

# CRIMINAL DEFENSE

## CHICAGO BASED CRIMINAL DEFENSE ATTORNEY NENYE E. UCHE SECURES MAJOR APPELLATE WIN

For further information about this, please contact the following attorney:

**Nenye E. Uche**  
Managing Attorney  
UCHE P.C.  
22 W. Washington St.  
Suite 1500  
Chicago, IL 60602  
P: 312.380.5341  
F: 312.854.8001  
Toll Free: 888.251.4428

**CHICAGO, IL.,**  
November, 2015 —

On September 14, 2015, following a hard fought appellate litigation, Attorney Nenye E. Uche, successfully convinced the Illinois Third District Appellate Court to throw out his client's conviction and 12-year sentence for drug trafficking.

The case, *People v. Litwin*, was controversial even from the trial level. Attorney Uche's client was pulled over by an officer from the Utica Police Department for an alleged minor traffic violation. The Utica police officer and an Illinois State Trooper, who assisted the Utica police officer on the traffic stop,

alleged that they smelled cannabis coming from Mr. Litwin's vehicle and later discovered more than fifty pounds of cannabis stuffed in suitcases and duffel bags in the trunk of his vehicle. The alleged discovery of the cannabis was captured on a video tape recording from the arresting officer's police squad vehicle.

Attorney Uche filed a motion to quash arrest and suppress evidence and a motion to dismiss charges on grounds that the police officers were not credible and that the video evidence had been tampered with. During the hearing on the motion to quash arrest and suppress evidence and the motion to dismiss,

Attorney Uche conducted an intense three hour cross examination of the lead police officer. With the use of the nationally renowned audio visual expert, [Ed Primeau](#), who testified that the police officer's video was tampered with, along with getting an admission from officers that a K-9 drug sniffing dog did not alert officers to the smell of cannabis after circling Mr. Litwin's vehicle, Attorney Uche effectively demonstrated that the police officers' version of events was not credible. Despite this evidence, the trial court erroneously denied the motions.

Following a trial, Mr. Litwin was found guilty of drug trafficking and

sentenced to 12 years imprisonment.

Attorney Uche appealed Mr. Litwin's conviction and sentence. After successfully arguing before the Illinois Third District Appellate Court, Attorney Uche convinced the court to reverse the trial court's denial of the motion to quash arrest and suppress evidence and throw out Mr. Litwin's conviction and 12-year sentence.

The victory was significant because it is not customary for Illinois Appellate Courts or even Appellate Courts around the United States to overturn witness credibility rulings by a trial court unless such rulings are made against

the manifest weight of the evidence. Historically, in criminal cases, proving that a trial court's credibility findings were made against the manifest weight of the evidence is an uphill battle because Appellate Courts are reluctant to question the ruling of a trial judge who had the benefit of actually observing witnesses testify at trial. However, Attorney Uche's rigorous cross examination of the police officers provided a solid framework by which he was able to successfully convince the Illinois Third District Appellate Court that the trial court got it wrong. In fact, the Illinois Third District Appellate Court openly criticized the practices and credibility

of the police officers in question in the written opinion.

To read the decision in the case, [click here](#).

Attorney Neny E. Uche is a former Chicago prosecutor who received his legal education from the University of Wisconsin Law School. As a prosecutor, he prosecuted in excess of one thousand criminal cases and developed a comprehensive understanding of the criminal justice system. He is a member of the Illinois Bar, as well as the Federal Trial Bar for the U.S. District Court of the Northern District of Illinois. Mr. Uche's extensive experience as a trial attorney, criminal

defense attorney and a former prosecutor, allows him to provide the highest quality legal representation for clients in the areas of criminal and DUI defense, Civil Rights and Personal Injury.