

McNAMEE CASE

Northwest Herald

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FRIDAY, APRIL 28, 1989

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Nally gets life sentence

Family wants more

By GERARD DZIUBA
The Northwest Herald

GENEVA — "Thank God, thank God," said Joanne McNamee after William Nally, the convicted killer of her son, was sentenced to life in prison.

"It can't help with Tim, but it helps a little bit knowing he will never get out."

Nally, 46, was convicted and sentenced for the 1987 murder of Timothy McNamee. He has no chance for parole and that idea disturbed other family members.

"I would have like to see him executed," said MariBeth McNamee, Tim's sister. "I don't think I should have to pay his room and board to spend the rest of his life in prison."

"Nothing is going to right the wrong short of the death penalty," said Thom McNamee, Tim's twin brother. "It was a senseless, criminal act."

During a hearing before Kane County Judge Barry Puklin, Thom McNamee said the murderer should be killed.

"There is no justice for what he did. Unless the state is willing to execute him, I don't see how justice can be done," Thom McNamee said.

The murder was felt in the legal community as well as the McNamee family.

The Elgin resident claimed he was still in Tennessee the night the lawyer was shot. And, his family believes him.

"I know my brother didn't do it," said Vanessa Gauger, Nally's sister. "He is close to his family and he would have told us if he killed him. He always told us when he got into a fight. I wouldn't be here if he did it."

She added that her brother deserves to be in prison a couple of years for being involved Walter and saying what he did the night he was arrested.



Thom McNamee and Rick Schwind of the Attorney General's office talk on the 4th floor of the courthouse.

By GERARD DZIUBA
The Northwest Herald

GENEVA — A Kane County judge on Thursday ordered William Nally to spend the rest of his life in prison for killing Carpentersville attorney Timothy McNamee.

Calling the 1987 murder "hateful, cruel and cold-blooded," Judge Barry Puklin told the 46-year-old Elgin house painter that the act of taking a life deserves a lifetime prison term.

"I can't think of a more senseless act. It appeared to be premeditated and without provocation," Puklin said.

"I knew the victim. He was an attorney who practiced in front of me. And I know the defendant as well as most of the witnesses who were called to the stand," the judge said. "There is nothing that can be done to bring back the loss."

Minutes after Puklin sentenced Nally, defense attorney Thomas McCulloch filed an appeal for a new trial. He based the motion on several arguments including a previous motion that a judge from another county hear the case because of the potential for bias.

"When you get to the end and the judge says that 'I know you and I know the people involved' that's proof enough for me," McCulloch said. An appeal may take two years to be considered.

A life sentence means Nally cannot be considered for parole. Nally refused to make a statement before the judge ruled and as Puklin explained his decision, Nally sat at the defense table without expression.

McNamee, 34, was gunned down in the parking lot of his law firm on June 8, 1987. He was shot at night and his body was not discovered until the next day.

Kane County Assistant State's Attorney John Barsanti asked for the life term because of Nally's extensive criminal history and the way McNamee was killed.

"It is hard to imagine the cowardice that took place to shoot a man from behind," Barsanti said. "Nally was hiding behind a fence. He didn't even fire a warning shot so the victim can be fearful for his life. He hid behind a fence,

aimed the gun, fired it, watched the victim fall and left him there to bleed to death. He didn't even call police to give an anonymous tip that somebody had been shot."

The prosecutor described the crime as brutal, heinous and one that should be punished with the most severe penalty short of execution.

Nally has been convicted of 14 separate felony and misdemeanor charges which date to the 1960s. Three times he was sentenced to jail and prison terms for unlawful use of a weapon, aggravated battery and theft.

He was also arrested on drug charges, attempting to bribe a county sheriff's deputy and breaking into a car belonging to the former Elgin city manager's daughter and stealing wedding presents.

And before he was arrested last November for McNamee's murder, federal postal authorities were investigating Nally for running up \$35,000 from stolen credit cards.

"There is no place else to go with this man. Rehabilitation is out of the question. The legal system has given him every chance, but he has not used it. The only answer is warehousing him," Barsanti said. "I don't want him on the street. Kane County doesn't want him on the street. If he does get out of jail what will be next, killing somebody over a dispute at a gas pump? Or killing somebody because he doesn't like something that is said in a news story?"

McCulloch asked Puklin to be lenient because of his client's innocence, medical condition and Walter's immunity. Nally has diabetes.

"Nadine Walter was tried and sentenced on the fourth floor (the state's attorney's office). And, her sentence was (that) the state's attorney told her to take a walk," McCulloch said. "My client has no remorse because he didn't do it."

Nally claims he was in Tennessee.



William Nally

See NALLY, page 2

Baby's death raises ethics questions

By BRENDA C. COLEMAN
The Associated Press

CHICAGO — A man who kept hospital staffers at bay with a gun while tearfully removing his comatose son from life support and letting him die has revived questions over when medicine merely prolongs the deaths of babies, ethicists said Thursday.

"I have sympathy for this father, because it seems to me he felt he had no choice but to act on what he felt was best for this child at the point of a gun," said Arthur Caplan, director of the Center for Biomedical Ethics at the University of Minnesota.

"I still think he should be prosecuted. I don't think you can use weapons to direct medical treatment," Caplan said. "But I have sympathy because I think society has not made it possible for parents to be heard about when medical treatment should be stopped — when it is futile — for very young children."

Caplan spoke a day after Rudy Linares, 23, entered a hospital intensive care unit and unhooked the respirator of his 16-month-old son, Samuel, while holding hospital workers off with a .357-Magnum handgun, police said.

The boy had been unconscious and "partially brain-dead" since

August, when he swallowed a balloon at a birthday party, said a spokeswoman at Rush-Presbyterian-St. Luke's Medical Center, where Wednesday's incident occurred.

Linares, father of two other children in west suburban Cicero, surrendered the gun as soon as he was sure the boy was dead, authorities said. His wife, Tamara, was out of the room when the incident occurred.

"I did it because I loved my son, all right?," the father, a painter, shouted to reporters after he was arrested.

Linares, charged with first-degree murder, was ordered Thurs-

day to undergo a psychiatric examination by a judge who called his case "an extraordinary situation surrounded by extraordinary circumstances."

"I not only have concerns for the community, but concerns for him," said Cook County Judge Robert Bastone.

Linares, free on \$75,000 personal recognizance bond, refused to talk to reporters.

Authorities said Linares also disconnected the respirator in December, but it was quickly replaced and he was not charged

See BABY, page 2

Plans scrapped for fest

By MARK BONNE
The Northwest Herald

CHICAGO — Forget Woodstock.

Fearing a showdown with McHenry County Sheriff George H. Hendle, Chicago radio station WCKG-FM said Thursday it is looking for another locale to celebrate the 1969 rock festival of the same name.

"We talked to a few people

Nally

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ee when the lawyer was killed. Police searched for McNamee's murderer for 17 months. The break in the case came from his ex-lover, Nadine Walter of Carpentersville.

In October, 1988, state police officers were probing a series of stolen credit card claims. Their investigation led to Walter, Nally, a Crystal Lake resident who was a postal employee in Algonquin, and a Glen Ellyn resident.

According to Carpentersville police officer Jerry Ford, the postal employee was working with Nally after he allegedly assaulted her sexually. She was taking credit cards mailed to other people and giving them to Nally. He, in turn, would purchase major appliances and sell them for half of their retail price. Nally was never arrested for the assault.

The postal worker agreed to work with the convicted killer

because she hoped he would get caught with the stolen credit cards, Ford said.

Working with Nally, Stephen Weimann of Glen Ellyn was also an informant for federal authorities. He supplied police with information and they eventually approached Walter.

She agreed to work with police to implicate Nally in the credit card thefts and the murder if she was not prosecuted.

Walter testified that she was with Nally at McNamee's law firm the night the attorney was shot. She said Nally killed McNamee in retaliation for the abduction of her son, Zachary, that month in Tennessee.

On June 7, 1987, Walter's estranged husband, Rolando Rodriguez, allegedly took the boy and has not been seen since. Nally and Walter left Tennessee and drove to Illinois looking for Zachary. The two also blamed the McNamee & Mahoney law firm, which represented Rodriguez in the child custody action.

Fest

Continued from page 1

road station. The event wasn't going to be anything like it was made out to be," Pecor said. "We're disappointed we weren't taken at our word."

Also in Hendle's favor was the county's mass-gathering ordinance, which put the event under the his control, even though Hughes had final say over liquor sales. Hendle said earlier this week that he would invoke the 1971 ordinance, even though a mass-gathering permit has not been written since 1974.

Hendle added that he spoke with the undersheriff in Sullivan County, N.Y., where the 1969

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