

Statement of Special Prosecutor Dan K. Webb Regarding Illinois Supreme Court's Reversal of Convictions and Sentence of Jussie Smollett

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Chicago – November 21, 2024 – Special Prosecutor Dan K. Webb issued the statement below following the Illinois Supreme Court's decision today overturning the convictions and sentence of Jussie Smollett based on a finding that the Cook County State's Attorney's Office entered into a "non-prosecution agreement" with Mr. Smollett. All of this conduct happened 5 months prior to the appointment of Dan K. Webb as Special Prosecutor:

"We are disappointed in the Illinois Supreme Court's decision today to overturn Jussie Smollett's convictions and sentence, including the award of over \$120,000 in restitution to the City of Chicago for its overtime expenses in investigating Mr. Smollett's fake hate crime. We respectfully disagree with the Court's factual and legal reasoning which upends long-standing Illinois precedent. Indeed, the Special Prosecutor's brief to the Illinois Supreme Court was replete with Illinois case law that would not preclude a second, new prosecution following a dismissal without prejudice via *nolle prosequi*. Even the Illinois Supreme Court agreed in its opinion that its holding today was not explicit in earlier Illinois decisions."

"Make no mistake—today's ruling has nothing to do with Mr. Smollett's innocence. The Illinois Supreme Court did not find any error with the overwhelming evidence presented at trial that Mr. Smollett orchestrated a fake hate crime and reported it to the Chicago Police Department as a real hate crime, or the jury's unanimous verdict that Mr. Smollett was guilty of five counts of felony disorderly conduct. In fact, Mr. Smollett did not even challenge the sufficiency of the evidence against him in his appeal to the Illinois Supreme Court."

"My office spent nearly two years developing evidence and working closely with the Chicago Police Department to prepare that case for trial. It is very important I point out that today's decision is also not the result of any error or conduct by the Office of the Special Prosecutor, the trial court, or the Chicago Police Department. In fact, the events that led to the Illinois Supreme Court to reverse Mr. Smollett's conviction occurred 5 months before I was appointed as Special Prosecutor."

"Rather, today's decision is only possible because of the unprecedented resolution of Mr. Smollett's initial case by the Cook County State's Attorneys' Office (CCSAO) in March 2019, which the Illinois Supreme Court determined barred Mr. Smollett from any further prosecution. The Illinois Supreme Court reached this decision notwithstanding the fact that the CCSAO dismissed the initial Smollett case via a *nolle prosequi*, which does not bar re-prosecution

under Illinois law, and Mr. Smollett's own lawyers told the public immediately following the dismissal of his initial case in March 2019 that there was "no deal" with the CCSAO."

"As previously set forth in my 63-page, very detailed Special Prosecutor's Public Summary Report, my office developed evidence of substantial abuses of discretion and operational failures by the CCSAO in prosecuting and resolving the initial 2019 Smollett case, and also found that State's Attorney Kimberly Foxx and other CCSAO prosecutors made multiple false and/or misleading statements to the public. Those significant failures and false and/or misleading statements by State's Attorney Foxx's office led Cook County Judge Michael B. Toomin to appoint me as Special Prosecutor in order to restore the public's faith in Illinois' criminal justice system. In fact, there was a public clamor to have a well-respected trial lawyer and law firm agree to become a special prosecutor in order to help restore the public's confidence in the Cook County judicial system. My law firm, Winston & Strawn LLP, accepted the appointment *pro bono* with no compensation to the firm in order to give back to the City of Chicago."

"Our Winston & Strawn lawyers fulfilled this mandate by devoting over 5 years and more than 15,000 hours in examining the original Smollett investigation and bringing new charges, which yielded a unanimous jury conviction of Mr. Smollett in 2021 on five felony counts of wrongful misconduct. Nothing about today's decision upsets the work undertaken by the Special Prosecutor's office, or the overwhelming evidence underlying the jury's verdict that Mr. Smollett faked a hate crime and reported it as a real hate crime to the Chicago Police Department."

"Despite today's ruling, the City of Chicago remains able to pursue its pending civil lawsuit against Mr. Smollett in order to recoup the over \$120,000 in overtime expenses the Chicago Police Department incurred for investigating Mr. Smollett's fake hate crime."

"I want to provide a special thanks to Deputy Special Prosecutors Sean G. Wieber, Samuel Mendenhall, and the entire team at Winston & Strawn who assisted in this matter, for all of their dedication and efforts over the years. Today's ruling does not change how deeply proud I am of the work my Special Prosecutor's office accomplished; nor does it undermine the jury's verdict, and most importantly, it does not clear Jussie Smollett's name—he is not innocent."

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