

NORTHWEST HERALD

McHenry County's lead prosecutor in Casciaro murder case responds to '20/20' broadcast

Published: Monday, Oct. 6, 2014 7:40 p.m.

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WOODSTOCK – McHenry County's lead prosecutor in the Mario Casciaro murder case responded to a nationally televised broadcast that raised doubts on whether he prosecuted the right man for the murder of Brian Carrick.

Assistant State's Attorney Michael Combs – who declined to be interviewed for ABC-TV's "20/20" – told the Northwest Herald on Monday that there was a lot of evidence, testimony and witnesses that were left out of the "20/20" piece – a program that reduced a 12-year-old case to a 60-minute broadcast, he said.

"They made it seem like the only witness was Shane Lamb, when in fact we called almost 30 witnesses," Combs said. "... There was overwhelming evidence against Mario Casciaro. To suggest [that] only one witness testified is absolutely false."

Combs refuted Lamb's latest assertion that he fed Lamb details about the crime that would later become his trial testimony.

At Casciaro's trials, Lamb said he threw the punch that likely killed Carrick. Now, he says that was a lie. He claims he and Combs met without his lawyer present for an hour before his videotaped statement to authorities. In that off-camera meeting, Combs told Lamb what to say to implicate Casciaro, Lamb said.

"The prosecutor set it up," Lamb told the "20/20" reporter in an interview from the McHenry County Jail, where he's being held on new weapons charges.

That's absurd, Combs said.

"First off, it's not plausible and it's unworthy of belief that any attorney would let me coach their client and then walk in when the cameras are rolling," he said. "I did not coach Shane Lamb. No one is going to believe that."

Prosecutors gave Lamb full immunity from murder charges for his testimony against Casciaro. His immunity deal could be in jeopardy if prosecutors seek a first-degree murder charge against him.

Casciaro is serving 26 years in prison for Carrick's death. Prosecutors said Casciaro used Lamb as a "blunt force instrument" to intimidate Carrick into repaying a drug debt. Because Casciaro sent Lamb to talk to Carrick, and Lamb punched and likely killed the teenager, Casciaro is legally responsible for Carrick's death, prosecutors argued.

In court documents filed last week, and on the Friday night broadcast, Casciaro's attorney, Kathleen Zellner, said she dug up evidence that will exonerate Casciaro. Zellner provided a different suspect and motive for Carrick's murder, pointing to a third man, Robert Render.

Aside from Carrick, Render's was the only other DNA recovered from the produce cooler at Val's Finer Foods, where Carrick last was seen Dec. 20, 2002.

Combs said Render's fingerprint was there because he cleaned the cooler the day after Carrick disappeared. At trial, prosecutors said Render's blood on the scene was a result of Render biting his nails.

"There's no way that this amount of blood could have been left by Rob Render by biting his nails," Zellner told a "20/20" reporter. "You'd have to be a hemophiliac. You'd have to have a clotting disorder."

Render has since died and never was called as a witness at Casciaro's first trial. He was charged with concealing a homicide in 2008. The charge eventually was dropped. Without a body, concealing a homicide is hard to prove, attorneys said.

During the "20/20" broadcast, Zellner acted out the way she believes Carrick was killed. Not by a punch from Shane Lamb, but instead she gets behind the reporter and pantomimes slitting his throat.

Testimony at trial revealed that Render was driven home from the Johnsbury grocery store that night by Jacob Kepple. Kepple's car was screened for blood and other evidence, but none was found.

"This ridiculous notion that Robert Render slit Brian Carrick's throat was contradicted by the lack of physical evidence from the floor mats in Jacob Kepple's car," Combs said.

In court documents filed last week, Zellner pointed to evidence she believes would exonerate her client: a bloody pair of underwear uncovered by a Val's employee in ceiling tiles at the grocery store. The underwear never was logged into evidence, but there's a police report proving it exists. Zellner wants it tested, according to an email from her law office to the Northwest Herald.

"Courts and prosecutors routinely allow DNA testing on any evidence connected to the crime scene by a suspect," the email read. "Render was charged at one point with concealment of a homicide in this case and was definitely a suspect. If Render had nothing to do with the crime, his blood will not be on the underwear. If Mario had anything to do with the crime, he would not be seeking additional DNA testing because he could be implicated by such testing."

Combs said that information was available to Casciaro's attorney before his trials, and he could have presented that information to the jury.

Zellner filed what's called a post-conviction petition in McHenry County court. In it, she asked McHenry County Judge Sharon Prather – who presided over both trials – to toss the conviction and order a new trial. The matter will be in court Tuesday. Casciaro's appeal is pending.

"The post-conviction petition will ultimately be decided by the appellate court," Zellner's email stated. "Of course, no one who is telling the truth has anything to fear by additional testing and investigation. No one would want the wrong person convicted of a crime they did not commit."

Combs thinks Casciaro is the right person.

"I know what the truth is," Combs said. "That Mario Casciaro made Brian Carrick disappear."

What's next for Mario Casciaro?

Mario Casciaro's attorney is asking that his conviction be tossed. His attorneys will be in court Tuesday, though not much is expected to happen. McHenry County Judge Sharon Prather will likely need time to review Casciaro's lengthy petition before deciding whether or not to hold an evidentiary hearing.