

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THE AMERICAN CIVIL LIBERTIES)	
UNION OF ILLINOIS, COLLEEN)	
CONNELL, AND ALLISON CARTER,)	
)	
Plaintiffs,)	Case No. 10 CV 5325
)	
v.)	Judge Suzanne B. Conlon
)	Magistrate Judge Sidney I.
ANITA ALVAREZ, Cook County State's)	Schenkier
Attorney, in her official capacity,)	
)	
Defendant.)	

**DECLARATION OF COLLEEN K. CONNELL
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Colleen K. Connell, state as follows:

A. Background

1. I am the Executive Director of the American Civil Liberties Union of Illinois ("the ACLU"). The statements contained herein are based on personal knowledge, including oral and written statements from staff who report to me in the regular course of operations of our organization. If sworn as a witness, I could testify competently thereto.

2. The ACLU is a non-profit, non-partisan, statewide organization with more than 20,000 members and supporters dedicated to protecting and expanding the civil rights and civil liberties guaranteed by the Constitutions and civil rights laws of the United States and the State of Illinois. The ACLU is a not-for-profit corporation incorporated under the laws of the State of Illinois. In all matters relevant to the above-

captioned lawsuit, the ACLU acts by and through its staff of approximately 25 salaried employees who are under my direction.

3. In my capacity as Executive Director, I direct employees of the ACLU in creating and disseminating communications which further the ACLU's goals of protecting and expanding civil liberties and civil rights. In this capacity, but for the Illinois Eavesdropping Act, 720 ILCS 5/14 ("the Act"), I immediately would direct ACLU employees, including Allison Carter who is the ACLU's Senior Field Manager, to audio record public police activity as part of the ACLU program, described below in Paragraph 9.

B. The ACLU's exercise of its right to gather, receive, record, and disseminate information

4. In pursuing its objectives of protecting and expanding civil rights and civil liberties, the ACLU regularly gathers, receives, and records information from numerous sources, including by observing events in public places.

5. After gathering, receiving, and recording information, the ACLU regularly publishes and disseminates that information to the general public, and regularly presents that information to government bodies as part of the ACLU's efforts to petition the government for redress of grievances.

6. The ACLU regularly engages in its own expressive activity in public places, and regularly records its own expressive activity at these events.

C. The ACLU program

7. The ACLU, presently, as it has in the past, monitors and observes police conduct in public places. In doing so, the ACLU seeks not only to observe and record the manner in which government employees perform their duties, but also to improve police

practices, and to deter and detect any unlawful police interference with constitutional liberties. For example, the ACLU often monitors and observes police conduct at expressive activity in public places, including when the ACLU is engaged in its own expressive activity.

8. The ACLU has monitored, and will monitor, police at public demonstrations, protests, parades, assemblies, speeches, leafleting, and similar occasions and events. Such expressive events are sometimes planned, and on other occasions are spontaneous. The ACLU is presently able to, and intends to, monitor police activity both at planned expressive events and at spontaneous expressive events.

9. In the exercise of the ACLU's rights to gather, receive, record, and disseminate information, the ACLU, under my direction and through my direct supervision of ACLU employees, including but not limited to Carter, has incorporated the use of common audio/video recording devices into the ACLU's ongoing monitoring of police in public places. Specifically, but for the Act, I am prepared to and would immediately direct employees, including Carter, to audio record police officers, without the consent of the officers, when (a) the officers are performing their public duties, (b) the officers are in public places, (c) the officers are speaking at a volume audible to the unassisted human ear, and (d) the manner of recording is otherwise lawful (hereinafter "the ACLU program"). The ACLU and its employees under my supervision will carry out this ACLU program in Cook County Illinois.

10. The ACLU, presently, as it has in the past, monitors and observes police conduct in public places. In doing so, the ACLU seeks not only to observe and record the manner in which government employees perform their duties, but also to improve police

practices, and to deter and detect any unlawful police interference with constitutional liberties. For example, the ACLU often monitors and observes police conduct at expressive activity in public places, including when the ACLU is engaged in its own expressive activity.

11. The ACLU has monitored, and will monitor, police at public demonstrations, protests, parades, assemblies, speeches, leafleting, and similar occasions and events. Such expressive events are sometimes planned, and on other occasions are spontaneous. The ACLU is presently able to, and intends to, monitor police activity both at planned expressive events and at spontaneous expressive events.

12. The ACLU often gathers, receives, and records information about police practices, and then publishes and disseminates that information to the general public, and uses that information to petition government for redress of grievances.

13. But for my reasonable fear of prosecution by Alvarez under the Act (*see infra* Section D), I would immediately direct the commencement of the aforementioned program of audio recording police officers in public, and the use and dissemination of such recordings. This program includes recording police conduct at expressive activity in public places, including when the ACLU is engaged in its own expressive activity.

14. I have approved the expanded program of audio recording police as described above in paragraph 9. I join with the ACLU in seeking to expand and protect civil liberties by implementing the ACLU program of monitoring police by audio recording police in public places to advance police accountability. I would immediately authorize and direct Carter (and other ACLU employees) to engage in such audio recording, but for my reasonable fear of imminent prosecution by Alvarez under the Act

of Carter (the ACLU employee who made the recording), of the ACLU, and of myself as the person who authorized and directed the recording. *See infra* Section D.

15. On two recent occasions, I would have directed ACLU employees to audio record police officers performing their public duties in public places, but for the reasonable threat of prosecution by Alvarez under the Act. *See infra* Section D. On both occasions, ACLU employees did monitor police, but without audio recording.

Specifically:

(a) On June 10, 2010, an ACLU employee monitored a Chicago Police Department program of suspicionless container searches on Chicago's lakefront; and

(b) On November 8, 2010, Carter monitored a protest held in Chicago at the James R. Thompson Center concerning the killing of Iraqi Christians.

16. But for the reasonable threat of prosecution by Alvarez under the Act (*see* Section D), I would authorize and direct Carter (and other ACLU employees) to audio record police at planned and spontaneous events in Cook County in the future, including but not limited to the annual protest in spring 2011 in downtown Chicago in opposition to U.S. military policy in Iraq and Afghanistan.

17. The Act, by preventing the ACLU from implementing the ACLU program and audio recording police officers in public, directly and substantially prevents the ACLU from engaging in its important organizational activity of monitoring police conduct, and directly and substantially frustrates the ACLU's important organizational goal of advancing police accountability, and thereby protecting civil liberties.

D. My reasonable fear of prosecution

18. For the following reasons, I have a reasonable fear that if I implement the ACLU program, Alvarez will prosecute them pursuant to the Act:

(a) The Act on its face prohibits non-consensual audio recording of non-private conversations.

(b) The Illinois Legislature intended the Act to prohibit audio recording of non-private conversations with on-duty police.

(c) Alvarez is now prosecuting two cases under the Act in which civilians allegedly audio recorded on-duty police. *See* Exs. A and B.

(d) In the original Complaint in this suit, the ACLU described the ACLU program of audio recording police as set forth above in paragraph 3. Alvarez has not in this litigation, or otherwise, indicated that the ACLU program does not violate the Act, or that Alvarez would not prosecute the ACLU or its employees for carrying out the ACLU program by audio recording police officers performing their duties in public. To the contrary, Alvarez stated in her motion to dismiss: "Plaintiff is precluded from audio recording any conversations without consent of all parties to such conversation, including encounters between law enforcement and citizens." Dkt. No. 19, at p. 7.

(e) In the last six years, at least seven other State's Attorneys have prosecuted at least nine other civilians under the Act for audio recording on-duty police, including one prosecution of civilians undertaking a program of monitoring on-duty police to promote police accountability. *See* Exs. C, D, E, F, G, H, and I.

(f) The Illinois criminal statutes impose criminal liability on persons who solicit criminal activity by other persons. *See, e.g.*, 720 ILCS 5/5-1 (providing that for purposes of the Illinois criminal statutes, a person is criminally liable when they are “legally accountable” for the criminal misconduct of another); 720 ILCS 5/5-2(c) (providing that a person has such liability if they “solicit” criminal acts by another person). Thus, if I authorize and direct Carter to audio record police, and Carter does so, then Alvarez can prosecute me, as well as Carter.

(g) The Illinois criminal statutes impose criminal liability on private corporations that commit criminal activity directed by their top officials. *See, e.g.*, 720 ILCS 5/14-2 (prohibiting certain audio recording by a “person”); 720 ILCS 5/2-15 (providing that for purposes of the Illinois criminal statutes, a “person” includes a “private corporation”); 720 ILCS 5/5-4 (a)(2) (providing that for purposes of the Illinois criminal statutes, a corporation may be prosecuted for crimes authorized by high managerial agents). Thus, if I, as the ACLU’s Executive Director, authorize and direct Carter to audio record police, and Carter does so, then Alvarez can prosecute the ACLU (a private corporation), as well as Carter and me.

(h) The Office of the Cook County State’s Attorney repeatedly has prosecuted private corporations for criminal offenses. *See, e.g., People v. Universal Public Transp., Inc.*, 401 Ill. App. 3d 179, 192 (1st Dist. 2010) (corporation convicted for fraud); *People v. Bohne*, 312 Ill. App. 3d 705, 706 (1st Dist. 2000) (corporation indicted for tax impropriety); *People v. O’Neil*, 194 Ill. App. 3d 79, 88-89 (1st Dist. 1990) (corporation indicted for involuntary manslaughter).

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing statements are true and correct.

Dated: November 18, 2010

Respectfully submitted:

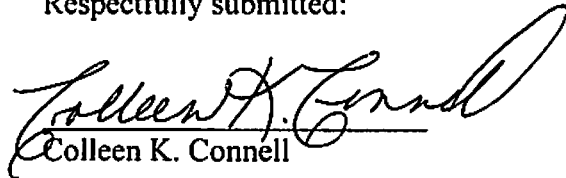

Colleen K. Connell

EXHIBIT A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
)
 V.)
)
 CHRISTOPHER DREW)
)
)

INFO. NO. 10CR-45

COPY

INFORMATION

THE PEOPLE OF THE STATE OF ILLINOIS represented by the State's Attorney of Cook County, do hereby inform and charge that against the peace and dignity of the People of the State of Illinois and in violation of the laws of the State of Illinois the herein named defendant(s) contrary to the 1992 Illinois Compiled Statutes did violate said laws of Illinois as described herein.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

10th C. Ct.
1/29/2010

The State's Attorney of Cook County now appears before the Circuit Court of Cook County and in the name and by the authority of the People of the State of Illinois states that on or about DECEMBER 2, 2009 at and within the County of Cook

CHRISTOPHER DREW

committed the offense of EAVESDROPPING

in that HE, KNOWINGLY AND INTENTIONALLY USED AN EAVESDROPPING DEVICE, TO WIT: A DIGITAL RECORDER, FOR THE PURPOSE OF RECORDING ALL OR ANY PART OF ANY CONVERSATION WITHOUT THE CONSENT OF ALL PARTIES TO SUCH CONVERSATION AND ONE OF THE PARTIES TO SUCH CONVERSATION WAS A LAW ENFORCEMENT OFFICER, ACTING IN THE PERFORMANCE OF HIS OFFICIAL DUTIES, THEREIN, IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 14-2(a)(1) OF THE ILLINOIS COMPILED STATUTES 1992 AS AMENDED AND


contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

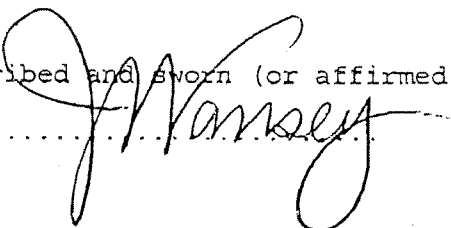
CHARGE AND CODE: 13012
COUNT 1
100R-46

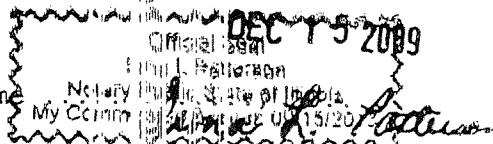
DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY,
ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS by the State's Attorney of Cook County, through his Assistant State's Attorney, after first being duly sworn on his oath, deposes and swears that the foregoing ONE count(s) in this information has/have been read and subscribed by him as evidenced by his signature below and that the same in each count hereby incorporated is true.


.....
Assistant State's Attorney

Subscribed and sworn (or affirmed) to before me
by 



.....
Notary Public

The bail is fixed at

JUDGE:
Enter

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

EXHIBIT B

1 STATE OF ILLINOIS)

Arr. Date: 9/15/10

2 COUNTY OF COOK)

SS:

Orig. & One 12pgs

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - FIRST MUNICIPAL DISTRICT

5 PEOPLE OF THE STATE)
6 OF ILLINOIS,)

Plaintiff,)

7 vs.)

No. 10 MC1 126862

8 TIAWANDA MOORE,)

9 Defendant.)

10 PRELIMINARY HEARING

11
12 REPORT OF PROCEEDINGS had at the hearing of the
13 above-entitled cause, before the HONORABLE EDWARD
HARMENING, Judge of said court, on the 25th day of
August, A.D. 2010.

14 APPEARED:

15 HON. ANITA M. ALVAREZ
16 State's Attorney of Cook County, by
MR. DAN PIWOWARCZYK,
17 Assistant State's Attorney,
appeared on behalf of the People;

18 HON. ABISHI C. CUNNINGHAM, JR.,
19 Public Defender of Cook County, by
MR. BARRINGTON BAKER
20 Assistant Public Defender
appeared on behalf of the Defendant.

21
22
23 Lanetta M. Nunn, CSR
24 Official Court Reporter
Municipal Division

DOOROTHY BROWN
CLERK

AMANDA L. BROWN
CLERK

2010 11 18 10:00 AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

Witness:

Page:

LUIS ALEJO

Direct Examination by:
Mr. Piwowarczyk

03

Cross-Examination by:
Mr. Baker

07

1 THE CLERK: Tiawanda Moore, 162.

2 (Witness sworn.)

3 THE COURT: What's your name, please?

4 MS. MOORE: Tiawanda Moore.

5 THE COURT: Is your first name T-i-a-w-a-n-d-a,
6 ma'am?

7 MS. MOORE: Yes, sir.

8 THE COURT: Okay. Ms. Moore stands before the
9 bench with her counsel. The officer's been sworn in.

10 Are there any proposed amendments?

11 MR. PIWOWARCZKY: No, your Honor.

12 THE COURT: All right. State, are you ready to
13 proceed?

14 MR. PIWOWARCZKY: Yes, your Honor.

15 LUIS ALEJO,

16 called as a witness herein, having been first duly sworn,
17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. PIWOWARCZYK:

20 Q. Would you please introduce yourself to the Court
21 stating your name, star number and unit of assignment?

22 A. Officer Luis Alejo, A-l-e-j-o, 10381, currently
23 assigned to Unit 121, Internal Affairs, Chicago Police
24 Department.

1 Q. I'd like to direct your attention to August 18th,
2 2010 at approximately 9:00 a.m. Were you on duty at that
3 time?

4 A. Yes.

5 Q. Were you working alone or with a partner?

6 A. I was working with Sergeant Plotke.

7 Q. Is that spelled P-l-o-t-k-e?

8 A. Correct.

9 Q. And were you -- at that date and time where were
10 you located?

11 A. We were located on 3510 South Michigan Avenue,
12 police headquarters, on the 5th Floor, Internal Affairs
13 Division inside a small interview room with the defendant
14 to my far right wearing the large blue Department of
15 Corrections uniform and glasses.

16 MR. PIWOWARCZKY: Your Honor, may the record
17 reflect an in-court identification of the defendant?

18 THE COURT: The record will.

19 BY MR. PIWOWARCZYK:

20 Q. Was there anyone in that interview room aside from
21 yourself, the sergeant and the defendant in this case?

22 A. No.

23 Q. And while you were in that interview room, was the
24 conversation taking place between yourself, the sergeant

1 and the defendant in this case?

2 A. That is correct.

3 Q. And did you notice something during this
4 conversation?

5 A. Yes, I did. At one point I noticed that the
6 defendant to my far right had a Blackberry in between her
7 legs, and the screen of that Blackberry there was a
8 microphone with some bars or waves indicating to me that
9 the recording application was active.

10 Q. After you made that observation, what did you do?

11 A. I stepped outside for a few seconds, informed the
12 sergeant, went back inside, informed the defendant to my
13 far right, Ms. Moore, of the Eavesdropping Law, and she
14 immediately denied recording the conversation.

15 Q. Subsequently, did you find out whether or not that
16 Blackberry had been recording the conversation between
17 yourself, the sergeant and the defendant?

18 A. Yes.

19 Q. How did you find that out?

20 A. After a search warrant was executed for a
21 forensics look into the phone, there was 7 minutes that
22 was recorded.

23 Q. Did you have an opportunity to hear that
24 recording?

1 A. No.

2 Q. Did you have an opportunity to hear that
3 recording?

4 A. No.

5 Q. Did you talk to someone who heard that recording?

6 A. The state's attorney who approved charges, as well
7 as the detective from confidential investigation section.

8 Q. When did that conversation take place between
9 yourself and the individual who heard that conversation?

10 A. I think it was the day after she had been
11 arrested.

12 Q. And did that conversation take place in person or
13 over the telephone?

14 A. In person.

15 Q. Where did that conversation take place?

16 A. In the 1st District.

17 Q. Was that between yourself and another law
18 enforcement officer or state's attorney?

19 A. That was with myself, Sergeant Plotke and the
20 state's attorney and Detective Morris.

21 Q. And did you also learn that the audiotape from the
22 defendant's Blackberry was inventoried under Inventory
23 No. 12101887?

24 A. Yes, that is correct.

1 Q. And did the defendant have the permission of
2 yourself or Sergeant Plotke to record that conversation?

3 A. No, nor did we have knowledge that we were being
4 recorded.

5 MR. PIWOWARCZYK: I have no further questions,
6 your Honor.

7 THE COURT: Cross, please.

8 CROSS-EXAMINATION

9 BY MR. BAKER:

10 Q. Officer Alejo, Ms. Moore was at the police
11 headquarters with you, and you were interviewing her
12 concerning her complaints of a sexual harassment case
13 against another policeman; is that correct?

14 MR. PIWOWARCZYK: Objection.

15 THE COURT: Sustained. The objection is
16 sustained.

17 BY MR. BAKER:

18 Q. Now, you were there interviewing her concerning an
19 Internal Affairs police matter; is that correct?

20 A. She was filing a complaint, that is correct.

21 Q. Okay. She was not a defendant or accused of a
22 crime; is that correct?

23 MR. PIWOWARCZYK: Objection, relevance.

24 THE COURT: Sustained.

1 BY MR. BAKER:

2 Q. Now, while you were in the interview room with
3 her, you said you noticed a cell phone between her legs;
4 is that correct?

5 A. That's correct.

6 Q. You actually never observed her activate that cell
7 phone; is that correct, sir?

8 A. That is correct.

9 MR. BAKER: Okay. Nothing further of this
10 witness, your Honor. I do have a brief argument.

11 THE COURT: State, do you have any further
12 witnesses?

13 MR. PIWOWARCZKY: May have just one moment, your
14 Honor?

15 THE COURT: Sure.

16 MR. PIWOWARCZKY: Brief redirect, your Honor?

17 THE COURT: Okay.

18 REDIRECT EXAMINATION

19 BY MR. PIWOWARCZKY:

20 Q. Did you find out whose cell phone that was?

21 A. That belonged to the defendant, Ms. Tiawanda
22 Moore.

23 MR. PIWOWARCZKY: I have no further questions.

24 THE COURT: Any cross?

1 MR. BAKER: No.

2 THE COURT: Argument, please.

3 MR. BAKER: Your Honor, we seek finding of no
4 probable cause and Ms. Moore to be discharged.

5 I've had an opportunity to look at the
6 statute here concerning the eavesdropping, and it seems
7 to me the prosecution has to prove that a person
8 knowingly an intentionally decide to eavesdrop on an
9 official, your Honor.

10 There's been no evidence that she knowingly
11 intentionally intended to eavesdrop. She simply had a
12 cell phone on where a recording device may have been
13 activated. There's no telling or there's no evidence as
14 to how that cell phone may have been activated. And all
15 of us who use cell phones know that it's very easy to
16 push the wrong button or it's very easy to activate
17 something unintentionally.

18 When Officer Alejo asked her concerning that
19 cell phone, she denied eavesdropping because she did not
20 intend to eavesdrop. She simply pressed the wrong
21 button, your Honor. And on that basis, I don't believe
22 that the prosecution has in any way met the elements of
23 the offense. On that basis, I believe this woman should
24 be discharged.

1 THE COURT: State, briefly.

2 MR. PIWOWARCZYK: Yes, your Honor. The
3 circumstantial evidence in this case points directly to
4 the defendant knowingly making this recording. Cell
5 phones don't activate themselves.

6 THE COURT: Okay. The burden -- counsel for
7 defense knows the burden is different as opposed to
8 trial. Based upon the burden that the State has at this
9 point, there will be a finding of probable cause. Motion
10 state, transfer to the Chief Judge, Room 101, September
11 15th at 9:00 a.m.

12 Defendant demands trial that will be the
13 order.

14 MR. BAKER: Your Honor, would you consider a bond
15 review for Ms. Moore? Ms. Moore is poor, she's indigent,
16 she has no background. And the offense is relatively a
17 minor one, it doesn't really involve the general public,
18 it involves the Police Department and I think an I-Bond
19 here may be appropriate.

20 THE COURT: What's bond been set at?

21 MR. BAKER: \$15,000.

22 THE CLERK: 10.

23 MR. BAKER: \$10,000. Please, excuse me.

24 THE COURT: Does the defendant have any

1 background, State?

2 MR. PIWOWARCZYK: No convictions, your Honor.

3 The State is not going to waive notice on the
4 bond review on this case.

5 MR. BAKER: Judge, we're asking for the Court to
6 review her bond as for bond review sua sponte.

7 THE COURT: All right. Motion to reduce bond is
8 granted.

9 Bond set 5,000-D. It's still going to be a D
10 bond. 5,000 D. Good luck.

11 MR. BAKER: Thank you, your Honor.

12 (Whereupon, the case was
13 continued to 9/15/10.)
14
15
16
17
18
19
20
21
22
23
24

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF COOK)

3 | IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - FIRST MUNICIPAL DISTRICT

5 I, Lanetta M. Nunn, an Official Court Reporter for the
6 Circuit Court of Cook County, County Department,
7 First Municipal District, do hereby certify that I
8 reported in machine shorthand the proceedings had at the
9 hearing in the above-entitled cause; that I thereafter
10 caused the foregoing to be transcribed into typewriting,
11 which I hereby certify to be a true and accurate
12 transcript of the report of proceedings had before the
13 HONORABLE EDWARD HARMENING, Judge of said Court.

14

15

16

17

18

19

20

21

22

23

24

Janella M. Dunn
Official Court Reporter-CSR No. 84-03354

Dated this 31st day
of August, 2010.

EXHIBIT C

IN THE CIRCUIT COURT OF CHAMPAIGN COUNTY, ILLINOIS

During the Month of SEPTEMBER A.D., 2004

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

PATRICK D. THOMPSON



SEP 02 2004

Linda S. Frank
CLERK OF THE CIRCUIT COURT
CHAMPAIGN COUNTY ILLINOIS

INDICTMENT

EAVESDROPPING

A TRUE BILL

Harry R. [Signature]
Foreman of the Grand Jury

WITNESSES

David Griffet, IV, Champaign Police Department

Bond fixed in the amount of

\$ _____

Judge

STATE OF ILLINOIS)
) ss.
COUNTY OF CHAMPAIGN)

Criminal No. 04-CF-1609
Count 1

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT, CHAMPAIGN COUNTY,
ILLINOIS, in the year of our Lord Two Thousand Four

FILED
SIXTH JUDICIAL CIRCUIT

SEP 02 2004

THE GRAND JURORS, Chosen, selected and sworn in and for the County of Champaign,
in the name and by the authority of the State of Illinois, upon their oaths do present:

Laurel S. Finkbeiner
CLERK OF THE CIRCUIT COURT
CHAMPAIGN COUNTY, ILLINOIS

THAT PATRICK D. THOMPSON

late of said County, on or about June - July

in the year of our Lord Two Thousand Four at and within

the said County of Champaign and State of Illinois aforesaid committed the offense of:

EAVESDROPPING-CLASS 1 FELONY,

In that the said defendant knowingly and intentionally used an eavesdropping device for the purpose of recording a conversation between Allen Wilson and David Griffet, IV, without the consent of Allen Wilson and David Griffet, IV, and that David Griffet, IV was a law enforcement officer engaged in the performance of official duties at the time of said recording, in violation of 720 Illinois Compiled Statutes, 5/14-2(a)(1)(A).

Contrary to the form of the Statute in such case made and provided and against the peace
and dignity of the said People of the State of Illinois.

John C. Piland

John C. Piland, State's Attorney

CHAMPAIGN POLICE DEPARTMENT



Page 1 of 5

INCIDENT DETAIL

Officer Number 7914		METCAD Event # 042470141		Shift 3		Case Number CC0410399	
Occurred 06/29-07/29/2004		23:00-07:00		DOW			
Reported 09/03/2004 04:58		DOW Friday		Time Dispatched 00:00		Time Arrived 00:00	
Incident Adr. 100 N FIRST X STR (E UNIVERSITY & E PA CHAMPAIGN				Loc Type 279. PARKING LOT - MUNICIPAL		GEO 54508	
Related Incident Numbers 704-9247							

OFFENSE

Offense Crime Code/Description	CSA	Act	# Pr.	Force	Circ.	Weapon	Bias
5.000 EYES DROPPING			000	NO		99	88

SYNOPSIS

An officer's conversations were illegally recorded during a bar closing incident and a large gathering at a local business between the listed dates.

VICTIM

Name GRIFFET IV, DAVID I		Address 82 UNIVERSITY AVENUE E CHAMPAIGN, IL 61820				Telephone (217)351-4545			
Emp Code Y	Employer/School Name CITY OF CHAMPAIGN				Emp. Address 82 UNIVERSITY AVENUE E CHAMPAIGN, IL 61820		Emp. Tel. (217)351-4545		
DOB 09/09/1966	Age (when occurred) 37	Race W	Sex M	Ht. 508	Wt. 185	Hair BRO	Eye BRO	SSN 000-00-0000	DL#
Injury Code N	Victim Code I	Hospitalized NO	Treated by						

Name WILSON, ALLEN D		Address 1209 1/2 MAIN STREET E URBANA, IL 61801				Telephone Unknown			
Emp Code U	Employer/School Name UNKNOWN				Emp. Address		Emp. Tel. Unknown		
DOB 06/07/1968	Age (when occurred) 36	Race B	Sex M	Ht. 510	Wt. 220	Hair BLK	Eye BRO	SSN 000-00-0000	DL#
Injury Code N	Victim Code I	Hospitalized NO	Treated by						

OTHER

Name ROGERS, RACHEL J		Address 38 GURTH DRIVE URBANA, IL 61821				Telephone (217)344-3077			
Emp Code U	Employer/School Name UNKNOWN				Emp. Address		Emp. Tel. Unknown		
DOB 06/23/1967	Age (when occurred) 37	Race B	Sex F	Ht. 505	Wt. 250	Hair BLK	Eye BRO	SSN 000-00-0000	DL#
Injury Code N	Victim Code I	Hospitalized NO	Treated by						

Reporting Officer: GRIFFET, DAVID

officer's initials

approved

8914

OTHER CONTD.

CC0410399

OTHER CONTD.

ARRESTEE/OFFENDER

Name MILLER, EDWARD MARTEL(offender)		Address 204 PARK STREET E CHAMPAIGN, IL 61820		Telephone (217)356-8857	
Emp Code U	Employer/School Name UNKNOWN		Emp. Address		Emp. Tel. Unknown
DOB 07/04/1961	Age (when occurred) 42	Race B	Sex M	Ht. 511	Wt. 235
		Hair BLK	Eye BRO	SSN 000-00-0000	DL#
Injury Code N	Victim Code I	Hospitalized NO	Treated by		
Name THOMPSON, PATRICK L(offender)		Address 3 SOUTHWOOD COURT CHAMPAIGN, IL 61821		Telephone Unknown	
Emp Code U	Employer/School Name UNKNOWN		Emp. Address		Emp. Tel. Unknown
DOB 11/12/1968	Age (when occurred) 35	Race B	Sex M	Ht. 506	Wt. 155
		Hair BLK	Eye BRO	SSN 000-00-0000	DL#
Injury Code N	Victim Code I	Hospitalized NO	Treated by		

RELATION MATRIX

Offense	Victim	Relation Code	Offender
5000	GRIFFET IV, DAVID I	RU	MILLER, EDWARD MARTEL
5000	GRIFFET IV, DAVID I	RU	THOMPSON, PATRICK L
5000	WILSON, ALLEN D	RU	THOMPSON, PATRICK L

NARRATIVE

Reporting Agent: Sergeant David Griffet

On Tuesday, August 31, 2004, after 2300 hours I met with Champaign County Assistant State's Attorney Elizabeth Dobson who gave me a VHS tape. Ms. Dobson told me that this tape is a copy of a tape that was submitted to the City of Urbana public television network for broadcasting on the local access channel. Ms. Dobson told me that she had obtained the copy with the issuance of a subpoena. Ms. Dobson asked me to review the tape and see what the tape shows.

Note: It should be noted that I was made aware of this tape by Urbana Police Lieutenant Mike Metzler about a week ago. I was at the Champaign County State's Attorney's Office when Lt. Metzler told me that he had reviewed this tape and had found that several officers had been illegally recorded.

Reporting Officer: GRIFFET, DAVID

officer's initials

approved

9/14

NARRATIVE CONTD.

NARRATIVE CONTD.

On Wednesday, September 4, 2004, I reviewed the tape and I observed video footage, which showed officers being illegally recorded while performing as police officers. Two (2) of the recorded incidents involved me. They were as follows:

Sometime between the first part of June, 2004 and July 2004, I was at the High Twelve Club monitoring the crowd at closing time. While watching the crowd, a fight broke out between two (2) females who had been separated by officers earlier in the evening. I helped separate the females and they were issued City NTA's for violating the City's fighting ordinance.

After this incident calmed down, I walked across the parking lot north of CPD (100 N. First Street) to watch another group of subjects when I came upon Martel. I saw a video camera in Martel's hands, however I did not know what type of footage he was recording or if he was recording at that time. I greeted Martel and I asked him if he had any problems with what had occurred. He said that he did not. He said that he was just out here, like I am. I told him that I worked for the citizens of Champaign and he said, "so do I."

I then went about my business and finished clearing the crowd.

The second incident on the video tape involving me occurred after June 29, 2004, at the Mac's located at 601 North Neil Street.

Note: It should be noted that during this time period CPD officers were routinely called to this business to remove large groups of people who had gathered in the parking lot after bar closing hours.

On this specific occasion Ms. Dobson was riding with me. When I arrived and observed a large crowd, Ms. Dobson offered to videotape the crowd's action from a safe distance. There was no voice recording, only video footage. As Ms. Dobson videotaped the crowd, she was soon videotaped by Patrick Thompson.

Reporting Officer: GRIFFET, DAVID

officer's initials

approved *J.S./9*

NARRATIVE CONTD.

CC0410399

NARRATIVE CONTD.

I then went to walk through the crowd and I came upon Allen Wilson, a person who I have had many police contacts with.

Note: It should be noted that in addition to being a Sergeant at the Champaign Police Department, I am also employed as a part-time Investigator for the Champaign County State's Attorneys Office in the Domestic Violence Unit.

During one (1) of these previous contacts Allen was a witness to a domestic situation (Violation of Order of Protection) involving Rachel Rogers. When I had spoken with Allen, I was in possession of a subpoena to be served on Rachel in the pending Violation of Order of Protection case, which Allen had witnessed. I told Allen that I had looked for Rachel at her home, but that I had not located her nor had she returned any of my requests to telephone me. Allen was intoxicated and very loud, however we had a conversation and he provided me a telephone number to contact Rachel. I thanked Allen for his time and he left the area.

On Wednesday, September 1, 2004, I returned this tape back to Ms. Dobson.

On Thursday, September 2, 2004, I appeared before the Champaign County Grand Jury to provide testimony regarding the August 7, 2004, incident. During this testimony I also testified to what I had heard and observed on the tape provided by Ms. Dobson. After testifying before the Grand Jury, Ms. Dobson asked me to complete a report pertaining to those incidents where I was illegally recorded.

Note: Attached is a copy of the VEYA letter submitted to Chief Finney on March 26, 2004, regarding the VEYA citizen watch program and what they would be doing in the community.

See 704-9247 for details regarding smilar incident.

Reporting Officer: GRIFFET, DAVID

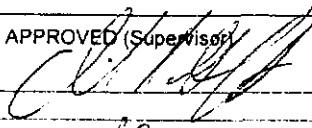
officer's initials

approved

J 9/4

CC0410399

Page 5 of 5

Copied By:		Entered/Filed By:	
Miscellaneous/Leads #'s			
Signature of Reporting Officer	date	APPROVED (Supervisor)	date
			9/3/04
No secondary dissemination without consent from Champaign Police Dept.			
Reporting Officer: GRIFFET, DAVID		officer's initials	approved <u>9/14</u>

CHAMPAIGN POLICE DEPARTMENT**SUPPLEMENTAL REPORT**

Page 1 of 2

SUPPLEMENTAL DETAIL

Case Number CC0409247	Officer Number 7914	Date Entered 09/03/2004	Date/Time of Orig. Rpt. 08/07/2004 23:26
Incident Address 926 W BRADLEY AVENUE X STR (926 W BRADLEY/1200 CHAMPAIGN		Title of Report: Eavesdropping	

NARRATIVE

Reporting Agent: Sergeant David Griffet

This is a supplemental report.

On August 7, 2004, just after 2330 hours I was asked to respond to the 900 block of West Bradley Avenue, Champaign, Champaign County, Illinois. Upon arrival I was told that officers suspected that Martel Miller had been recording their conversations with his video camera.

I spoke with Martel and explained what I had been told. I asked him if I could view the documented footage and he gave me the camera so I could review it. While reviewing a short section of the tape I could hear Officer Clinton's voice on the tape.

I then went to my squad car and I spoke briefly with Champaign County Assistant State's Attorney Elizabeth Dobson who had been riding along with me. I told Ms. Dobson what I had found. I told her that I wanted to seize the tape since it was potential evidence of a crime and the recorder since it was used to make the recording. Ms. Dobson told me that I had the authority to do this without a warrant.

I then met with Martel and I told him that I would be seizing the tape and the recorder. He then called Patrick Thompson on his cellular telephone and Patrick soon arrived and yelled at me.

I later reviewed the footage on the tape at CPD and I found a traffic stop involving a University of Illinois police officer. After this discovery I contacted Sgt. Frederick at the University of Illinois Police Department and Sgt. Frederick told me that he would have his officer complete a report.

Reporting Officer: GRIFFET, DAVID

officer's initials

approved

J. 714

NARRATIVE CONTD.

CC0409247

Page 2 of 2

NARRATIVE CCNTD.

See previous reports for further details.

Copied By:		Entered/Filed By:	
Miscellaneous/Leads #'s			
Signature of Reporting Officer	date	APPROVED (Supervisor)	date
		<i>[Signature]</i> 9/14	9/13/04

No secondary dissemination without consent from Champaign Police Dept.

Reporting Officer: GRIFFET, DAVID

officer's initials

approved

8914

EXHIBIT D

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO

THE PEOPLE OF THE STATE OF ILLINOIS

Vs

Name Wight, Jeremy B.

Address 324 W. 4th St.

Pecotonica, IL

Sex: m Race: w DOB: 080785

Defendant

NUMBER _____

CASE NUMBER 05-210059

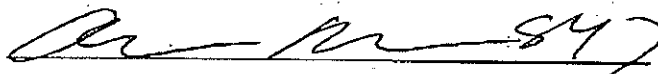
CRIMINAL COMPLAINT

Complainant, Officer Andrew Morse on oath charges:

That on the 29th day of July, 2005, in the County of Winnebago, State of Illinois, Jeremy Wight
committed the offense of:

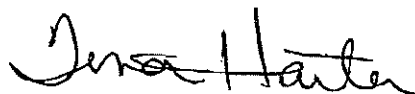
EAVESDROPPING

in that the defendant, Jeremy Wight, in violation of Section 14-2(a)(3) Act 5 of Chapter 720 of the *Illinois Compiled Statutes of said State*, in that the said defendant knowingly used a cellular telephone to audio record the conversation with Officer Morse, without Officer Morse' consent or knowledge.



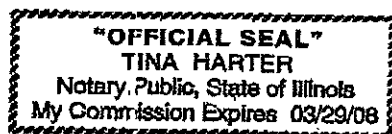
Complainant

Sworn to before me 29 of July 2005.



Notary Public

Class 1



STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT

COUNTY OF WINNEBAGO

PEOPLE OF THE STATE OF ILLINOIS,)
PLAINTIFF,)

VS)

JEREMY WIGHT,)
DEFENDANT)

CRIMINAL
No. 05CF2454

INFORMATION

The State's Attorney of said County charges:

That on or about the 29th day of July, 2005, in the County of Winnebago and State of Illinois, JEREMY WIGHT committed the offense of ATTEMPT, in that the said defendant, with the intent to commit the offense of EAVESDROPPING, in violation of 720 ILCS 5/14-2(a)(1)(A), performed a substantial step toward the commission of that offense, in that the defendant attempted to knowingly and intentionally use an eavesdropping devise for the purpose of recording a conversation between himself and Andrew Morse, without the consent of Andrew Morse, in violation of 720 ILCS 5/8-4(a)(Class A misdemeanor).

Paul A. Logli
State's Attorney of the County of Winnebago

BY:

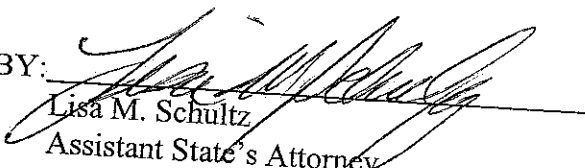

Lisa M. Schultz
Assistant State's Attorney

EXHIBIT E

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY**

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

JURGIS BABARSKAS

)
) CASE NO. 2006 CF 537
)
)
)
)

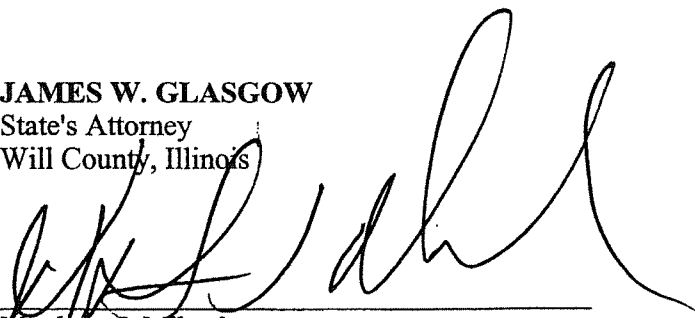
INFORMATION

JAMES W. GLASGOW, State's Attorney of Will County, Illinois, now appears before the Circuit Court of Will County and in the name and by the authority of the People of the State of Illinois, states that on or about February 20, 2006 at and within Will County, Illinois, Jurgis Babarskas, a male person, committed the offense of:

**EAVESDROPPING
(Class 1 Felony)**

in that, said defendant, knowingly used an eavesdropping device to record a conversation in part between John Sullivan and Jurgis Babarskas, without the consent of John Sullivan, while John Sullivan was a law enforcement officer, in the performance of his official capacity, in violation of Chapter 720, Section 5/14-2(a), of the Illinois Compiled Statutes, 2006 and AOIC 0013012.

JAMES W. GLASGOW
State's Attorney
Will County, Illinois



Matthew J. Mikuska
Assistant State's Attorney
Will County, Illinois

MJM/cmg

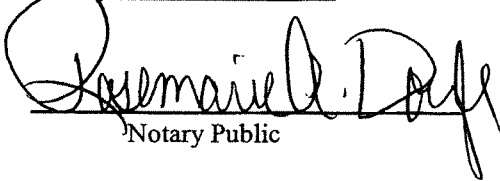
STATE OF ILLINOIS)
)
COUNTY OF WILL) SS.

Matthew J. Mikuska, Assistant State's Attorney of Will County, Illinois being first duly sworn, on his oath, deposes and says that he has read the foregoing information by him subscribed and that the matters and things therein stated are true to the best of his knowledge, information and belief.

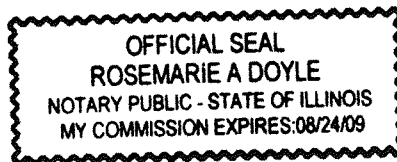
Matthew J. Mikuska
Assistant State's Attorney
Will County, Illinois

Subscribed and sworn before me

on April 6, 2006., A.D.



Notary Public



I have examined the above information and the person presenting the same and am satisfied that there is probable cause for filing the same. Leave is given to file said information.

Bail set at \$ _____.

Warrant of Arrest ordered
 stayed to issue.

Judge

EXHIBIT F

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
CRAWFORD COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)

VS)

MICHAEL D. ALLISON,)

Defendant(s))

CASE NO. 2009-CF - 50

FILED

APR 08 2009

INFORMATION

Thomas R Wiseman, Crawford County State's Attorney charges:

Thomas R. Wiseman
CRAWFORD CO. CIRCUIT COURT
CRAWFORD CO. ILLINOIS

COUNT I

That on or about 26th day of November, 2008, in Crawford County, Illinois, **MICHAEL D. ALLISON**, committed the following offense of **EAVESDROPPING** in that said Defendant, knowingly and intentionally used an eavesdropping device, a DS-30 digital recorder, for the purpose of recording a conversation between Chief Bill Ackman, a law enforcement officer, and Michael D. Allison, while in the performance of Chief Bill Ackman's official duties, and without the consent of Chief Bill Ackman, in violation of SECTION 14-2(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes of said State. Class 1 Felony.

COUNT II

That on or about 6th day of December, 2008, in Crawford County, Illinois, **MICHAEL D. ALLISON**, committed the following offense of **EAVESDROPPING** in that said Defendant, knowingly and intentionally used an eavesdropping device, a DS-30 digital recorder, for the purpose of recording a conversation between Officer William Rutan, a law enforcement officer, and Michael D. Allison, while in the performance of Officer William Rutan's official duties, and without the consent of Officer William Rutan, in violation of SECTION 14-2(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes of said State. Class 1 Felony.

COUNT III

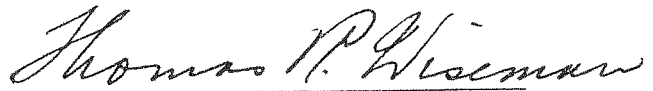
That on or about 19th day of December, 2008, in Crawford County, Illinois, **MICHAEL D. ALLISON**, committed the following offense of **EAVESDROPPING** in that said Defendant, knowingly and intentionally used an eavesdropping device, a DS-30 digital recorder, for the purpose of recording a conversation between Debbie Phillippe, and Michael D. Allison, without the consent of Debbie Phillippe, in violation of SECTION 14-2(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes of said State. Class 4 Felony.

COUNT IV

That on or about 31st day of December, 2008, in Crawford County, Illinois, **MICHAEL D. ALLISON**, committed the following offense of **EAVESDROPPING** in that said Defendant, knowingly and intentionally used an eavesdropping device, a DS-30 digital recorder, for the purpose of recording a conversation between Nancy Ulrey, Craig Weber and Michael D. Allison, and without the consent of Nancy Ulrey and Craig Weber, in violation of SECTION 14-2(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes of said State. Class 4 Felony.

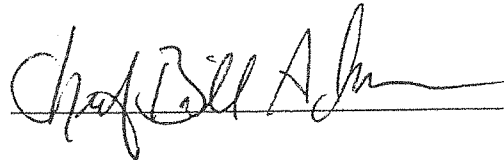
COUNT V

That on or about 13th day of January, 2009, in Crawford County, Illinois, **MICHAEL D. ALLISON**, committed the following offense of **EAVESDROPPING** in that said Defendant, knowingly and intentionally used an eavesdropping device, a DS-30 digital recorder, for the purpose of recording a conversation between the Honorable Kimbara G. Harrell, a judge, and Michael D. Allison, while in the performance of the Honorable Kimbara G. Harrell's official duties, and without the consent of the Honorable Kimbara G. Harrell, in violation of SECTION 14-2(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes of said State. Class 1 Felony.


State's Attorney

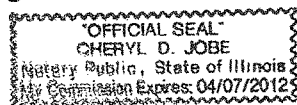
State of Illinois)
) ss:
County of Crawford)

The undersigned, on oath, says that the facts set forth in the foregoing Information are true in substance and matter of fact.



Subscribed and sworn to before me this 3rd day of April, 2009.


NOTARY PUBLIC



STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUITCRAWFORD COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

No. 2009-CF-50
Cts. I - VMICHAEL D. ALLISON

(Defendant)

WARRANT OF ARREST

TO ALL PEACE OFFICERS OF THE STATE OF ILLINOIS:

You are hereby commanded to arrest MICHAEL D. ALLISON, 405 S. Lincoln, Robinson, IL

(Name)

male

(Sex M/F)

01/12/1969

(Date of Birth)

and bring said person without unnecessary delay before

Presiding

(Judge)

of the Circuit Court of the Second

Judicial Circuit,

Crawford

County, in the courtroom usually occupied by him in the

CrawfordCounty Courthouse in the City of Robinson,or if he is absent or unable to act, before the nearest or most accessible court in said County, to answer a charge made against said person for the offense of EAVESDROPPING, Cts. I, II, III, IV, and V

and hold said person to bail.

If any geographical limitation is placed on the execution of the warrant, specify such limitations as follows:

STATE OF ILLINOIS

If no geographical limitation is placed on the execution of the warrant then it may be executed anywhere in the State.

The amount of bail is \$ 35,000.00

ISSUED AT

CRAWFORD

COUNTY ILLINOIS, this

15th

day of

April2009

(year)

(Judge)

Stephen G. Payer

State of Illinois

ss.

County of _____

RETURN OF SERVICE

I have executed the within Warrant by arresting the within-named defendant. In accordance with the provisions of 725 ILCS 5/110-9, defendant released on bail in Sum of \$ _____, with security: _____

(Description of Security)

(Surety: _____)

(Name)

(Address)

this _____ day of _____,

(year)

to appear in court on _____

this _____ day of _____, _____ at _____ M. o 'clock, Central _____ Time

FEES: Service and Return \$ _____; Mileage (_____ mi. @ _____ c) \$ _____; TOTAL: \$ _____

(Signature)

PATRICIA RPD

(Official Capacity)

EXHIBIT G

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DE KALB COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff)
vs.)
FANON PARTEET)
Defendant)

No. 10 CF 49

FILED

JAN 20 2010

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

INFORMATION

COUNT ONE

In the name and by the authority of the People of the State of Illinois, John Farrell, DeKalb County State's Attorney, by his Assistant, Nicholas R. Gaeke, on information and belief from Officer Rominski, DeKalb Police Department, charges that on or about November 24, 2009 Fanon Parteet, hereinafter Defendant, committed the offense of **EAVESDROPPING (Class 4 Felony)**, in violation of in violation of 720 ILCS 5/14-2(a)(1), in that the defendant knowingly and intentionally used an eavesdropping device, being a camera-equipped cellular telephone, for the purpose of recording a conversation between Officer Rominski and Joshua Cooper without the permission of one of the parties to said conversation, being Officer Rominski.

John Farrell
DeKalb County State's Attorney

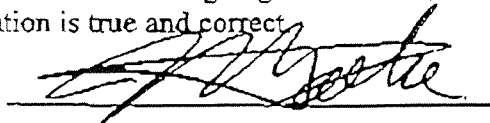
BY: 

Assistant State's Attorney

VERIFICATION

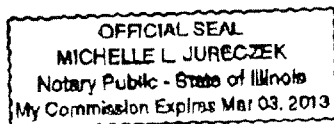
STATE OF ILLINOIS)
)
COUNTY OF DE KALB) SS

I, the undersigned, on oath say that I have examined the foregoing Information, and on information and belief do believe the above information is true and correct



Subscribed and sworn to before me
this 20th day of January, 2010.


Notary Public/Judge



IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
DE KALB COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff)
vs.)
ADRIAN PARTEET)
Defendant)

No. 10 CF 48

FILED
JAN 20 2010

Maureen A. Josh
Clerk of the Circuit Court
DeKalb County, Illinois

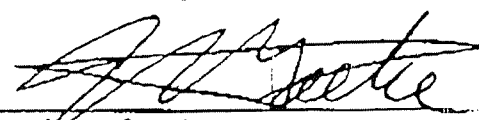
INFORMATION

COUNT ONE

In the name and by the authority of the People of the State of Illinois, John Farrell, DeKalb County State's Attorney, by his Assistant, Nicholas R. Gaeke, on information and belief from Officer Rominski, Dekalb Police Department, charges that on or about November 24, 2009 Adrian Parteet, hereinafter Defendant, committed the offense of **EAVESDROPPING (Class 4 Felony)**, in violation of in violation of 720 ILCS 5/14-2(a)(1), in that the Defendant knowingly and intentionally used an eavesdropping device, being a camera-equipped cellular telephone, for the purpose of recording a conversation between Officer Densberger of the DeKalb Police Department and a passenger in the vehicle occupied by the Defendant, without the permission of one of the parties to said conversation, being Officer Densberger.

John Farrell
DeKalb County State's Attorney

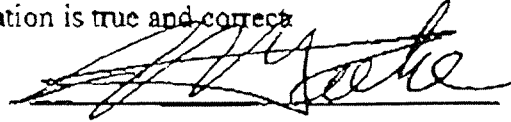
BY:


Assistant State's Attorney

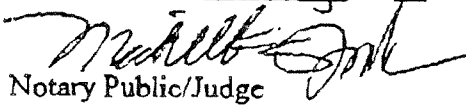
VERIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF DE KALB)

I, the undersigned, on oath say that I have examined the foregoing Information, and on information and belief do believe the above information is true and correct



Subscribed and sworn to before me
this 20th day of January, 20 10


Notary Public/Judge

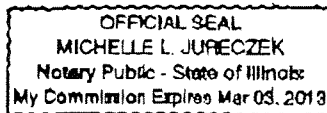


EXHIBIT H

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS
Plaintiff

VS NIKITA BIDDLE
Defendant

General Number: 10 CF 421

INDICTMENT

COUNT 1

The Grand Jury charges that on or about February 17, 2010, defendant,

NIKITA BIDDLE

committed the offense of

EAVESDROPPING
Class 4 Felony,

in violation of Chapter 720, Section 5/14-2(a)(1) of the Illinois Compiled Statutes, as amended, in that defendant knowingly and intentionally used an eavesdropping device, (a Sony micro tape recorder), for the purpose of recording a conversation between Officer Joshua Horton #323 and the defendant without the consent of Officer Joshua Horton #323, in the City of Aurora, County of Kane, State of Illinois.

All of the foregoing occurring in Kane County, Illinois.

A TRUE BILL

Cynthia J. Rogers

Foreperson of the Grand Jury

FILED
APR - 8 2010
28 23
FILED
ENTERED

LIST OF WITNESSES

Hhorton 323 MUST GO

Aurora Police Dept

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS
CRIMINAL DIVISION

ORDER

The foregoing Indictment was returned in open court on April 6, 2010. APR - 8 2010

Bail is set at \$ _____

(XX) Bond stands as previously ordered.

1. () Arrest Warrant ordered to issue for the arrest of the Defendant NIKITA BIDDLE, returnable for arraignment, before the Hon. Judge Mueller in Room 313, or such Judge as may be sitting in his/her place.

.....or.....

2. () Arrest Warrant previously ordered to continue for the arrest of the Defendant NIKITA BIDDLE returnable for arraignment, before the Hon. Judge Mueller in Room 313, or such Judge as may be sitting in his/her place.

_____ **or** _____

3. () Notice/ _____ summons ordered to issue against the Defendant NIKITA BIDDLE returnable _____ at _____ A.M., before the Hon. Judge Mueller in Room 313, or such Judge as may be sitting in his/her place.

4. (XX) This matter set for arraignment on the pre-existing Court date of April 6, 2010 requiring the defendant NIKITA BIDDLE to appear before the Hon. Judge Mueller in Room 313 or such Judge as may be sitting in his/her place.

Enter:

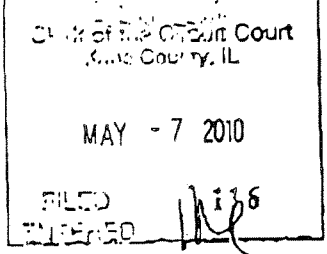
4-8-10

Thomas M. Mue
Judge

JOHN A. BARSANTI
State's Attorney of Kane County
37W777 Rt. 38 – Kane County Judicial Center
St. Charles, IL 60175
(630) 232-3500

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT KANE COUNTY, ILLINOIS

Case No. 10 CF 421

Plaintiff(s) <u>People</u>	Defendant(s) <u>Nikita Biddle</u>	 MAY - 7 2010 FILED 1136 File Stamp
Plaintiff(s) Atty. <u>Lang</u>	Defendant(s) Atty. <u>Conant</u>	
Judge <u>Mueller</u>	Court Reporter <u>Jackie</u> Deputy Clerk	
A copy of this order <input type="checkbox"/> should be sent <input type="checkbox"/> has been sent <input type="checkbox"/> Plaintiff Atty. <input type="checkbox"/> Defense Atty. <input type="checkbox"/> Other		

PLEA OF GUILTY

THE COURT HAVING ADDRESSED THE DEFENDANT IN OPEN COURT FINDS:

That the defendant was advised of and understands that the state has the burden of proving him/her guilty beyond a reasonable doubt; that he/she is presumed innocent until proven guilty, the nature of the charge(s) and the possible punishment that might be imposed by the Court, including, if applicable, extended term or consecutive sentences and the right:

- (A) To plead not guilty or to persist in that plea if already made.
- (B) To present evidence in his/her own defense
- (C) To use the subpoena power of the Court.
- (D) To a jury trial or a trial before the judge without a jury.
- (E) To confront the witnesses against him/her.
- (F) To counsel and if indigent, to appointed counsel.
- (G) To pursue an appeal within 30 days, and if indigent, to a transcript of all the proceedings in his/her case without charge to assist in the appeal process

- ☐ That the defendant has waived right to counsel.
- ☒ That the defendant understands that if he/she is not a U.S. citizen that this plea could result in his/her deportation.
- ☒ That a plea agreement as stated to the Court was voluntarily arrived at: The defendant has stipulated that if witnesses were called that they would testify competently to sufficient facts to support a finding of guilty to the offense(s) of:

Eavesdropping Class 4 Statute 720 ILCS 5/14-2(a)(1)
 Count 1 ☒ Original ☐ Amended

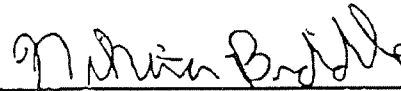
- ☒ That the defendant pleads guilty to the offense(s) stated above, and waives his/her rights as stated in (A) thru (E) above.
- ☒ That the defendant agrees to the imposition of a specific sentence and waives the right to a pre-sentence investigation or an aggravation and mitigation hearing.
- ☐ That the defendant makes an unconditional (COLD) plea(s) to the charge(s) and asserts the right to a pre-sentence and aggravation and mitigation hearing.
- ☐ That the probation office of this Court is directed to conduct a pre-sentence investigation. A written copy is to be furnished to the Court, the defendant and the State's Attorney not less than three (3) Court days before the date set herein for sentencing.

☒ Sentencing hearing is continued to Instantly at m., in Room of the

- ☐ Kane County Judicial Center, 37W777 Rt. 38, St. Charles, IL ☐ Elgin Branch Court, 150 Dexter Ct., Elgin, IL
- ☐ Aurora Branch Court, 350 N. River St., Aurora, IL ☐ C'ville Branch Court, 1500 L.W. Besinger Dr., C'ville, IL

Date: 5-7-10

Defendant's Signature




P1-CR-001 (11/03) Page 1 of 2 (P1CR002, P1CR019 DUI or P1CF005)

White - Clerk Green - Probation Yellow - SAO Pink - Deft Gold - Counseling Service

Print 06/09

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS

Case No. 10 CF 421

People of State of Illinois Plaintiff(s)	Nikita Biddle Defendant(s)	<div>Clerk of the Circuit Court Kane County, IL</div> <div>MAY - 7 2010</div> <div>FILED 116</div> <div>ENTERED</div> <div>File Stamp</div>	
<u>Lang</u> Plaintiff(s) Atty.	<u>Conant</u> Defendant(s) Atty.		
Judge <u>Mueller</u>	Court Reporter <u>Jackie</u>		Deputy Clerk
A copy of this order <input type="checkbox"/> should be sent <input type="checkbox"/> has been sent			
<input type="checkbox"/> Plaintiff Atty. <input type="checkbox"/> Defense Atty. <input type="checkbox"/> Other			

JUDGMENT ORDER (JGMO)

- ☒ The Court/Jury having found the defendant guilty of: Forechopping car
☒ Original ☐ Lesser/Incl. ☐ Amended Statute: 720 ILCS 5/14-2(a)(1)
☐ A motor vehicle was involved in the commission of the felony

☒ Judgment entered on conviction and sentence (101).

☒ Nolle Prosequi Count(s) Any remaining

UPON THE DEFENDANT'S PLEA/VERDICT OF GUILTY THE FOLLOWING SENTENCE IS HEREBY IMPOSED

- | | Months | Days |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| <input type="checkbox"/> 208 - Withhold Judgment - Court Supervision | | |
| <input type="checkbox"/> 215 - Withhold Judgment - 720 ILCS 550/710 Probation | | |
| <input type="checkbox"/> 216 - Withhold Judgment - 720 ILCS 570/410 Probation | | |
| <input checked="" type="checkbox"/> 204 - Probation (Automatic \$25 month fee <u>18</u> months <input type="checkbox"/> fee waived) | <u>18</u> | <u>00</u> |
| <input type="checkbox"/> 210 - Intensive Probation for _____ months. | | |
| <input type="checkbox"/> 206 - Conditional Discharge (\$50 per calendar year fee _____ years <input type="checkbox"/> fee waived) | | |
| <input type="checkbox"/> 209 - Perform public service _____ hours. | | |
| <input type="checkbox"/> 213 - Electronic Monitoring: \$ _____ (per day) \$ _____ (total) | | |

The Defendant to report to ☐ Judge ☒ Court Services ☐ Judge and Court Services ☐ Non Reporting

☐ Fine: \$ _____ ☒ Fine = \$ 0 after Pretrial Detention Credit. ☒ Costs: \$ 350 ☐ Sex Assault Fee \$100

☐ Statutory Assessment Fee: \$ _____ ☐ Sex Registration Fee: \$ _____ ☐ Drug Assessment Fee \$ _____

☒ DNA Fee \$200 + Collection Fee of \$12 to ACS ☐ Spinal Cord Injury \$5 ☐ Drug Fine: \$ _____

☒ Drug Testing Fee: \$ 100 ☐ IPS-Fee \$200 ☐ Crime Lab Fee \$100 ☐ Pub Def Fee of \$ _____ ☐ Reserved

☐ Restitution: \$ _____ to _____ (Name and Address)

☐ Sheriff's costs: \$ _____ ☐ Fee Waived ☒ Trauma Center Fee: \$100 ☐ Abuser Serv. Fee \$20 ☐ Other \$ _____

THE DEFENDANT SHALL PAY FINES, COSTS, AND FEES, totaling (including Probation) \$ _____ in monthly

payments of \$ _____ per month, with the first payment due _____. Monthly payment

does not include weekend fees or any fees assessed prior to or post disposition. ACS to determine equal

THE DEFENDANT TO SERVE THE FOLLOWING PERIODS OF INCARCERATION

- | | Years | Months | Days |
|------------------------------------------------------------------------------------------------------------------|-------|--------|------------------------|
| <input type="checkbox"/> 201 - Department of Corrections | | | |
| <input checked="" type="checkbox"/> 202 - Kane County Jail | | | <u>160</u> <u>GTTA</u> |
| <input type="checkbox"/> 203 - Periodic Imprisonment (\$15 per day-weekend equals 3 days) | | | |
| <input checked="" type="checkbox"/> 250 - Credit for time served: <u>80 days</u> <u>RELEASE</u> <u>INSTANTER</u> | | | |

☐ The sentence of _____ shall run ☐ Consecutive ☐ Concurrent to the term imposed by the

Circuit Court of _____ County, case number _____

☐ Defendant to begin incarceration on _____

THE DEFENDANT TO COMPLY WITH THE FOLLOWING CONDITIONS:

- ☐ Follow all rules of ☐ Probation ☐ Conditional Discharge ☐ Electronic Home Monitoring ☐ Community Service ☐ TASC
- ☐ Alcohol/Drug Evaluation ☒ KCDC Evaluation/Treatment ☒ No Contact with abusive Maple Terrace Apt. Management
- ☒ Other: no recall any warrants except all open dates

Date: 5-7-10

Judge: Thomas Mueller

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

Case No. 10 CF 421

<p align="center"><u>People</u></p> <p>Plaintiff/Petitioner</p>	<p align="center"><u>Nikita Biddle</u></p> <p>Defendant/Respondent</p>	<p align="center">Clerk of the Circuit Court Kane County, IL</p> <p align="center">MAY -7 2010</p> <p align="center">FILED 115 ENTERED <u>[Signature]</u></p> <p align="center">File Stamp</p>
-----------------------------------------------------------------	------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

RULES AND CONDITIONS OF PROBATION

IT IS THE FINDING OF THE COURT that the above named defendant has been adjudged guilty of the crime of Evanshopping. Therefore, it is the sentence and order of the Court that the above named defendant be sentenced to Probation for a period of 18 months. 5-7-10 to 11-6-11

It is further ordered that your case be assigned to Adult Court Services under the following conditions.

I SHALL:

1. Report to Adult Court Services, 37W777 Rt. 38, Suite 150, St. Charles, immediately upon being sentenced or released from incarceration.
2. Obey all federal and state laws and local ordinances.
3. Immediately notify Adult Court Services or my probation officer of any arrest.
4. Report in person to Adult Court Services as frequently as directed and permit my probation officer to visit me in my home or elsewhere to the extent of his/her duties.
5. Not leave the State of Illinois without giving advance notice to and obtaining written permission from my probation officer.
6. Shall not possess a firearm or other dangerous weapon.
7. Notify Adult Court Services or my probation officer of any change of residence or employment within 48 hours of such change.
8. Attempt to work at a lawful occupation and/or further my education and support my dependants.
9. Pay all court ordered fines, costs, and fees in monthly payments of \$ _____ per month, with the first payment due _____.
10. Promptly undertake evaluations determined appropriate by the probation department (including but not limited to substance abuse and psychological) and thereafter participate in such treatment, therapy, counseling and/or remedial education as are appropriate, based upon said evaluation.
11. Submit to breath, urine, and/or blood specimen for analysis for the possible presence of a prohibited drug or alcohol as requested by the probation officer, and bear the expense of any such analysis.
12. Submit to DNA indexing and pay appropriate costs.
13. Follow any and all other conditions as ordered by the Court.
14. Other: KIDC evaluation + follow all rules.

The defendant is hereby advised that under the law the Court may revoke or modify any conditions of probation, and may issue a warrant for his/her arrest. If probation is revoked, the defendant will be resentenced.

Date: 5-7-10Judge: [Signature]

I UNDERSTAND AND AGREE TO COMPLY WITH THESE PROBATION CONDITIONS:

Date: 5-7-10Defendant: Nikita Biddle

*****TO BE COMPLETED BY DEFENDANT & PROBATION OFFICER*****

Probation Officer: _____

Date: _____

Defendant: _____

PLD2 (01/10)

White - Clerk

Green - Probation

Yellow - SAO

Pink - Defendant

Gold - Defendant Attorney

EXHIBIT I

ageID #: 486

FILED

JUL 27 2010

Clerk of the Circuit Court
Vermilion County, Illinois

IN THE CIRCUIT COURT
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS
VERMILION COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff,

VS.

GENERAL DIVISION
CASE NO. 2010-CF-397

SEKIERA D. FITZPATRICK
1611 Beechwood Apt. 202
Danville, IL 61832
Female/Black DOB: 3/18/1985
Ht. 5' 5" Wt. 170 Brown/Black

Defendant(s).

INFORMATION

The undersigned states to the Court that he is the duly elected, qualified State's Attorney in and for the County of Vermilion and State of Illinois and that at and within the said County of Vermilion and State of Illinois, the defendant(s) committed the offense(s) of COUNT I - EAVESDROPPING, (Class 1) and COUNT II - CONCEALING OR AIDING A FUGITIVE, (Class 4).

COUNT I - EAVESDROPPING, the defendant(s) on or about the 23rd day of July, 2010, knowingly and intentionally used an eavesdropping device for the purpose of hearing or recording all or any part of a conversation or intercepts, retains or transcribes electronic communication without the consent of all parties, Officer Eric Olson, while in the performance of his official duties, in violation of 720 ILCS 5/14-2 & 14-4.

COUNT II - CONCEALING OR AIDING A FUGITIVE, the defendant(s) on or about the 23rd day of July, 2010, knew Anthony Edwards was wanted by law enforcement in Vermilion County Case Number 10-TR-5473 and with the intent to prevent Anthony

Edwards's apprehension harbored, concealed or aided in harboring Anthony Edwards in the residence located at 1611 Beechwood Apt. 202, Danville, Vermilion County, Illinois, in violation of 720 ILCS 5/31-5.

DEFENDANT(S): Sekiera D. Fitzpatrick

1 COUNT OF CONCEALING OR AIDING A FUGITIVE

1 COUNT OF EAVESDROPPING

Dated this 26th day of July, 2010.

Randall J. Bringer

STATE'S ATTORNEY

STATE OF ILLINOIS)
) ss.
COUNTY OF VERMILION)

The undersigned, being first duly sworn upon oath, states the he has read the foregoing information and same is true.

Charles D. Wolke
Assistant State's Attorney

Subscribed and sworn to before me this 26th day of July, 2010.

Tracie Katakovich
NOTARY PUBLIC

CUSTODY
FB: 10
RPT# 2010-08437
ARREST DATE: 7/24/2010

