



HALE & MONICO
AMERICA'S JUSTICE ATTORNEYS

February 16, 2024

VIA ELECTRONIC MAIL

Mr. James R. Glasgow
Will County State's Attorney's Office
57 N. Ottawa Street
Joliet, Illinois 60432

Re: *People v. Chester O. Weger*, Case No. 60-CF-753

Dear Mr. Glasgow:

We are reaching out to you today, as the special prosecutor in this case, to see if we can obtain your agreement to allow us to proceed with certain additional forensic testing. Let us explain.

As you know, we have already conducted DNA testing on a hair found on the glove of victim Frances Murphy and that hair was determined to be from a male and Chester Weger was excluded as the source of that hair. We have also conducted genetic genealogy testing on that hair and are close to determining the identity of that male profile. We do know, from our genetic genealogy results to date – as we have shared with you – that the identity of this male profile has been linked to a particular family and that this family was not affiliated with the victims, law enforcement, or the Starved Rock Lodge. We also know that hair had a root and was removed involuntarily. Thus, that hair belongs to one of the killers.

Despite this exculpatory DNA result, and all of the other exculpatory evidence we have uncovered and shared with you, you have refused to vacate Chester Weger's conviction, arguing to the court that you still believe the veracity of Mr. Weger's confession. While we strongly disagree with your position, and believe that we have conclusively proven Chester Weger's innocence, we have no choice but to continue to investigate this case. Hence, our current request to conduct additional forensic testing.

At the end of the day, you may very well continue to argue that you believe Mr. Weger is guilty, but fairness dictates that Mr. Weger be given a full and fair opportunity to prove his innocence. As you know, Illinois Supreme Court Rule 3.8, titled "Special Responsibilities of a Prosecutor," states "The duty of a public prosecutor is to seek justice, not merely to convict." (See Rule 3.8 attached hereto). Further, under Rule 3.8(g)(2)(ii), "When a prosecutor knows of *new, credible and material*

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evidence creating a *reasonable likelihood* that a convicted defendant did not commit an offense of which the defendant was convicted, the prosecutor *shall*: undertake further reasonable investigation, or make reasonable efforts to cause an investigation, to determine whether the defendant was convicted of an offense that the defendant did not commit.” (emphasis added). As the special prosecutor in this case, you are not limited as to the type of investigation you can conduct or the methods of forensic analysis that can be employed. Here, justice dictates that this forensic testing be allowed to proceed.

We all agree that this case is a search for the truth and we believe that the forensic examinations we have requested herein will significantly assist us in that search for the truth. Thus, we are hopeful that you will agree to allow us to access the specific items of evidence necessary in order for our experts to conduct this important forensic testing. These nondestructive microscopic examinations would be conducted by Skip Palenik and Christopher Palenik, who are world-renowned microscopists at Microtrace in Elgin, Illinois. We are willing to bear the costs of this forensic testing. Specifically, we have retained Microtrace to conduct the following forensic testing, as discussed in Microtrace’s February 16, 2024 letter attached hereto.

Nondestructive Microscopic Examination of Pieces of Wood Found At The Crime Scene

As you know, our forensic pathologist David Fowler has reviewed the autopsy reports of the three women and concluded as follows:

*“All three women had severe head injuries. The amount of force to cause these injuries is substantial. . . They can also occur with heavy solid objects applied at high speed. The only defining features described are the cylindrical injury 3-5 inches in diameter and the squared-off or pointed injury. These would be consistent with an object of similar size and hardness to a **baseball bat** or steel pipe. The rectangular or pointed object would be something similar to a tool, such as a tire iron, the end of a **2x4 (lumber)**, or a hammer with a square head, such as a mallet or sledgehammer. There examples are not an exhaustive list and are illustrative only. The cylindrical object and the description, ‘an essentially rectangular object or a pointed object,’ are consistent with two different objects causing these wounds. . . The considerable energy used to cause these injuries would also be applied to the object that caused these injuries. **This would very likely result in damage to the object** if it is not similar to steel or rock.”* (emphasis added)(A copy of David Fowler’s report is attached).

Some small chunks of wood were recovered at the crime scene. We would like to determine if these chunks of wood may have broken off a baseball bat or 2x4 while being used in the vicious attack. (See Microtrace’s February 16, 2024 letter and photos therein). Chester Weger did not walk into the woods on his work break carrying a baseball bat or 2x4. If we determine that a baseball bat or 2x4 was, indeed, used in the attacks, this would be strong exculpatory evidence in favor of Chester Weger. The presence of a baseball bat would be consistent with a crime of premeditation and it would be completely inconsistent with Chester Weger’s false confession.



Nondestructive Microscopic Examination of Locks/Curls of Hair Found in the Cave

Included within the evidence collected at the crime scene were some locks/curls of hair. (See Microtrace's February 16, 2024 letter and photos therein). The volume and shape of these hairs preliminarily indicates that these hairs were not pulled out and did not fall out. Rather, what seems likely is that the hairs were cut off with a sharp object like a knife or scissors. Microtrace has advised us that a microscopic examination of these locks/curls of hair can reveal if the hair was indeed cut. If that is the case, this too would be strong evidence supporting Chester Weger's innocence. Chester's confession makes no mention of cutting any of the women's hair and he would have had no reason to do so. Nor does his confession make any mention of him carrying a knife or scissors with him at the time of the murders. Rather, the cutting of the hair is consistent with the offender(s) wanting to remove the hair perhaps as proof that the murders had been completed, similar to the way that the tip of Frances Murphy's fingertip had been cut off post-mortem. We believe such evidence would also be consistent with these murders being carried out by members of the Chicago mafia at the request of one of the husbands.

Nondestructive Microscopic Examination of Red Fibers Found At The Crime Scene

The evidence collected at the crime scene also included several clumps of red fuzz. The State attempted to analyze this red fuzz back in 1960 and had the fuzz sent to the Sears Roebuck company. This red fuzz was inconsistent with Chester Weger's clothing, which included blue jeans and a buckskin jacket. A further analysis of these red fibers may provide specific evidence as to the source of those fibers, such as a blanket, car mat, or other item. Any such evidence would also be potentially exculpatory as it would be inconsistent with Chester's Weger's false confession.

Obviously, we can debate the significance of any further forensic findings, and the State will be allowed to argue that any such findings are not as significant as Chester Weger claims. However, we should still be allowed to have access to this evidence, and to conduct this further forensic testing, in an effort to prove Chester's innocence. Each piece of evidence need not be, independently, sufficient to prove Chester's innocence. Rather, the evidence must be analyzed collectively. Thus, we should be entitled to continue to develop evidence supporting Chester's innocence. We hope and trust that you will not prevent us from doing so. Again, it cannot be overstated, under Illinois Supreme Court Rule 3.8, "The duty of a public prosecutor is to seek justice, not merely to convict." Allowing us to proceed with this important forensic testing will further the interests of justice.



We would appreciate the courtesy of a response by close of business on Wednesday, February 21st so that we may promptly address this issue with the court if need be. Hopefully, that will not be necessary.

Sincerely,



Andrew M. Hale
Celeste S. Stack
HALE & MONICO LLC
53 W. Jackson Blvd., Suite 334
Chicago, Illinois 60604

cc: Christopher Koch, Will County SAO
Colleen Griffin, Will County SAO

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