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ATTORNEY GENERAL RAOUL & STATE'S ATTORNEY MCMAHON FILE PETITION FOR WRIT OF MANDAMUS OVER VAN DYKE SENTENCE

Chicago — Attorney General Kwame Raoul and Kane County State's Attorney Joe McMahon today filed a petition for a writ of mandamus in the Illinois Supreme Court challenging the legality of former Chicago police officer Jason Van Dyke's prison sentence.

The mandamus petition challenges the prison sentence issued Jan. 18 by Cook County Circuit Court Judge Vincent Gaughan following Van Dyke's conviction for the shooting death of Laquan McDonald. Gaughan sentenced Van Dyke to 81 months in prison based on his conviction for second degree murder and not the more serious charges of 16 counts of aggravated battery with a firearm.

Raoul and McMahon, the special prosecutor who tried the case against Van Dyke, will work collaboratively in asking the Supreme Court to review whether the sentence was proper under the law. In their filing, Raoul and McMahon asked the court to direct Judge Gaughan to vacate Van Dyke's sentence for second degree murder, impose a sentence on each of the 16 counts of aggravated battery with a firearm, and determine which of the aggravated battery with a firearm convictions involved "severe bodily injury" warranting consecutive sentences.

"After conducting a thorough review of the record in this case and the law, and in consultation with the special prosecutor, I determined that a mandamus action must be pursued in the Illinois Supreme Court," Raoul said. "I appreciate the work done by the Kane County State's Attorney throughout this case, and my office will continue to work with his as we seek the Supreme Court's review."

"It is important that a police officer was held accountable for criminal conduct," said McMahon. "But we argued at the sentencing hearing that Jason Van Dyke should be sentenced for the aggravated battery with a firearm convictions. The ability for the prosecution to challenge a sentence is very narrow, but this might be one of those situations."

If the petition is accepted by the court, Van Dyke's attorneys will have seven days to file an objection, unless the court sets a different deadline. There is no timeframe for the court to rule on whether it will accept the petition and consider it.