

Tackett out of Isenberg perjury case

By **STEPHEN FOUTES**
News Tribune

A special prosecutor will be appointed to try the case of a former Cole County sheriff's deputy charged with perjury.

Cole County Prosecutor Bill Tackett today said he cannot present the state's evidence against Michael Isenberg because one or two of his assistants could be called as witnesses.

Tackett also said it's possible he could be called as a rebuttal witness.

"This case is very unusual, in the sense it was a problem unearthed by our office," Tackett said. "We were the investigating body and as a result, we stand to be witnesses in this case."

Tackett said he wanted to try the case, but knew he couldn't do so without questioning someone from his office.

"That would be fine, but for the fact it raises an appeal issue," Tackett said.

See TACKETT, page 6

★ Tackett

From page one

Judge Thomas Brown III this morning said he sustained Tackett's motion which removes the county prosecutor's office from any further involvement in the case.

He also said he has taken the request for a special prosecutor under advisement, adding he could not comment directly on the selection process.

But he said the court must consider the nature of the charges when selecting a special prosecutor because "that affects the level of expertise the person selected must have."

The prosecutor's office alleges Isenberg perjured himself because some of his statements didn't match those of confidential informants used in undercover drug buys.

As a result of the investigation, four drug convictions have been set aside and three people have been released from prison.

As of this morning, Tackett was planning to submit documents to set aside convictions in another 25 or 30 cases, thereby releasing people from terms of probation.

No one who had a conviction set aside — even if they pleaded guilty to the charge against them — is subject to being retried, Tackett said.