

FILED

MAY 17 2017

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
COUNTY OF MACON

**LOIS A. DURBIN
CIRCUIT CLERK**

IN RE: APPOINTMENT OF SPECIAL)
PROSECUTOR) No. 16 MR 865
)

SECOND ORDER APPOINTING SPECIAL PROSECUTOR

The court, as part of its Second Order Appointing Special Prosecutor, states and finds as follows:

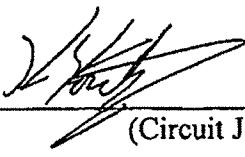
1. On 1/27/17, this court entered an order appointing the Illinois Attorney General as a special prosecutor in this matter.
2. On 5/1/17, the Illinois Attorney General filed a Motion for the Court's Authorization to Decline Appointment as Special Prosecutor, alleging a conflict in its capacity as special prosecutor and providing facts in support of the allegation of a conflict. The court granted this motion.
3. Prior to appointing a private attorney to serve as special prosecutor, the court is obligated to contact public agencies, including the Office of the Attorney General and the Illinois State's Attorneys Appellate Prosecutor's Office, or local State's Attorney's Offices throughout the State, to determine whether a public prosecutor may be available to serve as a special prosecutor at no cost to the county. 55 ILCS 5/3-9008(a-20).
4. The court stated previously in open court its belief that appointing ILSAAP would be inappropriate under the facts alleged in the petition. ILSAAP is essentially the appellate arm of the state's attorneys' offices and it is manifest to this court that the concerns raised by the Illinois Attorney General in its Motion for the Court's Authorization to Decline Appointment as Special Prosecutor would be equally or more applicable to ILSAAP.
5. Over the course of the preceding three weeks, the court has made efforts to identify a state's attorney's office willing to accept an appointment as a special prosecutor. This effort was complicated by the fact that smaller offices do not have the resources or personnel to devote to such an appointment, and several other offices which might otherwise be an appropriate candidate for such an appointment are led by elected state's attorneys who serve on the board of ILSAAP.
6. Over the course of the preceding three weeks, the court contacted a number of suitable state's attorney's offices and is unable to find such an office willing to serve as a special prosecutor in this matter. The court has no confidence that further efforts will be fruitful and believes such efforts would serve only to prolong this matter.

7. Complicating the search is the ambiguity surrounding what law enforcement agency, if any, may be available to cooperate with the special prosecutor and conduct any investigation or interviews which may be appropriate.
8. Given the foregoing, the court finds that the appointment of a private attorney is necessary and appropriate, and that such private attorney should be provided the means to secure the services of a private investigator.

WHEREFORE it is hereby **ORDERED**:

9. Stephanie Wong, a private attorney with the law firm of Skelton & Wong, 301 S. Center St., Bloomington, IL, is appointed as Special Prosecutor in this matter.
10. Stephanie Wong may designate an attorney or attorneys within her law firm to assist her with her duties pursuant to this appointment.
11. Stephanie Wong and her designee, if any, shall have the authority to investigate the allegations of Petitioner and to exercise prosecutorial discretion. If, after investigation, Stephanie Wong determines that further proceedings should be initiated, she shall file with this court her entry of appearance(s) in such cause at the time of initiating such proceeding. Pursuant to 55 ILCS 5/3-9008(a-20), Stephanie Wong shall have the same power and authority in relation to such a cause or proceeding as the State's Attorney would otherwise have.
12. The reasonable attorney's fees of Stephanie Wong and/or her designee within her law firm shall be paid by Macon County.
13. The reasonable fees for a private investigator chosen by Stephanie Wong shall be paid by Macon County.
14. The Circuit Clerk's Office of Macon County is directed to deliver a copy of this order together with a copy of the contents of this Case No. 16 MR 865 to Stephanie Wong instantler.
15. The Circuit Clerk's Office of Macon County is directed to deliver a copy of this order to all other counsel of record instantler.

Entered: 5-17-17

by 
(Circuit Judge)