Thus, I am not writing as a litigant in this matter; but rather to bring to your attention the flawed, biased and offensive manner in which this case has proceeded before the TIRC.

Joseph Heinrich is the brother of Jo Ellen Pueschel, and brother-in-law of Dean Pueschel. He personally suffered through the immediate aftermath of these crimes. He buried his sister and brother-in-law. He watched young Rick Pueschel grow up without parents. He, and several other

family members, testified multiple times in trial, post-trial and clemency proceedings. We can only imagine the nightmares that Rick Pueschel has spent a lifetime enduring. Mr. Heinrich does not have to imagine, as he and his family have witnessed it first-hand. For the past thirty years, Mr. Heinrich and his family have also learned a great deal about the criminal justice system, specifically the myriad of second looks that convicted criminals are bequeathed while families of murdered victims spend lifetimes mourning and re-building.

Of course, there is perhaps nothing more important than ensuring that persons convicted of crimes and sentenced to serve time in prison are not actually innocent of those crimes for which they were convicted. To the extent that the TIRC has the ability to assist in this endeavor, I applaud their work.

However, it is apparent that the TIRC has conducted proceedings in the case of convicted defendants *without the involvement of the families of murdered victims*. In the case of defendant Jerry Mahaffey specifically, the family of the murdered victims learned from a reporter that a hearing had been held and that, as a result of said hearing, the TIRC concluded that there was credible evidence that Jerry Mahaffey had been tortured during the investigation of the murders of their family members JoEllen and Dean Pueschel and the attempted murder of Rick Pueschel. The failure of the TIRC to properly notify and involve the family of the victims is not only reprehensible, it is illegal. The law creating the TIRC clearly articulates that the TIRC has responsibility to notify the victims and, in this case at least, the TIRC failed to comply with the law. I understand fully how difficult it can be to reconstruct investigations of criminal cases that emanate from decades past. But it is obvious that the TIRC did not exercise due diligence or even make attempts to notifying families of murdered victims while conducting proceedings. This must not be tolerated nor should it be allowed to occur again in the future.

Joseph Heinrich is far more able to expound upon the many personal ways in which the failure of the TIRC to involve families of murdered victims in their "proceedings" is violative of victims rights and serves to re-victimize those special people who have been forced by violent criminals to spend far too many days in their lives pursuing that elusive end to the criminal justice cycle. The letter that I received from Mr. Heinrich pointing out the failures of the TIRC in this case is included in this correspondence. If "credible evidence" exists that a convicted killer was "tortured" which could cause concern about the legitimacy of a criminal conviction, then this should be brought to light. If new hearings are warranted, they should be held. In conducting proceedings permitted by the Illinois Torture Inquiry and Relief Commission Act in search of this "credible evidence," the TIRC should do so in a way that does not "torture" families of murdered victims by allowing them to find out about the TIRC proceedings and findings by reading about them in the newspaper.

Sincerely,



Anita Alvarez

Cook County State's Attorney

cc: Mr. David Thomas of the Illinois Torture and Relief Commission

enc

01 August 2013

Honorable Anita Alvarez  
Cook County State's Attorney  
69 W. Washington, Suite 3200  
Chicago, Illinois 60602

Dear State's Attorney Alvarez:

My name is Joseph Heinrich. My sister JoEllen Pueschel and her husband Dean were murdered in Chicago on August 29, 1983. Their 11-year-old son Richard was stabbed and beaten with baseball bats but miraculously survived. My father discovered the crime scene.

Two offenders, Reginald and Jerry Mahaffey, stand convicted and are serving life sentences.

After their arrest and before trial, they both escaped from Cook County Jail. Reginald was captured while still on the grounds and Jerry was captured several days later.

In 1985, the Mahaffeys were tried together. Each was found guilty and received the death sentence.

Several years later, Reginald Mahaffey's conviction was reversed by the Illinois Supreme Court due to a procedural error. He represented himself at trial and personally cross-examined Richard on the witness stand. Once again, Mahaffey was found guilty and received the death penalty.

My family attended every court date throughout both trials. In addition to Richard, both my parents (now deceased) and I were called to testify at the trials.

In 2002, my family attended and testified at the clemency hearings arranged by Governor George Ryan. Ryan also met with Richard privately and assured him that he would not commute the sentences for either Mahaffey. On January 12, 2003, Ryan commuted the sentences of all prisoners on death row including the Mahaffeys. We learned of his decision by watching his speech on television.

In 2011 at your request, my family met with Governor Patrick Quinn and testified with and on behalf of the victim families affected by the bill that Quinn eventually signed abolishing the death penalty in Illinois. In hindsight, we realize this was an effort in futility as Quinn was doing nothing more than playing politics and using this issue - and us - as pawns in order to pass his tax increase legislation.

For nearly 30 years my family has been living and reliving this nightmare, and now we are forced to do it again.

On Saturday, July 27, 2013 I was contacted via email by a reporter, informing me of an article in the Chicago Tribune that stated that the Illinois Torture and Relief Commission (ITRC) had ruled that there was credible evidence that Jerry Mahaffey was tortured and that his case had been referred to a Cook County Circuit Court judge for further consideration, including the possibility of a retrial.

This news came as a total surprise to us. We were unaware that a hearing was being held and were never notified. We were shocked that we learned of this through the media.

After further research, we discovered that the ITRC filed their disposition with the Clerk of the Circuit Court on July 25, 2013 at 2:23 pm. We also learned that the ITRC is required by statute to use due diligence to attempt to notify the victims of the review procedure and also provide a 30-day notice of any formal hearing.

In an email correspondence with Julie Mann, Managing Editor for WBBM radio, dated July 30, 2013, David Thomas, Executive Director of the ITRC stated, "Under the statute we are required to attempt to locate specified members of the victim's family and we did that."

On July 30, 2013, I contacted Mr. Thomas and requested an explanation. He informed me that, "Notification information was gathered, but inadvertently it was not pursued as it should have been." He claimed it was "an oversight" and apologized. His apology is not accepted and will not trump a violation of state law. Please refer to 775 ILCS 40/40(c) and 775 ILCS 40/45 (b) of the Illinois Torture Inquiry and Relief Commission Act.

Because of this violation of state law, the ITRC withdrew their finding on July 31, 2013. They have scheduled a new hearing for September 25, 2013.

It is our position that the ITRC intentionally, knowingly and/or neglectfully failed to attempt to contact us as required by law. Absent the inquiry *we* made (with no assistance from any governmental agency or legal counsel), this violation would not have been brought to light. Apparently there is no oversight by your office or any other governmental authority that would assure that the ITRC is following the law. The ITRC was formed to correct alleged violations of the law, yet they have conveniently chosen to ignore the part of the law that protects victims' rights.

We hereby *strongly* request that your office open an investigation into this matter, identify the person or persons responsible for this violation and hold them accountable under the fullest extent of the law.

The ITRC failed the victims in this case. This "oversight" *never should have happened*.

Your website states: "Serving victims is our highest priority and our most important obligation." This is the latest in a litany of challenges for us. We are tired and weary but refuse to surrender to a structure that is stacked against us. Our peace of mind has once again been shattered by a system that has let us down time after time and gives more credence and deference to the criminal than the victim.

We trust we will have your support and assistance in this matter. I have certain supporting documents that I will forward to your investigator. I look forward to your prompt response.

On behalf of JoEllen, Dean, Richard Pueschel and their family,

Joseph J. Heinrich  
Cell: 630-688-4002

August 14, 2013

Honorable Anita Alvarez  
Cook County State's Attorney  
69 W. Washington, Suite 3200  
Chicago, Illinois 60602

Dear State's Attorney Alvarez:

My name is Dawn Pueschel. My brother Dean Pueschel-(my only sibling) and his wife JoEllen Pueschel were murdered August 29, 1983 in a brutal home invasion while they slept, their son Richard Pueschel, just 11 years old at the time survived.

Jerry & Reginald Mahaffey were convicted and are serving life sentences. Testimony and court transcripts show Jerry was not tortured and there are Polaroid Pictures in evidence.

I know you have been notified of all that is going on with Gov. Pat Quinn's appointed commission from 2010 which is The Illinois Torture Inquiry & Relief commission.

I found out about the ITRC petition for Jerry Mahaffey to receive a 3<sup>rd</sup> trial due to his alleged torture induced confession from Cmdr. Jon Burge and his Detectives from a friend who heard it on the news July 26, 2013. I was in shock and disbelief. Joe Heinrich found out from WBBM Radio then called me. We are now 30 years down this road, August 30<sup>th</sup>.

I am outraged that Section 8.1 Crime Victim's Rights of the Illinois Statute, was violated by the Illinois Torture Commission who are comprised of Professionals, lawyers and the Chair of this Commission is Retired Justice Cheryl Starks. I asked Gov. Quinn's Office whom is the ITRC held accountable too?

What the ITRC has done is inexcusable, horrific and totally unprofessional. Since Joe Heinrich-brother of JoEllen, and her son Richard Pueschel have pointed this violation out to the ITRC and Gov. Quinn's office they have pulled and rescinded the 22 page Petition, which was formally Rescinded by Chief Justice of the Circuit Courts the Honorable Timothy C. Evans yesterday, 8-13-13.

It is hard to believe we are still living this nightmare.

Dawn Pueschel  
920-493-2076

A handwritten signature in cursive script that reads "Dawn Pueschel". The letters are fluid and connected, with a prominent loop on the initial 'D'.