



POLITICS NEWS CRIME

Amid accusations, State's Attorney Kim Foxx pulls Conviction Integrity Unit chief off a big case

As head of the unit, Nancy Adduci reviews cases to make sure prosecutors got them right. Now, her work in a Chicago cop-killing case is under fire.

By Chip Mitchell | WBEZ Chicago | Jan 20, 2023, 4:36pm PST

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Cook County State's Attorney Kim Foxx, photographed at a press conference last year, has removed two veteran officers after allegations of misconduct. | Pat Nabong / Chicago Sun-Times



Cook County State's Attorney Kim Foxx has yanked the prosecutors handling murder cases after accusations that those veteran attorneys were trying to hide evidence when they used private email accounts in 2012 and 2013 to communicate with detectives investigating the case.

One of those prosecutors, Nancy Adduci, heads Foxx's Conviction Integrity Unit, which is tasked with identifying wrongful convictions.

Edgardo Colon, the accused getaway driver in Chicago police Officer Clifton Lewis's 2011 killing, asked a judge last month to throw out his charges and remove Adduci and a fellow assistant state's attorney, Andrew Varga, from the case. Colon's motion accused Varga and Adduci of trying to conceal cell tower records that purportedly show him miles from the shooting scene during the crime. The motion says the private email sought to shield the records from requests under Illinois' open records law.

On Friday, Foxx did not answer directly what prompted her to replace the attorneys on the case.

"Motions alleging prosecutorial misconduct are pending, and the court has not made any rulings," a written statement from Foxx's office says. "The new attorneys assigned to the case will be reviewing the matter and responding appropriately."

Those new prosecutors, Kevin DeBoni and Craig Engebretson, declined to comment on their way out of a hearing Friday for Colon and Tyrone Clay, the alleged gunmen in the case.

In 1963, the U.S. Supreme Court ruled in the case *Brady v. Maryland* that withholding evidence relevant to the guilt or punishment of a criminal defendant violates the constitutional right to due process.

Foxx's statement did not answer whether Adduci and Varga face a disciplinary investigation or whether Adduci would remain in charge of the conviction integrity unit.

Foxx appointed Adduci to be Conviction Integrity Unit director in 2019.

Last month, [WBEZ reported](#) on the prudence of choosing someone who had spent her entire career in the state's attorney's office instead of bringing in an outsider with more independence from prosecutors.

"We will continue to work with the court, CPD and our federal partners toward justice for Officer Lewis's family and remain committed to creating a safer county for all," Foxx's statement says.

Lewis was shot in a botched robbery while working a second job in a West Side convenience store.

A jury convicted Colon of charges including murder in 2017. An Illinois appellate court in 2020 threw out that conviction because police had questioned him after he said he wanted a lawyer. He was released on bail last March.

Clay has spent nearly 11 years in jail without any trial. In 2020, an appellate court affirmed a judge's ruling that threw out his videotaped statements to police, finding he could not have waived his *Miranda* rights due to what his attorneys described as "limited intelligence and verbal comprehension."

This month, Cook County Judge Erica Reddick ruled that Clay would **remain in custody** without bail as the evidence discovery process continues and the misconduct allegations are vetted.

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Alexander Villa, another alleged gunman in the case, was convicted in 2019 but had his conviction overturned last year. Subpoenas from Jennifer Blagg, one of Villa's attorneys, this past fall netted thousands of pages of records in a joint investigation, dubbed Operation Snake Doctor, in which CPD and federal authorities accused a street gang blamed for the murder, and build evidence against Villa, a member of the gang.

The motion that alleged prosecutorial misconduct is among two pending motions from Colon's attorneys seeking sanctions for withheld evidence. The first motion focuses on the Chicago Police Department and could put former police Supt. Garry McCarthy

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on the witness stand.

Reddick, who is presiding over the Colon and Clay cases, has scolded the prosecutors and Mayor Lori Lightfoot's administration several times in recent months for withholding the Snake Doctor evidence.

"The length of time that this case has been going on is unconscionable," Reddick said at Friday's hearing, threatening unspecified repercussions for prosecutors and city officials.

Attorneys for the city said in a court filing last month they are trying to identify and remove "privileged non-relevant information" from among hundreds of thousands of Snake Doctor records requested by defense attorneys.

The city has also obtained a December letter from U.S. Attorney John Lausch that says some of the records cannot be turned over because of federal grand jury secrecy.

Once more evidence is turned over, Colon attorney Paul Vickrey predicted, Reddick will throw out the charges.

"We'll be able to show the court that the [police and prosecutorial] misconduct has been significant enough that key leads were never followed, documents have been destroyed, a key witness is dead," he said.

Villa's case is before Judge James Linn. Last month, he blocked attempts by Villa's attorneys to gather more Snake Doctor records after prosecutors pointed to the grand jury secrecy. Linn told the defense attorneys, who are asking for a new trial, to make their case with evidence they've already uncovered.

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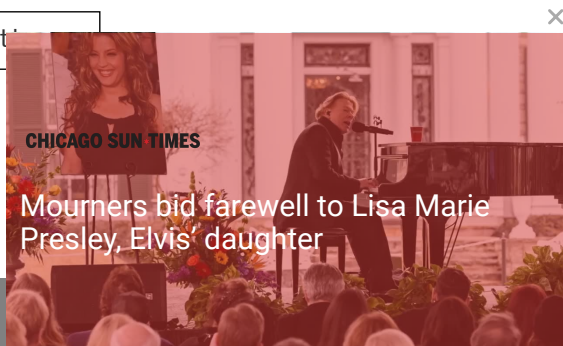
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By Cindy Hernandez | Jan 22, 2023, 2:12pm PST

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By Associated Press | Jan 22, 2023, 1:47pm PST

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By Emmanuel Camarillo | Jan 22, 2023, 1:38pm PST

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By Joe Cowley | Jan 22, 2023, 1:03pm PST

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By Associated Press | Jan 22, 2023, 12:20pm PST

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