



June 25, 2020

Via Email

Maricopa County Democratic Party
Legislative District and County Party Chairs

Re: Will Knight's Personal Statement Regarding Allegations of Prosecutorial Misconduct by Maricopa County Attorney Candidate Julie Gunnigle

Dear Party Leadership:

After decades of politicians such as Joe Arpaio and Andrew Thomas violating people's civil rights and leaving taxpayers to pick up the tab, Maricopa County's voters are right to demand transparency and accountability from their elected leaders.

It is in this spirit that I call on Maricopa County Attorney candidate, Julie Gunnigle, to be more transparent about her role in what appears to be the wrongful arrest and incarceration of Annabel Melongo, a Black immigrant woman whom she prosecuted when she worked as a Cook County State's Attorney. In three separate forums, Ms. Gunnigle downplayed her involvement and maligned Annabel; she prioritized discussion of something she calls a "baseless attack memo" and inappropriately accused her political adversaries (including myself) for circulating it.

Let me be clear. I have never even *seen* such a document, much less participated in creating or circulating one. My awareness of this case comes *directly* from readily accessible public records, including two published opinions by state and federal courts and the publicly accessible records relating to them, which I personally researched after the case was brought to my attention. And while I am tempted to ask whether another candidate wrote this memo, after seeing and hearing Ms. Gunnigle's practiced, retaliatory responses—not once, not twice, but in three separate forums—I am much less concerned with *who* the whistleblower is than I am about the truth.

The record is concerning enough that I reached out to Ms. Gunnigle personally on May 24, 2020. She did not respond. Even still, there were numerous possible explanations for her involvement and her reasons for not disclosing this herself, so I kept my mouth shut. That is, until Ms. Gunnigle chose to misrepresent the truth and flip the script against her opponents. Allow me to clarify these undisputed facts from the record:

1. Ms. Gunnigle sat second chair in both of Melongo's prosecutions, the first alleging computer tampering and the second "eavesdropping" (here, recording a conversation Ms. Melongo had with a court clerk about court records).¹
2. Ms. Gunnigle personally drafted the "eavesdropping" arrest warrants that led to Ms. Melongo being incarcerated for 22 months on a \$300,000 cash bond;²
3. Ms. Melongo was *acquitted* of computer tampering with a directed verdict,³ and the Illinois Supreme Court ruled the "eavesdropping" statute was "unconstitutional on its face."⁴
4. Ms. Melongo sued Ms. Gunnigle and 12 other public officials for malicious prosecution, wrongful arrest and imprisonment, and retaliation;⁵
5. On March 19, 2019, three months before Ms. Gunnigle announced her candidacy, a federal judge dismissed every prosecutor from the lawsuit *except* Ms. Gunnigle and her co-counsel, who remained defendants *in their individual capacities* because, "***The evidence shows that Podlasek and Gunnigle acted outside the prosecutorial role.***"⁶
6. On August 15, 2019, while campaigning for Maricopa County Attorney, Ms. Gunnigle, who remained a defendant only in her *individual capacity*, reached a private settlement agreement with Ms. Melongo, the details of which remain under seal, but the court memorialized, "The material terms of the settlement agreement were memorialized on the record ***as to each defendant.***"⁷
7. On August 16, 2019, while campaigning for Maricopa County Attorney, the court stated it would dismiss defendants from the suit with prejudice "***only when full payment has been made for that defendant.***"⁸
8. On November 1, 2019, Ms. Melongo notified the court that it could dismiss some of the defendants, specifically writing: "***Full payment has been made by Defendants Robert Podlasek; Julie Gunnigle;***" and their four investigators.⁹
9. ***The Cook County taxpayers had to shell out nearly \$1 million for this:***

¹ See generally *People v. Melongo*, 2014 IL 114852 (March 20, 2014) (available [HERE](#)); *Melongo v. Podlasek, et al.*, U.S. District Court, Northern District of Illinois Summary Judgment Memorandum Opinion and Order (March 19, 2019), 1:13-cv-04924 **at 17** (hereafter, "*Melongo v. Podlasek* MSJ Opinion") (available [HERE](#)).

² Julie Gunnigle's April 23, 2018 Deposition Transcript **at 55:5–56:17, 71:9–20** (available [HERE](#)).

³ *Melongo v. Podlasek* MSJ Opinion **at 17** (available [HERE](#)).

⁴ *People v. Melongo*, Illinois Supreme Court, 2014 IL 114852 **at 6, ¶ 31** (available [HERE](#)).

⁵ See generally *Melongo v. Podlasek* MSJ Opinion (available [HERE](#)).

⁶ *Melongo v. Podlasek* MSJ Opinion **at 24** (available [HERE](#)).

⁷ *Melongo v. Podlasek*, August 16, 2019 Notification of Docket Entry (available [HERE](#))

⁸ *Melongo v. Podlasek*, August 16, 2019 Notification of Docket Entry (available [HERE](#))

⁹ *Melongo v. Podlasek*, Nov. 1, 2019 Stipulation to Dismiss **at 1, ¶ 2** (available [HERE](#))

19-5921

Case: Annabel Melongo v. Podlasek, et al.
Case No: 13 C 4924
Settlement Amount: \$975,963.32
Department: 1250-State's Attorney
Payable to: MSLF Client Funds
Litigation Subcommittee Approval: 09/25/2019
Subject matter: an allegation of a civil rights violation

10

While decrying some “baseless, un-cited attack memo,” Ms. Gunnigle contends that this lawsuit was meritless and emphasizes, repeatedly, that the case was “dismissed with prejudice” and that “she paid nothing.” On the contrary, this lawsuit was meritorious enough that a federal judge pierced the shield of *absolute* prosecutorial immunity to hold Ms. Gunnigle personally accountable, for the Cook County government to agree to a nearly seven-figure settlement. To say this lawsuit was “dismissed with prejudice” and that she “paid nothing” without that context is *profoundly* misleading.

I am sympathetic to Ms. Gunnigle about this. I understand that young lawyers sometimes make mistakes, and I do not take lightly my decision to weigh in on this. But I am also concerned about how this happened, about what led to the arrest of a vulnerable Black woman at a scheduled court hearing for recording a conversation she had with a public official, and how that resulted in nearly two years of jail time under a bond more typically seen in homicide cases. I am weighing in, however, because I am truly disturbed by this particular exchange from the June 18, 2020, Mass Liberation debate, where the moderator asked, unequivocally, “Did you settle anything out of court?” and Ms. Gunnigle responded, unequivocally, “I made no settlement.”¹¹

If any of this information is not 100% true, I beseech Ms. Gunnigle to correct me. In fact, I would really like to see the actual settlement agreement, because if Ms. Gunnigle didn’t sign the settlement agreement, then at least that would help me understand her choice not to disclose a personal debt that was paid by a third party. I would like to know if the defendants apportioned responsibility, and if so, how. And if Ms. Gunnigle *did* sign the settlement agreement, then I would like to know why she did not disclose a colossal settlement in her individual capacity that Cook County taxpayers had to cover.

But we have a primary election in about a month, ballots are dropping next week, and the public has a right to know this information. I’m sure many will view my choice to call out a colleague for apparent corruption as something negative about me, and I accept that. I don’t make important

¹⁰ Board of Commissioners of Cook County Journal of Proceedings, Oct. 24, 2019 at 183 (available [HERE](#)).

¹¹ June 18, 2019 Mass Liberation Debate at timestamp 1:29:30 (available [HERE](#)).

decisions based on whether people like me. I make important decisions based upon my values. I value accountability and transparency for those who are in power. As an attorney who represents vulnerable people in this valley, as an immigrant, a person of color, and a voter I am deeply concerned about someone rising to power who does not see merit in Ms. Melongo's fifteen-year quest for justice, which resolved in November with a million-dollar taxpayer funded settlement, while Ms. Gunnigle has been campaigning on promises of accountability and transparency.

The voters deserve to know who we are. This is who I am. If it costs me this election, so be it. But we need to know who Ms. Gunnigle is before there is even a chance of her running the largest prosecutorial agency in this state.

With deepest concern,

A handwritten signature in blue ink, appearing to read "William H. Knight". The signature is fluid and cursive, with a large initial "W" and "H".

William H. Knight