

Dan K. Webb
Special Prosecutor for Cook County
In the Matter of Jussie Smollett

February 11, 2020

Information Release

Dan K. Webb, special prosecutor for Cook County, today announced that the Office of the Special Prosecutor (“OSP”) has now completed all of its investigative steps regarding Jussie Smollett, and has made the decision to further prosecute Mr. Smollett. Based on the recommendation of the OSP, a Cook County grand jury returned a six-count indictment charging Jussie Smollett with making four separate false reports to Chicago Police Department officers related to his false claims that he was the victim of a hate crime, knowing that he was not the victim of a crime.

The indictment results from an investigation that began on August 23, 2019, when Cook County Circuit Court Judge Michael Toomin appointed Mr. Webb as a special prosecutor. Judge Toomin directed Mr. Webb to conduct an independent investigation to determine the following: 1) should Jussie Smollett be further prosecuted for the alleged false reports he made to Chicago Police Department officers, and; 2) whether any person or office involved in the Smollett case engaged in wrongdoing, including the Cook County State’s Attorney’s Office (“CCSAO”) or individuals in that office.

Pursuant to the first part of Judge Toomin’s mandate, in connection with whether to further prosecute Jussie Smollett, the grand jury’s investigation revealed that Jussie Smollett planned and participated in a staged hate crime attack, and thereafter made numerous false statements to Chicago Police Department officers on multiple occasions, reporting a heinous hate crime that he, in fact, knew had not occurred. Therefore, Mr. Webb has determined that reasonable grounds exist to further prosecute Mr. Smollett.

In addition, in accordance with Judge Toomin’s mandate, Mr. Webb has also concluded that further prosecution of Jussie Smollett is “in the interest of justice.” Several factors went into this determination, including the extensive nature of Mr. Smollett’s false police reports, and the resources expended by the Chicago Police Department to investigate these false reports.

Another major factor in the OSP’s determination that further prosecution of Mr. Smollett is in the interests of justice is that the CCSAO has been unable to provide the OSP with documentary evidence that shows that, in dismissing the Smollett case on the terms presented in court on March 26, 2019, the CCSAO relied on other dispositions of similar cases prior to the Smollett case that would justify this disposition. This issue was important to the OSP because on the day the Smollett case was resolved in court, March 26, 2019, the CCSAO issued a written press release in which it told the public that the Smollett case was being resolved under the same criteria that would be available for any defendant with similar circumstances. As a result, the OSP sought to obtain all documentary evidence within the CCSAO that would identify prior similar case files

that were relied on by the CCSAO that would support this public statement. The CCSAO was unable to provide this documentary evidence.

In addition, the OSP has obtained sufficient factual evidence to determine that it disagrees with how the CCSAO resolved the Smollett case. On March 7, 2019, the CCSAO approved the filing of a 16-count felony indictment against Mr. Smollett based on evidence that Smollett planned and participated in a staged hate crime attack, and thereafter made numerous false statements to Chicago Police Department officers on multiple occasions. The OSP has obtained evidence showing that at the time of the approval of that indictment, the CCSAO had concluded that the evidence against Mr. Smollett was strong. Yet on March 26, 2019, just three weeks later, the CCSAO made the decision to resolve the charges under the following circumstances: 1) complete dismissal of the 16-count felony indictment; 2) only punishment for Mr. Smollett was to perform 15 hours of community service; 3) requiring Mr. Smollett to forfeit his \$10,000 bond as restitution to the City of Chicago (a figure amounting to less than 10% of the \$130,106.15 in police overtime pay that the City alleges it paid solely due to Mr. Smollett's false statements to police); 4) not requiring that Mr. Smollett admit any guilt of his wrongdoing (in fact, following the court proceedings on March 26, Mr. Smollett publically stated that he was completely innocent); and 5) not requiring that Smollett participate in the CCSAO Deferred Prosecution Program (Branch 9), which he was eligible to participate in, and which would require a one-year period of court oversight of Mr. Smollett.

The CCSAO decision-makers overseeing the Smollett resolution decision have not identified any new evidence they learned of between the time of indictment and dismissal of the indictment that changed their view that the evidence against Mr. Smollett was strong.

Regarding the investigation related to Judge Toomin's second directive to the OSP, to determine whether any person or office involved in the Smollett case engaged in wrongdoing, including the CCSAO or individuals in that office, the OSP has reached no conclusions. This aspect of the OSP's investigation continues, and the OSP's findings will ultimately be set forth in a final written report to the Court and for the benefit of the Cook County Board of Commissioners, pursuant to Judge Toomin's August 23, 2019, Order. In connection with Judge Toomin's second directive, Mr. Webb emphasizes that the OSP decision to further prosecute Mr. Smollett is not evidence in and of itself that any individuals within the CCSAO engaged in any wrongdoing in connection with the Smollett investigation.

Mr. Webb is the Co-Executive Chairman of the international law firm of Winston & Strawn LLP. "The firm's lawyers and staff, members of the Chicago Police Department, and Cook County Independent Inspector General Patrick M. Blanchard and his staff, have provided invaluable and continuing assistance in the investigation of this matter," said Mr. Webb.

Mr. Webb has arranged with counsel for Mr. Smollett, for Mr. Smollett to voluntarily appear for his arraignment, scheduled for February 24, 2020, at 9:30 a.m., Central Time, before the Honorable LeRoy K. Martin Jr., Presiding Judge Criminal Division, of the Circuit Court of Cook County, at which time a trial judge will be assigned to the case.

The public is reminded that an indictment is only a charge and the defendant is presumed innocent unless and until he is proven guilty beyond a reasonable doubt.

In consideration of Mr. Smollett's right to a fair trial, the OSP will not comment further about the indictment or the OSP's continuing investigation.

Attachment
Indictment,
People of the State of Illinois v. Jussie Smollett

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS.

Special Grand Jury No. 2019 MR 00014 of the
Circuit Court of Cook County,

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that, on or about January 29, 2019, at and within the County of Cook:

Jussie Smollett

Committed the offense of: DISORDERLY CONDUCT

in that HE, KNOWINGLY TRANSMITTED OR CAUSED TO BE TRANSMITTED, IN ANY MANNER, TO ANY PEACE OFFICER, TO WIT: CHICAGO POLICE OFFICER MUHAMMED BAIG, A REPORT TO THE EFFECT THAT AN OFFENSE HAD BEEN COMMITTED, TO WIT: ON JANUARY 29, 2019, AT AROUND 2:45 A.M., JUSSIE SMOLLETT REPORTED, IN PERSON, THAT HE WAS THE VICTIM OF A HATE CRIME, A VIOLATION OF CHAPTER 720 ACT 5 SECTION 12-7.1(a) OF THE ILLINOIS COMPILED STATUTES, REPORTING THAT ON JANUARY 29, 2019, AT APPROXIMATELY 2:00 A.M., NEAR 341 EAST LOWER NORTH WATER STREET, IN CHICAGO, COOK COUNTY, ILLINOIS, TWO UNKNOWN MALES APPROACHED JUSSIE SMOLLETT, CALLED JUSSIE SMOLLETT RACIAL AND HOMOPHOBIC SLURS, AND STRUCK JUSSIE SMOLLETT, AND THE TWO UNKNOWN MALES MADE PHYSICAL CONTACT OF AN INSULTING OR PROVOKING NATURE WITH JUSSIE SMOLLETT BY PUTTING A ROPE AROUND HIS NECK, AND JUSSIE SMOLLETT KNEW THAT AT THE TIME OF THIS TRANSMISSION THERE WAS NO REASONABLE GROUND FOR BELIEVING THAT SUCH AN OFFENSE HAD BEEN COMMITTED,

IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 26-1(a)(4) / (12-7.1(a)) OF ILLINOIS COMPILED STATUTES ACT 1992 AS AMENDED AND,

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER: 1
CASE NUMBER: 20 CR 03050-01

FILED

FEB 11 2020

DOROTHY BROWN
CLERK OF CIRCUIT COURT

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that, on or about January 29, 2019, at and within the County of Cook:

Jussie Smollett

Committed the offense of: DISORDERLY CONDUCT

in that HE, KNOWINGLY TRANSMITTED OR CAUSED TO BE TRANSMITTED, IN ANY MANNER, TO ANY PEACE OFFICER, TO WIT: CHICAGO POLICE OFFICER MUHAMMED BAIG, A REPORT TO THE EFFECT THAT AN OFFENSE HAD BEEN COMMITTED, TO WIT: ON JANUARY 29, 2019, AT AROUND 2:45 A.M., JUSSIE SMOLLETT REPORTED, IN PERSON, THAT HE WAS THE VICTIM OF A BATTERY, A VIOLATION OF CHAPTER 720 ACT 5 SECTION 12-3(a)(2) OF THE ILLINOIS COMPILED STATUTES, REPORTING THAT ON JANUARY 29, 2019, AT APPROXIMATELY 2:00 A.M., NEAR 341 EAST LOWER NORTH WATER STREET, IN CHICAGO, COOK COUNTY, ILLINOIS, TWO UNKNOWN MALES APPROACHED JUSSIE SMOLLETT AND STRUCK JUSSIE SMOLLETT, AND THE TWO UNKNOWN MALES MADE PHYSICAL CONTACT OF AN INSULTING OR PROVOKING NATURE WITH JUSSIE SMOLLETT, POURING AN UNKNOWN CHEMICAL SUBSTANCE, BELIEVED TO BE BLEACH, ONTO JUSSIE SMOLLETT, AND JUSSIE SMOLLETT KNEW THAT AT THE TIME OF THIS TRANSMISSION THERE WAS NO REASONABLE GROUND FOR BELIEVING THAT SUCH AN OFFENSE HAD BEEN COMMITTED,

IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 26-1(a)(4) / (12-3(a)) OF ILLINOIS COMPILED STATUTES ACT 1992 AS AMENDED AND,

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER: 2

CASE NUMBER: 20 CR 03050-01

FILED

FEB 11 2020

DOROTHY BROWN
CLERK OF CIRCUIT COURT

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about January 29, 2019, at and within the County of Cook:

Jussie Smollett

Committed the offense of: DISORDERLY CONDUCT

in that HE, KNOWINGLY TRANSMITTED OR CAUSED TO BE TRANSMITTED, IN ANY MANNER, TO ANY PEACE OFFICER, TO WIT: CHICAGO POLICE DETECTIVE KIMBERLY MURRAY, A REPORT TO THE EFFECT THAT AN OFFENSE HAD BEEN COMMITTED, TO WIT: ON JANUARY 29, 2019, AT AROUND 5:55 A.M., JUSSIE SMOLLETT REPORTED, IN PERSON, THAT HE WAS THE VICTIM OF A HATE CRIME, A VIOLATION OF CHAPTER 720 ACT 5 SECTION 12-7.1(a) OF THE ILLINOIS COMPILED STATUTES, REPORTING THAT ON JANUARY 29, 2019, AT APPROXIMATELY 2:00 AM, NEAR THE INTERSECTION OF NEW STREET AND LOWER NORTH WATER STREET, IN CHICAGO, COOK COUNTY, ILLINOIS, JUSSIE SMOLLETT HAD RACIAL AND HOMOPHOBIC SLURS CALLED OUT AT HIM, AND TWO UNKNOWN OFFENDERS APPROACHED JUSSIE SMOLLETT FROM BEHIND, AND JUSSIE SMOLLETT WAS PUNCHED IN THE FACE AND KICKED IN THE BACK, CAUSING BODILY HARM TO JUSSIE SMOLLETT, AND JUSSIE SMOLLETT KNEW THAT AT THE TIME OF THIS TRANSMISSION THERE WAS NO REASONABLE GROUND FOR BELIEVING THAT SUCH AN OFFENSE HAD BEEN COMMITTED,

IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 26-1(a)(4) / (12-7.1(a)) OF ILLINOIS COMPILED STATUTES ACT 1992 AS AMENDED AND,

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER: 3

CASE NUMBER: 20 CR 03050-01

FILED

FEB 11 2020

DOROTHY BROWN
CLERK OF CIRCUIT COURT

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about January 29, 2019, at and within the County of Cook:

Jussie Smollett

Committed the offense of: DISORDERLY CONDUCT

in that HE, KNOWINGLY TRANSMITTED OR CAUSED TO BE TRANSMITTED, IN ANY MANNER, TO ANY PEACE OFFICER, TO WIT: CHICAGO POLICE DETECTIVE KIMBERLY MURRAY, A REPORT TO THE EFFECT THAT AN OFFENSE HAD BEEN COMMITTED, TO WIT: ON JANUARY 29, 2019, AT AROUND 5:55 A.M., JUSSIE SMOLLETT REPORTED, IN PERSON, THAT HE WAS THE VICTIM OF A BATTERY, A VIOLATION OF CHAPTER 720 ACT 5 SECTION 12-3(a)(1) OF THE ILLINOIS COMPILED STATUTES, REPORTING THAT ON JANUARY 29, 2019, AT APPROXIMATELY 2:00 AM, NEAR THE INTERSECTION OF NEW STREET AND LOWER NORTH WATER STREET, IN CHICAGO, COOK COUNTY, ILLINOIS, TWO UNKNOWN OFFENDERS APPROACHED JUSSIE SMOLLETT FROM BEHIND, AND JUSSIE SMOLLETT WAS PUNCHED IN THE FACE AND KICKED IN THE BACK, CAUSING BODILY HARM TO JUSSIE SMOLLETT, AND JUSSIE SMOLLETT KNEW THAT AT THE TIME OF THIS TRANSMISSION THERE WAS NO REASONABLE GROUND FOR BELIEVING THAT SUCH AN OFFENSE HAD BEEN COMMITTED,

IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 26-1(a)(4) / (12-3(a)) OF ILLINOIS COMPILED STATUTES ACT 1992 AS AMENDED AND,

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER: 4

CASE NUMBER: 20 CR 03050-01

FILED

FEB 11 2020

DOROTHY BROWN
CLERK OF CIRCUIT COURT

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about January 29, 2019, at and within the County of Cook:

Jussie Smollett

Committed the offense of: DISORDERLY CONDUCT

in that HE, KNOWINGLY TRANSMITTED OR CAUSED TO BE TRANSMITTED, IN ANY MANNER, TO ANY PEACE OFFICER, TO WIT: CHICAGO POLICE DETECTIVE KIMBERLY MURRAY, A REPORT TO THE EFFECT THAT AN OFFENSE HAD BEEN COMMITTED, TO WIT: ON JANUARY 29, 2019, AT AROUND 7:15 P.M., JUSSIE SMOLLETT REPORTED, IN PERSON, THAT HE WAS THE VICTIM OF A BATTERY, A VIOLATION OF CHAPTER 720 ACT 5 SECTION 12-3(a)(1) OF THE ILLINOIS COMPILED STATUTES, REPORTING THAT ON JANUARY 29, 2019, AT APPROXIMATELY 2:00 AM, NEAR THE INTERSECTION OF NEW STREET AND LOWER NORTH WATER STREET, IN CHICAGO, COOK COUNTY, ILLINOIS, TWO UNKNOWN OFFENDERS APPROACHED JUSSIE SMOLLETT FROM BEHIND AND ENGAGED IN A PHYSICAL ALTERCATION WITH JUSSIE SMOLLETT, CAUSING BODILY HARM TO JUSSIE SMOLLETT, AND JUSSIE SMOLLETT KNEW THAT AT THE TIME OF THIS TRANSMISSION THERE WAS NO REASONABLE GROUND FOR BELIEVING THAT SUCH AN OFFENSE HAD BEEN COMMITTED,

IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 26-1(a)(4) / (12-3(a)) OF ILLINOIS COMPILED STATUTES ACT 1992 AS AMENDED AND,

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER: 5

CASE NUMBER: 20 CR 03050-01

FILED

FEB 11 2020

DOROTHY BROWN
CLERK OF CIRCUIT COURT

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about February 14, 2019, at and within the County of Cook:

Jussie Smollett

Committed the offense of: DISORDERLY CONDUCT

in that HE, KNOWINGLY TRANSMITTED OR CAUSED TO BE TRANSMITTED, IN ANY MANNER, TO ANY PEACE OFFICER, TO WIT: CHICAGO POLICE DETECTIVE ROBERT GRAVES, A REPORT TO THE EFFECT THAT AN OFFENSE HAD BEEN COMMITTED, TO WIT: ON FEBRUARY 14, 2019, AT AROUND 12:15 P.M., JUSSIE SMOLLETT REPORTED, IN PERSON, THAT HE WAS THE VICTIM OF AN AGGRAVATED BATTERY, A VIOLATION OF CHAPTER 720 ACT 5 SECTION 12-3.05(f)(2) OF THE ILLINOIS COMPILED STATUTES, REPORTING THAT ON JANUARY 29, 2019, NEAR 341 EAST LOWER NORTH WATER STREET, IN CHICAGO, COOK COUNTY, ILLINOIS, TWO UNKNOWN MALES, ONE OF WHOM WORE A MASK, APPROACHED JUSSIE SMOLLETT AND ENGAGED IN A PHYSICAL ALTERCATION WITH JUSSIE SMOLLETT, AND THE TWO UNKNOWN MALES MADE PHYSICAL CONTACT OF AN INSULTING OR PROVOKING NATURE WITH JUSSIE SMOLLETT BY PUTTING A ROPE AROUND HIS NECK, AND JUSSIE SMOLLETT KNEW THAT AT THE TIME OF THIS TRANSMISSION THERE WAS NO REASONABLE GROUND FOR BELIEVING THAT SUCH AN OFFENSE HAD BEEN COMMITTED,

IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 26-1(a)(4) / (12-3.05(f)(2)) OF ILLINOIS COMPILED STATUTES ACT 1992 AS AMENDED AND,

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER: 6

CASE NUMBER: 20 CR 03050-01

FILED

FEB 14 2020

DOROTHY BROWN
CLERK OF CIRCUIT COURT

SPECIAL GRAND JURY NO. 2019 MR 00014
General No. 20 CR 03050-01

Circuit Court of Cook County
County Department
Criminal Division
Special Grand Jury No. 2019 MR 00014

The People of the State of Illinois

v.

Jussie Smollett

INDICTMENT FOR

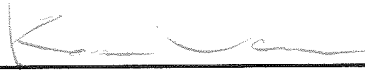
FILED

FEB 11 2020

DOROTHY BROWN
CLERK OF CIRCUIT COURT

DISORDERLY CONDUCT

A TRUE BILL



Foreperson of the Grand Jury

WITNESS

Investigator Thomas C. Wilson, Office of the Independent Inspector General, Cook County,
Illinois

Detective Michael Theis, Chicago Police Department

Filed FEBRUARY 11, 2020

Dorothy Brown, Clerk

Bail \$ _____