

# Chicago Daily Law Bulletin®

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## Former death row inmate takes on city

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Chicago officials are protecting “criminal elements within the police department” who hid information casting doubt on the guilt of a man accused of a double murder, the man’s lawyer claims.

In a written motion, attorney H. Candace Gorman asked U.S. District Judge Matthew F. Kennelly to sanction the city of Chicago.

Gorman contended that city officials have continued to give her client the runaround during discovery in his civil suit.

Gorman’s client, Nathson E. Fields, spent 18 years in prison — 12 of them on death row — for the two slayings before he was acquitted in a retrial.

In his suit, Fields claims he was wrongfully prosecuted as a result of official misconduct.

He claims police and other officials destroyed exculpatory evidence, suborned perjury and coerced witnesses to give false testimony and to make false identifications.

Fields also claims officials hid a so-called “street file” generated during the murder investigation.

In a motion filed Tuesday, Gorman claimed the file was concealed from 1984 until it was produced during discovery in the suit in 2011.

Gorman also claimed that the legal team defending the city against the suit has been stonewalling attempts to learn

about the handling of the file during those years.

Gorman noted that Kennelly in October directed the city to respond fully to Fields’ interrogatories concerning the file.

Kennelly also directed the city to pay the fees that Fields owed his attorneys for challenging the city’s failure to fully answer the interrogatories, Gorman said.

In December, she said, Kennelly entered a monetary sanction against the city and ordered it to supplement its answer to interrogatories concerning the chain of custody of the file.

But the city has continued to engage in “contumacious conduct,” Gorman alleged.

She alleged that the city — in answers to interrogatories, in testimony provided by police officers and in statements made by its attorneys — consistently claimed that it “had no information regarding where the file had been, how it was located, who located it and when it was located.”

But the city last week delivered 400 pages of documents to her identifying previously unidentified individuals connected to the file, Gorman said.

She said the documents were accompanied by a letter from an attorney for the city, Daniel M. Noland of Dykema, Gossett PLLC.

The letter said the police department had recently searched for additional e-mails



H. Candace Gorman



Matthew F. Kennelly

related to the street file.

One e-mail showed that city paralegal Mary Beth Majka had figured out in August 2011 that she had received the file more than a year earlier from a police commander, Gorman alleged.

She contended that the e-mail “suggests that the city and Ms. Majka have been dishonest” about their knowledge of the street file.

Gorman also contended that the city’s failure to search sooner for information about the file “is not only disturbing, it is unacceptable.”

“Frankly, it is hard to tell whether the failure on the part of the city is part of its long-standing code of silence policy or if this failure is caused by blatant incompetence,” Gorman wrote.

She asked Kennelly to deem the city to have admitted it hid

the street file from Fields for 28 years in violation of his right to due process.

In the alternative, Gorman asked Kennelly to allow Fields to depose Majka and other individuals named in the e-mails.

The case is *Nathson E. Fields v. City of Chicago, et al.*, No. 10 C 1168.

The lead attorneys for Fields are Gorman and Leonard C. Goodman. The lead attorney for the city is Terrence M. Burns of Dykema, Gossett PLLC.

City spokesman Roderick Drew said Fields’ motion “is related to a file that the city has already produced in this litigation.”

“We continue to provide information requested by the court and have met with the plaintiff’s attorney and addressed her questions related to the file,” Drew said in an e-mail.