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STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
JOHN Y. BUTLER,)
)
Defendant.)

No. 17-CF-1025

FILED
MAR 05 2020
CIRCUIT CLERK

McLEAN COUNTY

DEFENDANT'S THIRD DISCLOSURE TO PROSECUTION

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C., and Tristan N. Bullington of Meyer Capel, P.C., and presents the following as discovery compliance in this *Defendant's Third Disclosure to Prosecution*:

1. In addition to the possibility that the Defendant might testify and those witnesses previously disclosed, Defendant intends and reserves the right to call the following person(s) as trial witness(es). See Ill. Sup. Ct. R. 413(d)(i).

Nathan B. Hinch
404 North Hershey Road, Suite C
Bloomington, IL 61704

Laura Jonens
9335 Hilltop Lane
Bloomington, IL 61705

William A. Mueller
404 North Hershey Road, Suite C
Bloomington, IL 61704

Jay D. Reece
404 North Hershey Road, Suite C
Bloomington, IL 61704

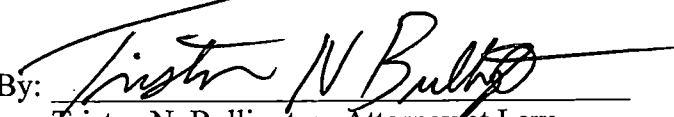
2. The Defendant discloses that Defendant does not know or believe that any of the foregoing witness(es) has any prior criminal conviction(s). See Ill. Sup. Ct. R. 413(d)(i).

3. Provided under separate cover in electronic format, the Defendant provides additional documents with Bates stamped pages 2420 to 2723. Included in this disclosure is a witness statement of Laura Jonen and a report of opinion of Mark Nicholas, a previously disclosed witness.

4. The Defendant has provided names and address reputation witnesses, previously disclosed and a summary statement of witness Jim Clarahan, by electronic communication with the States Attorney's Office.

Respectfully submitted,
JOHN Y. BUTLER, Defendant

By:


Tristan N. Bullington, Attorney at Law

TRISTAN N. BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
TBullington@MeyerCapel.com
ARDC No. 6302971

PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the undersigned caused service of the foregoing *Defendant's Third Disclosure to Prosecution* to be made upon the recipient(s) designated below by the following method(s):

✓ VIA HAND DELIVERY: A true and correct copy of the foregoing instrument(s) was delivered by hand to the person or professional offices of the following recipient(s) on this 5th day of March, 2020.

Office of the McLean County State's Attorney
Law & Justice Center
104 West Front Street
Bloomington, IL 61701

Ashley McCleery

Prepared by:
TRISTAN N. BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
TBullington@MeyerCapel.com
ARDC No. 6302971

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN**

THE PEOPLE OF THE)
STATE OF ILLINOIS)
VS.)
JOHN BUTLER,)
DEFENDANT)

No. 2017-CF-1025

FILED
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McLEAN COUNTY

PEOPLE'S RESPONSE TO DEFENDANT'S MOTION IN LIMINE

Now comes the People of the State of Illinois by Bradly Rigdon and David Rossi, Assistant State's Attorneys, in and for the County of McLean, State of Illinois, and in response to the Defendant's Motion in Limine, hereby states the following:

1. The above-entitled matter is set for a jury trial to commence on April 13, 2020.
2. On February 10, 2020, the Defendant filed a document entitled "Defendant's Motion in Limine" which sets forth multiple counts for which it seeks relief.

Count I

3. The Defendant has not identified any evidence which he is seeking to exclude; rather, the Defendant has simply made broad generalizations that the State may attempt to use hearsay evidence during the trial.
4. The State cannot appropriately respond to the pleading as it relates to Count I without additional information and/or specificity as to what evidence the Defendant is seeking to address with this portion of the pleading.

5. The State intends to follow the Rules of Evidence, the Code of Criminal Procedure, prior court rulings, and controlling case law during the presentation of evidence in the jury trial; however, the Court should decline to rule on this Count as there is not sufficient information pled for the Court to render a ruling.

Count II

6. The Defendant has incorrectly anticipated the State's intent. The State does not intend to elicit evidence that an arrest was requested and/or issued.

7. The State requests that any ruling on this Count be subject to being revisited should the request for issuance or the actual issuance of an arrest warrant become relevant through the Defendant's cross-examination of witnesses or through the Defendant's case-in-chief.

Count III

8. The Defendant has incorrectly anticipated the State's intent. The State does not intend to elicit evidence that the Defendant was arrested on or about September 2, 2017.

9. The State requests that any ruling on this Count be subject to being revisited should the fact of the arrest of the Defendant become relevant through the Defendant's cross-examination of witnesses or through the Defendant's case-in-chief.

Count IV

10. During presentation of its case-in-chief, the State is entitled to present evidence regarding the investigation into the criminal conduct of the Defendant.

11. Part of the investigation is the seizure of voluminous records of documents from multiple locations.

12. The fact that these documents were seized by the Illinois State Police is relevant to the foundation and chain-of-custody of the exhibits. Furthermore, it is relevant to apprise the jury of the portions of the investigation and to provide context for how the documents came into the possession of law enforcement. If the investigating officers are not able to testify that they entered a locked storage unit after obtaining a search warrant, then the jury will be left to question whether the conduct of the officers was proper and within the bounds of the law

13. Rule 403 of the Illinois Rules of Evidence states that relevant evidence may be excluded if its probative value is *substantially outweighed by the danger of unfair prejudice*. Both the balancing test and the elements of that test are important in the analysis.

14. Essentially all evidence presented by the State is going to be prejudicial to the Defendant. Rule 403 requires both that the prejudice be that of “unfair prejudice” and that the danger of that unfair prejudice “substantially outweigh” the probative value of the evidence.

15. In this instance, reference to the fact that police officers had search warrants when making entry onto the property of another and removing that person’s property does not implicate unfair prejudice and, even if the court does believe it constitutes unfair prejudice, said prejudice does not substantially outweigh the probative value of that information.

16. The State requests that request in Count IV of the Defendant’s Motion in Limine be denied.

Count V

17. The State does not intend to present evidence of other crimes and/or bad acts aside from those that are pled within the charging documents.

18. The State requests that any ruling on this Count be subject to being revisited should other crimes and/or bad acts become relevant through the Defendant's cross-examination of witnesses or through the Defendant's case-in-chief.

Count VI

19. The State's response to this Count is not contained within this pleading as the disclosure of expert opinions and other discovery materials by the Defendant is addressed within the pleading entitled "State's Motion to Bar Evidence Due to Untimely Disclosure or, in the alternative, Motion to Continue Trial Setting."

Count VII

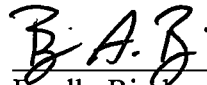
20. The Defendant has not asserted that the State is anticipated to engage in the conduct identified within this Count as there would be no basis for such a claim. The Defendant is asking that the Court impose randomly selected rulings that have been issued by prior courts when it comes to the appropriate way to present evidence and the arguments to be made to a jury.

21. The Court should decline to rule on this Count as it is not reasonably tied to the facts of the case, not tied to prior conduct of the Assistant State's Attorneys assigned to this matter, and provides for no substantive ruling that this Court can actually enter. The sought after

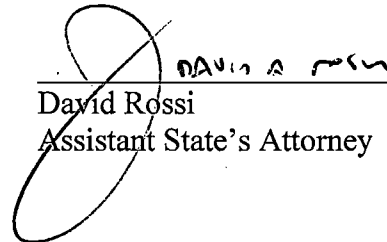
relief is nothing more than a catch-all request that the State not violate prior court rulings and, when pled in a vacuum, does not provide for anything on which the Court should issue a ruling.

WHEREFORE, the People of the State of Illinois respectfully request that this Court enter an order consistent with the State's Response to the Defendant's Motion in Limine.

Respectfully Submitted,



Bradly Rigdon
Assistant State's Attorney



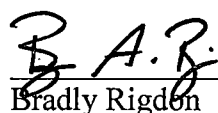
David Rossi
Assistant State's Attorney

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney of record of the Defendant, John Butler, in the above cause by:

X Via U.S. Mail by depositing a true and correct copy of the same in outgoing mail tray for pick-up by a county employee and addressed to the attorney of record on the 3rd day of March, 2020.

X Via E-Mail by sending a true and accurate copy of the same to the e-mail address of the attorney of record, Steve Beckett at steve@beckettlawpc.com on the 3rd day of March, 2020.



Bradly Rigdon
Assistant State's Attorney

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN**

THE PEOPLE OF THE)
STATE OF ILLINOIS)
VS.)
JOHN BUTLER,)
DEFENDANT)

No. 2017-CF-1025

FILED
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McLEAN COUNTY
CIRCUIT CLERK

**MOTION FOR DISCOVERY SANCTIONS PURSUANT TO
ILLINOIS SUPREME COURT RULE 415(g)**

Now comes the People of the State of Illinois by Bradly Rigdon and David Rossi, Assistant State's Attorneys, in and for the County of McLean, State of Illinois, and request that this Court sanction the Defendant pursuant to Illinois Supreme Court Rule 415(g) for untimely disclosures of witnesses and more than 2,000 pages of documents in discovery:

Statement of Facts

1. On September 20, 2017, the Grand Jury of McLean County returned a Bill of Indictment in the above-entitled case and in four other cases pertaining to co-defendants. The matter has been extensively litigated by the parties.
 - a. Prior to the filing of charges in this matter, multiple subpoenas duces tecum were issued by the grand jury of McLean County on December 21, 2016. These subpoenas were one of the subjects of a Motion to Suppress previously litigated in this matter.
 - b. The subpoenas compelled production of documents from CIAM and BMI Concessions similar to those sought by the search warrant that were also the subject of litigation. See attached People's Discovery Motion Exhibit 1 for a copy

of the subpoena issued to CIAM. See attached People's Discovery Motion Exhibit 2 for a copy of the subpoena issued to CIAM.

- c. The attorney for CIAM, William Mueller, accepted service of the subpoena on behalf of the Defendant in this matter and subsequently provided four boxes of documents to Special Agent Rossiter. See attached People's Discovery Motion Exhibit 3 for a copy of the letter Mr. Mueller provided to Special Agent Rossiter which acknowledges the subpoenas and the production of materials.
2. On September 29, 2017, the Felony Arraignment and Pre-Trial Discovery Order was entered and distributed to the State and to the Defendant.
 3. Part of the litigation has revolved around the State's production of discovery and the format it takes. The State has continually complied with court rulings and has worked to provide all materials in an acceptable format to the Defendant.
 4. On September 25, 2019, the matter was set for a three-week jury trial to commence on April 13, 2020.
 5. On January 10, 2020, the Defendant filed "Defendant's Supplemental Discovery Response" which identified an expert witness along with findings of that witness.
 6. On February 28, 2020, the Defendant filed "Defendant's Second Supplemental Discovery Response" which identified five witnesses that may be called as witnesses for reputation and opinion witnesses. The Defendant has provided no information regarding the statements made by those witnesses and has only identified those individuals by the city in which the individual resides with not specificity as to the last known addresses.
 7. Within that February 28, 2020 filing, the Defendant also provided a CD which contains 2,418 pages of documents that the Defendant has indicated may be used at trial.

- a. The disk and the pdf file labels indicate there are 2,419 pages; however, the State noted during cursory review that there is no “page 158” contained within the first pdf file on the disk and presumes a numbering error in the documents.
8. Furthermore, during verbal conversation on February 28, 2020, the State was informed by Mr. Beckett that there will be more documents forthcoming on an unspecified date. Mr. Beckett apprised the State that Mr. Mueller was on vacation; however, Mr. Mueller has been going through boxes in search of documents relating to the case currently before the court.

Statement of Law and Argument

9. The regulation of discovery is governed by Illinois Supreme Court Rules which state that defense counsel shall inform the State of any defenses which he intends to make at a hearing or trial and shall furnish the State with the following material and information within his possession or control: (i) The names and last known addresses of persons he intends to call as witnesses, together with their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements, any record of prior criminal convictions known to him; and (ii) any books, papers, documents, photographs, or tangible objects he intends to use as evidence or for impeachment at a hearing or trial... IL R S CT Rule 413(d).
10. “If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with an applicable discovery rule or an order issued pursuant thereto, the court may... grant a continuance, exclude such evidence, or enter such other order as it deems just under the circumstances.” IL R S CT Rule 415.
11. This matter has been pending for nearly 2 ½ years and it is not until the eve of trial and less than a week before the motion in limine hearing date that these voluminous records are referenced in the Defendant’s discovery.

12. The Defendant has filed multiple motions in which he claims the State and the investigators have operated in bad faith during the investigation yet the timeliness of the disclosure by the Defendant in this matter show an intentional attempt to utilize discovery in a strategic manner. Such conduct should not be allowed.
13. The matter has been set on the trial call for April 13, 2020, since September, 2019. It is unrealistic to expect the State to be able to analyze the materials the Defendant intends to utilize, conduct additional investigation as needed, and prepare for the trial setting in the limited time-frame that is available.
14. The Defendant has had multiple years to analyze the materials provided by the State in discovery and, while the State does not need years to analyze what has been tendered by the Defendant, the State is prejudiced by the timing of the disclosure of those materials in Defendant's discovery.
15. The State has tendered thousands of pages of discovery through the course of these proceedings. Those documents, generally, are grouped together based upon their origins, their relevance to the various conduct alleged within the charging documents, and are the subject to narrative reports from the investigators. There are no accompanying reports from an investigator related to the 2,418 documents and it will take detailed and lengthy work to insure the materials tendered are understood and authenticated to the extent they are able to be authenticated by investigators.
16. In addition to the materials being disclosed late in the proceedings, the State now questions the Defendant's compliance with the subpoenas duces tecum issued on December 21, 2016. An initial inspection shows that many of the 2,418 pages of discovery that were tendered on February 28, 2020 are materials that would have been

subject to the subpoenas duces tecum. This issue is exacerbated by the statement of Mr. Beckett that Mr. Mueller has been searching through boxes and will be providing additional documents to the Defendant for potential use at the trial. Mr. Beckett did not state when that production of documents would occur and it is unknown how many documents will be provided as part of that process.

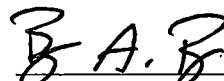
17. The Fourth District, in a matter arising out of McLean County, has analyzed the imposition of discovery sanctions and held “a trial court should primarily consider four factors: (1) the effectiveness of a less severe sanction; (2) the materiality of the proposed testimony; (3) the potential prejudice to the other party resulting from the testimony; and (4) bad faith in the violation of the discovery rules.” *People v. Forrest*, 2015 IL App (4th) 130621, ¶ 41, 40 N.E.3d 477, 483 (4th Dist. 2015) citing *People v. Ramsey*, 239 Ill.2d 342, 430, (2010).
18. The sanction imposed by the Court must be one carefully tailored in consideration of the various factors. The State acknowledges that the *Forrest* court further held “[p]recluding a criminal defendant from presenting testimony or evidence is reserved for only the most extreme situations. *Forrest* at ¶ 41 citing *People v. Tally*, 2014 IL App (5th) 120349, ¶ 28 (5th Dist. 2014).
19. An analysis of the factors enumerated by the *Forrest* court show that a sanction is warranted in this instance. The court’s discretion controls which sanction is imposed and “[t]o exercise sound discretion, a court must consider available alternative sanctions.” *Forrest* at ¶ 41.

20. The State is requesting that the materials tendered by the Defendant in its recent discovery filings be barred as a violation of the rules of discovery and the Court order relating to pretrial discovery.

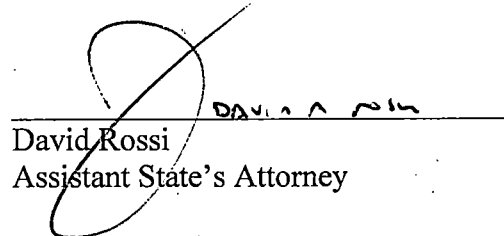
21. If the Court does not believe that barring the evidence is the most appropriate remedy, then the State is requesting that the Court continue the trial setting to a three-week setting in August, 2020. The State believes that would allow for sufficient time to cure the discovery issue and prevent the State from being prejudiced by the timing of the disclosures.

WHEREFORE, the People of the State of Illinois respectfully request that this Court sanction the Defendant pursuant to Illinois Supreme Court Rule 415(g) by barring the materials and witnesses which have been disclosed in January and February of 2020 or, in the alternative, grant a continuance of the trial setting to August, 2020.

Respectfully Submitted,



Bradly Rigdon
Assistant State's Attorney



David Rossi
Assistant State's Attorney

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY, ILLINOIS**

Grand Jury Investigation

2016-720

SUBPOENA DUCES TECUM

To: Central Illinois Arena Management

You are commanded to produce the following items or evidence for examination by the parties or the Court in the above location and on the date and time specified below:

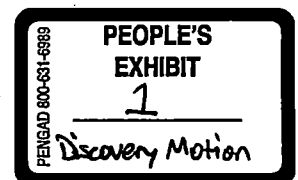
Record or Documents Requested:

Central Illinois Arena Management (CIAM) business documents: Any and all documents physical and digital for the business listed in B.4. above for the period of January 1, 2013 to March 31, 2016 including but not limited to: 1) General Journals and charts of accounts; 2) general ledger and subsidiary ledgers; 3) cash receipt journals, cash deposit journals, cash drop journals from concessions; and cash disbursement journals; 4) sales journals and purchase journals; 5) Point of Sale (POS) daily close reports; 6) Point of Sale (POS) monthly close reports; 7) balance sheets, income statements and profit/loss statements; 8) records pertaining to customer accounts, accounts receivables, notes receivables, etc.; 9) records pertaining to allowance for bad debts and bad expenses; 10) records pertaining to accounts payable, notes payable, loans payable, mortgages payable, etc.; 11) cash receipt books; bank statements, deposit slips, cancelled checks, withdrawal slips, debit memos, and credit memos for all checking and or savings accounts; 12) assets and/ or investments, such as certificates of deposits, stocks, bonds, real estate, vehicles, aircraft, boats, etc.; 13) itemized inventory records; 14) purchase orders, vouchers, invoices, receipts, etc.; 15) payroll records, payroll journals, personnel files, W 2's, 1099's; 16) copies of all certified audits along with accountants confidential file; 17) all work sheets, accountant work papers, adjusting entries, etc.; 18) copies of all federal and state income tax, and/or employee tax returns for the identified period; 19) any and all reconciliations of books to tax returns for the identified period; 20) any other financial records that were created for, by, or on behalf of the partnership/corporation, such as loan applications, deeds to real estate, schedules of loan payments, etc.

Return in digital format to Daniel_rossiter@isp.state.il.us. SA Daniel Rossiter, Illinois State Police, 800 S. Old Airport Road, Pontiac, IL 61764. 815-844-1500.

IT IS REQUESTED that the records be accompanied by an affidavit that complies with the requirements set forth in Rule 902(11) of the Illinois Rules of Evidence. Specifically, it is requested that the accompanying affidavit set forth that:

- 1) the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters;
- 2) the record was kept in the course of the regularly conducted activity; and
- 3) the record was made by the regularly conducted activity as a regular practice.



Special Agent Daniel Ross, Illinois State Police

The undersigned attorney, on behalf of the Court, hereby commands said documents to be produced to be considered as evidence in certain criminal matters now pending before the McLean County Grand Jury on or before January 18, 2017 at 9:00 a.m.

This subpoena requires an appearance in Court.

This subpoena does not require your appearance if said documents are turned over to the above mentioned individual/agency on or before the date and time designated above.

FAILURE TO COMPLY WITH ANY PORTION OF THIS SUBPOENA MAY
SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT

DATED: December 21, 2016

Ad. W. Ghrist

Print Attorney Name: Adam W. Ghrist
Attorney Address: McLean County State's Attorney's Office
104 W. Front St, Room 605, PO Box 2400
Bloomington, IL 61701 309-888-5400

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY, ILLINOIS**

Grand Jury Investigation

2016-719

SUBPOENA DUCES TECUM

To: BMI Concessions

You are commanded to produce the following items or evidence for examination by the parties or the Court in the above location and on the date and time specified below:

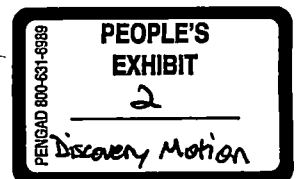
Record or Documents Requested:

BMI Concessions business documents: Any and all documents physical and digital for the business listed in B.4. above for the period of January 1, 2013 to March 31, 2016 including but not limited to: 1) General Journals and charts of accounts; 2) general ledger and subsidiary ledgers; 3) cash receipt journals, cash deposit journals, cash drop journals from concessions; and cash disbursement journals; 4) sales journals and purchase journals; 5) Point of Sale (POS) daily close reports; 6) Point of Sale (POS) monthly close reports; 7) balance sheets, income statements and profit/loss statements; 8) records pertaining to customer accounts, accounts receivables, notes receivables, etc.; 9) records pertaining to allowance for bad debts and bad expenses; 10) records pertaining to accounts payable, notes payable, loans payable, mortgages payable, etc.; 11) cash receipt books; bank statements, deposit slips, cancelled checks, withdrawal slips, debit memos, and credit memos for all checking and or savings accounts; 12) assets and/ or investments, such as certificates of deposits, stocks, bonds, real estate, vehicles, aircraft, boats, etc.; 13) itemized inventory records; 14) purchase orders, vouchers, invoices, receipts, etc.; 15) payroll records, payroll journals, personnel files, W 2's, 1099's; 16) copies of all certified audits along with accountants confidential file; 17) all work sheets, accountant work papers, adjusting entries, etc.; 18) copies of all federal and state income tax, and/or employee tax returns for the identified period; 19) any and all reconciliations of books to tax returns for the identified period; 20) any other financial records that were created for, by, or on behalf of the partnership/corporation, such as loan applications, deeds to real estate, schedules of loan payments, etc.;

Return in digital format to Daniel_rossiter@isp.state.il.us. SA Daniel Rossiter, Illinois State Police, 800 S. Old Airport Road, Pontiac, IL 61764. 815-844-1500.

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- 1) the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of these matters;
- 2) the record was kept in the course of the regularly conducted activity; and
- 3) the record was made by the regularly conducted activity as a regular practice.



Special Agent Daniel Rossiter, Illinois State Police

The undersigned attorney, on behalf of the Court, hereby commands said documents to be produced to be considered as evidence in certain criminal matters now pending before the McLean County Grand Jury on or before January 18, 2017 at 9:00 a.m.

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FAILURE TO COMPLY WITH ANY PORTION OF THIS SUBPOENA MAY
SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT

DATED: December 21, 2016

Ad. W. Ghrist

Print Attorney Name: Adam W. Ghrist
Attorney Address: McLean County State's Attorney's Office
104 W. Front St. Room 605, PO Box 2400
Bloomington, IL 61701 309-888-5400



LAW OFFICES
MUELLER, REECE & HINCH, LLC

JAY D. REECE
NATHAN B. HINCH

404 N. HERSHEY ROAD, SUITE C
BLOOMINGTON, IL 61704

WILLIAM A. MUELLER, JR.
OF COUNSEL

PHONE: 309-827-4055
FAX: 309-829-6742

809 DETWEILER DRIVE
PEORIA, IL 61615

WWW.MRH-LAW.COM

January 6, 2017

Via Email and Regular Mail

Mr. Daniel Rossiter
Special Agent
Illinois State Police
800 South Old Airport Road
Pontiac, Illinois 61764

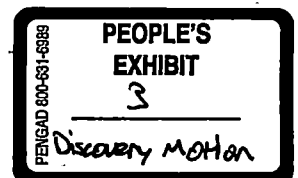
RE: My Client: Central Illinois Arena Management, Inc./
BMI Concessions, L.L.C. Subpoena Duces Tecum
Served December 21, 2016
File No.: 17-5000-BT

Dear Dan:

In connection with the above two described Subpoenas, there are four boxes of records at my office at 404 North Hershey Road, Suite C, Bloomington, Illinois 61704. You can pick them up at your convenience. In the alternative, if you would like them delivered somewhere, please contact my assistant Sabrina and arrangements can be made.

In connection with the documents requested by the two Subpoenas, with the production of these four boxes and the documents taken by you pursuant to the Search Warrant executed at the Striegel CPA firm on December 21, 2016 and the Search Warrant executed at the ABC Storage facility on December 22, 2016, the production is complete.

With respect to the requested Affidavit, my client is not able to provide the Affidavit because of the large volume of records, some of which do not meet the requirements you have outlined.



Mr. Daniel Rossiter
January 5, 2017
Page 2

In the event you have any questions about the compliance, please contact Nathan B. Hinch in my office or Marc J. Ansel.

Very truly yours,

Handwritten signature of William A. Mueller, Jr. in cursive script.

William A. Mueller, Jr.

SLP


WAM/slp

cc: Adam W. Ghrist – Via Email Only
Nathan B. Hinch – Via Email Only
Marc J. Ansel – Via Email Only
Alyx Parker – Via Email Only

RECEIPT

The undersigned Daniel Rossiter, Special Agent of the Illinois State Police acknowledges receipt on this 9th day of January, 2017 of four banker's record boxes of documents regarding Central Illinois Arena Management, Inc. and BMI Concessions, L.L.C., including electronic copies and HP Laptop Computer (BMI Concessions-Jay Laesch).

Date: 1/9/2017

 76230

Daniel Rossiter,
Special Agent

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney of record of the Defendant, John Butler, in the above cause by:

X Via U.S. Mail by depositing a true and correct copy of the same in outgoing mail tray for pick-up by a county employee and addressed to the attorney of record on the 3rd day of March, 2020.

X Via E-Mail by sending a true and accurate copy of the same to the e-mail address of the attorney of record, Steve Beckett at steve@beckettlawpc.com on the 3rd day of March, 2020.

B. A. B.

Bradly Rigdon
Assistant State's Attorney

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN**

THE PEOPLE OF THE
STATE OF ILLINOIS

VS.

No. 2017-CF-1025

JOHN BUTLER,
Defendant.

FILED
MAR 03 2020
CIRCUIT CLERK
McLEAN COUNTY

Granted
MOTION TO ALLOW DETECTIVE AT COUNSEL TABLE

Now comes the People of the State of Illinois by and through Bradly Rigdon and David Rossi, McLean County Assistant State's Attorneys, and request that this court allow Special Agent Daniel Rossiter to be present at counsel table throughout the course of the jury trial in the above-captioned case, and in support thereof state as follows:

1. The defendant is charged with forty-one felony counts in the above-entitled matter.
2. The People's discovery to date consists of thousands of pages of discovery, gigabytes of data from multiple devices, and multiple recorded interviews. The recently provided discovery materials from the Defendant are comprised of thousands of pages of documents and multiple additional witnesses.
3. The law enforcement investigation in this case lasted over a course of months and involved numerous investigative techniques including the review of financial records, analysis of computers and cell phones, and interviews of many witnesses.
4. Special Agent Daniel Rossiter of the Illinois State Police conducted the investigation as the lead detective that resulted in the charging of the defendant.

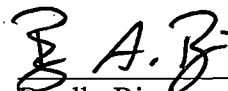
5. The People anticipate this trial lasting as long as three weeks with a lengthy list of exhibits and witnesses.

6. Given Special Agent Rossiter's knowledge and understanding of the witnesses and evidence in the case, his presence will greatly aid the People in the presentation of its case and does not disadvantage or prejudice the Defendant.

7. The trial court may permit a material witness to remain in the courtroom to assist the State's Attorney. *People v. Leemon*, 66 Ill.2d 170, 174, (1977). "This rule extends to police officers." *People v. Jones*, 108 Ill.App.3d 880, 886 (1982) (citing *People v. Miller*, 26 Ill.2d 305, 307, 186 N.E.2d 317, 318 (1962)). Whether to allow an officer to remain in the courtroom rests in the sole discretion of the trial court and will not be reversed absent an abuse of discretion. *Jones* at 886. "Absent a showing of prejudice by the defendant, no abuse of discretion will be found in allowing a material witness to remain in the courtroom." *Id.*

WHEREFORE, the People respectfully request this Honorable Court grant this Motion by allowing Special Agent Daniel Rossiter to be present at counsel table throughout the jury trial in this case.

Respectfully Submitted,



Bradly Rigdon
Assistant State's Attorney



David Rossi
Assistant State's Attorney

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney of record of the Defendant, John Butler, in the above cause by:

Via U.S. Mail by depositing a true and correct copy of the same in outgoing mail tray for pick-up by a county employee and addressed to the attorney of record on the 3rd day of March, 2020.

Via E-Mail by sending a true and accurate copy of the same to the e-mail address of the attorney of record, Steve Beckett at steve@beckettlawpc.com on the 3rd day of March, 2020.



Bradly Rigdon
Assistant State's Attorney

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY

THE PEOPLE OF THE
STATE OF ILLINOIS

Plaintiff

Vs.

JOHN YALE BUTLER

Defendant

MCLEAN

FILED

MAR 03 2020

CIRCUIT CLERK

COUNTY

Case Number: 2017CF001025

Report Number: 1613024

Event Type: Jury Trial

SUBPOENA

TO: PATTI-LYNN SILVA

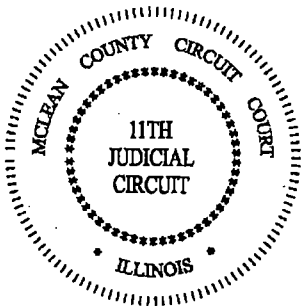
4 WILLOWBEND CRT BLOOMINGTON, IL 61705

YOU ARE COMMANDED TO APPEAR TO TESTIFY BEFORE THE CIRCUIT COURT OF
MCLEAN COUNTY IN THE ABOVE ENTITLED CASE AT LAW AND JUSTICE CENTER, 104 W.
FRONT STREET, BLOOMINGTON, ILLINOIS 61701 BEFORE JUDGE WILLIAM YODER ON
04/13/2020 AT 09:00 AM ON BEHALF OF THE PEOPLE OF THE STATE OF ILLINOIS.

YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO
PUNISHMENT FOR **CONTEMPT OF COURT.**

ATTACHMENTS:

VW1



Witness, this day: Twenty-First day of February, 2020

Don R. Everhart Jr

Don R. Everhart Jr
Clerk of the Circuit Court



641643

COURT PAPER ATTACHMENTS

VW1 State Attorney Contact Info -- Victim Witness

IMPORTANT

Contact the McLean County State's Attorney's Office IMMEDIATELY upon receiving this subpoena. This subpoena is good for the whole week. This telephone call MAY PREVENT UNNECESSARY TRIPS TO COURT. Please call the Director in Victim Witness at 309-888-5424.

Please refer to the case number at the top, right hand corner of the subpoena.

Monday - Friday
8:30 AM - 4:30 PM

Access to the courts is available to all persons in McLean County. If you are a victim or witness with a disability and are in need of accommodation, please call the Victim/Witness Service at (309) 888-5424 no later than seven (7) days prior to your subpoena date. Please have your case number, court date and what accommodation you are requesting available when you call.

THE PEOPLE OF THE STATE OF
ILLINOIS

Case Number: 2017CF001025

VS

JOHN YALE BUTLER

COURT PAPER TYPE : Subpoena
COURT PAPER SUMMARY: -SILVA, PATTI-LYNN
COURT PAPER STATUS: Completed

Individual Summary: SILVA, PATTI-LYNN - DOB: 10/27/1968 RACE: White SEX: Female

Individual Return / Service Status: Served

Personal Served this writ this 03 day of March, 2020,
by serving it to the within named SILVA, PATTI-LYNN - 10/27/1968

Served Sex: F Served Race: W Served DOB: 10-27-1968

Comment: Served at 4 Willowbend Ct. Bloomington, IL

Service, \$ 50.00

Miscellaneous Fees:

_____ SHERIFF

2 miles necessary travel from Law and Justice Center to place of service
of within named person and return,

\$.50 per mile \$ 1.00 By MCSP DEPUTY SHANE HARBISON - ID # 9396

Return \$ 14.00

TOTAL \$ 65.00

(Signature)

ATTACHMENTS:

VW1



641643

Clerk of The Circuit Court
Eleventh Judicial Circuit
County of McLean
104 W Front St. Bloomington, IL 61701

RECEIPT VOUCHER



Date Received : 03/02/2020

Batch Id : CR303022020

Effective Date 03/02/2020

Receipt # : 1242302

Manual Receipt # :

Received From : MEYER CAPEL	Source/Ck# or CC Val.#	Amount
Party Name : BUTLER, JOHN YALE	CHECK 1793	\$ 13.50
Case Number : 2017CF001025		
New Party Balance : \$.00	Total Paid :	<u>\$ 13.50</u>

Count	Citation #	Account Name	Starting Balance	Amount Paid	Ending Balance
		COPY OR MOTION FEE	\$ 13.50	\$ 13.50	\$.00
Totals:			\$ 13.50	\$ 13.50	\$.00

IN THE CIRCUIT COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY, ILLINOIS

McLEAN

FILED

FEB 28 2020

CIRCUIT CLERK

COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
v.)
)
JOHN Y. BUTLER)
)
Defendant.)

No. 2017-CF-1025

DEFENDANT'S SECOND SUPPLEMENTAL DISCOVERY RESPONSE

NOW COMES the Defendant, JOHN Y. BUTLER, by his attorneys, J. Steven Beckett, of Beckett Law Office, P.C. and Tristan Bullington, of Meyer Capel, P.C., and for his *Second Supplemental Discovery Response* states as follows:

1. Pursuant to Supreme Court Rule 413(d), the reputation and opinion witnesses that Defendant may call at a trial in this cause are:
 - a. Allison Ziebarth – Hudson, IL
 - b. Tim Cassidy – Peoria, IL
 - c. Leslie Johnson – Chicago, IL
 - d. Jim Clarahan – Peoria, IL
 - e. Kristi Fairfield – Normal, IL
2. Attached, pursuant to Supreme Court Rule 413(d), is a written report of an interview conducted by Tony Matens of David Hales.
3. Provided separately via electronic means, Defendant has produced miscellaneous documents that may be used at trial.

Respectfully submitted
JOHN Y. BUTLER, Defendant,

By:



J. STEVEN BECKETT, One of his attorney

J. STEVEN BECKETT #0151580
BECKETT LAW OFFICE, P.C.
508 South Broadway
Urbana IL 61801
steve@beckettlawpc.com
(217) 328-0263
(217) 328-0290 FAX

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of February, 2020, a copy of the foregoing *Defendant's Second Supplemental Discovery Response* was served by U.S. Mail delivery:

State's Attorney's Office
McLean County Courthouse
104 W. Front Street
Bloomington, IL 61701



J. STEVEN BECKETT

J. STEVEN BECKETT #0151580
BECKETT LAW OFFICE, P.C.
508 South Broadway
Urbana IL 61801
steve@beckettlawpc.com
(217) 328-0263
(217) 328-0290 FAX

IN THE CIRCUIT COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff,)

v.)

No. 2017-CF-1025)

JOHN Y. BUTLER)
Defendant.)

NOTICE OF HEARING

TO: State's Attorney's Office
McLean County Courthouse
104 W. Front Street
Bloomington, IL 61701

McLEAN COUNTY
FILED
FEB 10 2020
CIRCUIT CLERK

YOU ARE HEREBY NOTIFIED that on **March 6, 2020, at 1:30 p.m.**, I shall appear before the **Honorable Judge Yoder** in **Courtroom 5C** of the McLean County Courthouse, 104 West Front Street, Bloomington, Illinois, and then and there proceed with a **Hearing on Defendant's Motion *in Limine*, Defendant's Motion to Return, Expunge, or Destroy, and Defendant's Santiago Motion** the above cause.

DATED this 10th day of February, 2020.


TRISTAN BULLINGTON

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2020, I did cause a copy of the foregoing *Notice of Hearing* to be hand delivered to the above-named individual.


TRISTAN BULLINGTON

TRISTAN BULLINGTON
MEYER CAPEL, A Professional Corporation
202 North Center Street,
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
TBullington@MeyerCapel.com

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
JOHN Y. BUTLER,)
)
Defendant.)

No. 17-CF-1025

McLEAN COUNTY
FILED
FEB 05 2020
CIRCUIT CLERK

DEFENDANT'S MOTION IN LIMINE

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C., and Tristan N. Bullington of Meyer Capel, A Professional Corporation, in support of this *Defendant's Motion in Limine*:

GENERAL ALLEGATIONS

1. This felony prosecution is set for trial.
2. Defendant anticipates that the State may attempt to offer inadmissible evidence or otherwise improper evidence during Defendant's trial.
3. This Defendant's Motion in Limine is brought to seek pretrial rulings on evidentiary issues.
4. Good cause exists for granting the various counts of this Defendant's Motion in Limine.

denied

COUNT I: EXCLUSION OF POLICE TESTIMONY ABOUT OCCURRENCES NOT PERSONALLY WITNESSED BY OFFICERS

- Follow rules of evidence

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C., and Tristan N. Bullington of Meyer Capel, A

Professional Corporation, who state as follows for Count I of this *Defendant's Motion in Limine*:

1-4. Defendant realleges and reasserts General Allegations paragraphs 1-4 and incorporates them by reference into Count 1 as paragraphs 1-4 as if those paragraphs were fully recited in Count 1.

5. Defendant anticipates that the State may attempt to offer evidence through one or more police witnesses—including Special Agent Daniel Rossiter of the Illinois State Police—that one or more other witnesses claim to have seen or heard in the absence of the testifying police officer (hereinafter collectively the “Motion Count I Evidence”). (Note: Defendant does not include statements allegedly made by Defendant within the definition of Motion Count I Evidence.)

6. Illinois Rule of Evidence 801 defines hearsay as “a statement . . . offered in evidence to prove the truth of the matter asserted.” Ill. R. Evid. 801(c).

7. The Motion Count I Evidence is hearsay.

8. Illinois Rule of Evidence 802 indicates that hearsay is generally inadmissible at trial. Ill. R. Evid. 802.

9. Accordingly, the Motion Count I Evidence is inadmissible as hearsay.

10. Under authority of Illinois Rules of Evidence 801 and 802, the Court should exclude the Motion Count I Evidence from trial and prohibit the State from mentioning or offering the Motion Count I Evidence during the trial of this cause.

WHEREFORE, the Defendant, JOHN Y. BUTLER, respectfully requests that this Court enter an Order consistent with the following:

A. Granting Count I of this *Defendant's Motion in Limine*;

- B. Finding and declaring the Motion Count I Evidence to be inadmissible hearsay;
- C. Prohibiting the State from mentioning or offering the Motion Count I Evidence during the trial of this cause; and
- D. Granting to Defendant such other and further relief as the Court deems just and proper.

granted

COUNT II: EXCLUSION OF FACT OF REQUEST FOR OR ISSUANCE OF ARREST

No Obj. granted. It does open @ trial - address w/ it before addressing in front of jury.
WARRANT
 NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J.

Steven Beckett of Beckett Law Office, P.C., and Tristan N. Bullington of Meyer Capel, A Professional Corporation, who state as follows for Count II of this *Defendant's Motion in Limine*:

1-4. Defendant realleges and reasserts General Allegations paragraphs 1-4 and incorporates them by reference into Count II as paragraphs 1-4 as if those paragraphs were fully recited in Count II.

5. Defendant anticipates that the State may attempt to offer evidence through one or more police witnesses—including Special Agent Daniel Rossiter of the Illinois State Police—of the fact that either (i) one or more police officers or prosecutors requested the issuance of a warrant for the arrest of Defendant, or (ii) that an arrest warrant was actually issued for the arrest of Defendant (hereinafter the “Motion Count II Evidence”).

6. Illinois Rule of Evidence 401 defines relevant evidence as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Ill. R. Evid. 401.

7. The Motion Count II Evidence is irrelevant to any of the triable issues in this

cause.

8. Illinois Rule of Evidence 402 makes plain that “[e]vidence which is not relevant is not admissible.” Ill. R. Evid. 402.

9. Accordingly, the Court should exclude the Motion Count II Evidence as inadmissible evidence that is irrelevant.

10. Illinois Rule of Evidence 403 specifies that evidence that is relevant may nevertheless “be excluded if its probative value is substantially outweighed by the danger of unfair prejudice.” Ill. R. Evid. 403.

11. Thus, even if the Court were to conclude that the Motion Count II Evidence were somehow relevant, the Motion Count II Evidence has such little probative value when compared to the relatively significant and unfair prejudice that would be occasioned if the evidence were admitted or presented to the trier of fact during the trial.

12. Under authority of Illinois Rules of Evidence 401, 402, and 403, the Court should exclude the Motion Count II Evidence from trial and prohibit the State from mentioning or offering the Motion Count II Evidence during the trial of this cause.

WHEREFORE, the Defendant, JOHN Y. BUTLER, respectfully requests that this Court enter an Order consistent with the following:

- A. Granting Count II of this *Defendant’s Motion in Limine*;
- B. Finding and declaring the Motion Count II Evidence to be inadmissible as evidence which is either irrelevant or for which the probative value is substantially outweighed by its prejudicial effect;
- C. Prohibiting the State from mentioning or offering the Motion Count II Evidence during the trial of this cause; and

D. Granting to Defendant such other and further relief as the Court deems just and proper.

granted

COUNT III: ~~EXCLUSION OF FACT OF DEFENDANT'S ARREST~~

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J.

No obj. Granted - if don't open in trial address by it before proceeding

Steven Beckett of Beckett Law Office, P.C., and Tristan N. Bullington of Meyer Capel, A Professional Corporation, who state as follows for Count III of this *Defendant's Motion in Limine*:

1-4. Defendant realleges and reasserts General Allegations paragraphs 1-4 and incorporates them by reference into Count III as paragraphs 1-4 as if those paragraphs were fully recited in Count III.

5. Defendant anticipates that the State may attempt to offer evidence of the fact that Defendant was arrested on or about September 2, 2017 (hereinafter the "Motion Count III Evidence").

6. Illinois Rule of Evidence 401 defines relevant evidence as "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Ill. R. Evid. 401.

7. The Motion Count III Evidence is irrelevant to any of the triable issues in this cause.

8. Illinois Rule of Evidence 402 makes plain that "[e]vidence which is not relevant is not admissible." Ill. R. Evid. 402.

9. Accordingly, the Court should exclude the Motion Count III Evidence as inadmissible evidence that is irrelevant.

10. Illinois Rule of Evidence 403 specifies that evidence that is relevant may nevertheless “be excluded if its probative value is substantially outweighed by the danger of unfair prejudice.” Ill. R. Evid. 403.

11. Thus, even if the Court were to conclude that the Motion Count III Evidence were somehow relevant, the Motion Count III evidence has such little probative value when compared the relatively significant and unfair prejudice that would be occasioned if the evidence were admitted or presented to the trier of fact during the trial.

12. Under authority of Illinois Rules of Evidence 401, 402, and 403, the Court should exclude the Motion Count III Evidence from trial and prohibit the State from mentioning or offering the Motion Count III Evidence during the trial of this cause.

WHEREFORE, the Defendant, JOHN Y. BUTLER, respectfully requests that this Court enter an Order consistent with the following:

- A. Granting Count III of this *Defendant's Motion in Limine*;
- B. Finding and declaring the Motion Count III Evidence to be inadmissible as evidence which is either irrelevant or for which the probative value is substantially outweighed by its prejudicial effect;
- C. Prohibiting the State from mentioning or offering the Motion Count III Evidence during the trial of this cause; and
- D. Granting to Defendant such other and further relief as the Court deems just and proper.

Granted re request for warrant
denied as to service of warrant

COUNT IV: EXCLUSION OF FACT OF REQUEST FOR OR ISSUANCE OF SEARCH WARRANT

difference

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C., and Tristan N. Bullington of Meyer Capel, A Professional Corporation, who state as follows for Count IV of this *Defendant's Motion in Limine*:

1-4. Defendant realleges and reasserts General Allegations paragraphs 1-4 and incorporates them by reference into Count IV as paragraphs 1-4 as if those paragraphs were fully recited in Count IV.

5. Defendant anticipates that the State may attempt to offer evidence through one or more police witnesses—including Special Agent Daniel Rossiter of the Illinois State Police—of the fact that either (i) one or more police officers or prosecutors requested the issuance of a warrant for the search of Defendant's storage unit (ii) one or more police officers or prosecutors requested the issuance of a warrant for the search of the premises of Defendant's accountant, or (iii) that an search warrant was actually issued for the search of those locations (hereinafter the "Motion Count IV Evidence").

6. Illinois Rule of Evidence 401 defines relevant evidence as "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Ill. R. Evid. 401.

7. The Motion Count IV Evidence is irrelevant to any of the triable issues in this cause.

8. Illinois Rule of Evidence 402 makes plain that "[e]vidence which is not relevant is not admissible." Ill. R. Evid. 402.

9. Accordingly, the Court should exclude the Motion Count IV Evidence as

inadmissible evidence that is irrelevant.

10. Illinois Rule of Evidence 403 specifies that evidence that is relevant may nevertheless “be excluded if its probative value is substantially outweighed by the danger of unfair prejudice.” Ill. R. Evid. 403.

11. Thus, even if the Court were to conclude that the Motion Count IV Evidence were somehow relevant, the Motion Count IV Evidence has such little probative value when compared to the relatively significant and unfair prejudice that would be occasioned if the evidence were admitted or presented to the trier of fact during the trial.

12. Under authority of Illinois Rules of Evidence 401, 402, and 403, the Court should exclude the Motion Count IV Evidence from trial and prohibit the State from mentioning or offering the Motion Count IV Evidence during the trial of this cause.

WHEREFORE, the Defendant, JOHN Y. BUTLER, respectfully requests that this Court enter an Order consistent with the following:

- A. Granting Count IV of this *Defendant’s Motion in Limine*;
- B. Finding and declaring the Motion Count IV Evidence to be inadmissible as evidence which is either irrelevant or for which the probative value is substantially outweighed by its prejudicial effect;
- C. Prohibiting the State from mentioning or offering the Motion Count IV Evidence during the trial of this cause; and
- D. Granting to Defendant such other and further relief as the Court deems just and proper.

any Evid of use of othrs Bad
acts needs to be addressed
PT at least 21 days

V
COUNT ~~V~~: OTHER BAD ACTS

File Mot &
PT req if
going to use

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C., and Tristan N. Bullington of Meyer Capel, A Professional Corporation, who state as follows for Count V of this *Defendant's Motion in Limine*:

1. Defendant realleges and reasserts General Allegations paragraphs 1-4 and incorporates them by reference into Count V as paragraphs 1-4 as if those paragraphs were fully recited in Count V.
2. Defendant is charged in a multicount indictment.
3. Each count is based on a specific set of conduct alleged to have been committed by Defendant, or an individual identified in the Bill of Particulars.
4. The State has not identified any other claimed wrongful acts by Defendant, or by others for whom he is claimed to be criminally responsible.
5. Pre-trial disclosure of other bad acts is required. Ill. R. Evid. 404(c).
6. Mention by the State of allegations of, or admission of, evidence of other bad acts, without pre-trial disclosure and the ability to contest and object to such matters is prejudicial to the Defendant in that it labels him as a bad person and introduces a notion of propensity to commit wrongful conduct. Ill. R. Evid. 404(a).
7. The State should be barred from claiming any wrongful acts other than the conduct charged in the indictment were committed by Defendant, or by others for whom he is claimed to be criminally responsible.

WHEREFORE, the Defendant, JOHN Y. BUTLER, respectfully requests that this Court enter an Order consistent with the following:

- A. Granting Count V of this *Defendant's Motion in Limine*;
- B. Prohibiting the State from mentioning or offering the admission of any evidence of other bad acts of Defendant, or one for whom his is criminally responsible; and
- C. Granting to Defendant such other and further relief as the Court deems just and proper.

COUNT VI: DISCLOSURE OF EXPERT EXHIBITS

Reserved

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C., and Tristan N. Bullington of Meyer Capel, A Professional Corporation, who state as follows for Count VI of this *Defendant's Motion in Limine*:

1. Defendant realleges and reasserts General Allegations paragraphs 1-4 and incorporates them by reference into Count VI as paragraphs 1-4 as if those paragraphs were fully recited in Count VI.
2. Each party has identified expert witnesses.
3. Expert witnesses in complex cases often prepare exhibits (Power Point displays, etc.) in presenting opinions at trial.
4. Illinois Supreme Court Rules 412 (c) and 413 (c) require disclosure of expert opinions in advance of trial. Parties should be limited to disclosure of such opinions. In the interest of justice, the Court should place a final deadline for disclosure of all such opinions, suggested to be March 21, 2020.
5. To avoid objections and interruptions during testimony, to prepare for efficient cross examination, and in the interest of justice, disclosure of exhibits used to present expert testimony, including demonstrative displays, for each such expert witness should be tendered to

the opposing party by April 1, 2020.

WHEREFORE, the Defendant, JOHN Y. BUTLER, respectfully requests that this Court enter an Order consistent with the following:

- A. Granting Count VI of this *Defendant's Motion in Limine*;
- B. Ordering the disclosure of all expert opinions by March 21, 2020;
- C. Ordering the disclosure of all proposed exhibits or demonstrative displays that their expert witnesses intend to reference at trial by April 1, 2020; and
- D. Granting to Defendant such other and further relief as the Court deems just and proper.

Denied - *Follow Rule of Law*

COUNT VII: PROSECUTORIAL BEHAVIOR

Follow Rules + case law re application argument.

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C., and Tristan N. Bullington of Meyer Capel, A Professional Corporation, who state as follows for Count VII of this *Defendant's Motion in Limine*:

1. Defendant realleges and reasserts General Allegations paragraphs 1-4 and incorporates them by reference into Count VII as paragraphs 1-4 as if those paragraphs were fully recited in Count VII.

2. The prosecution should be barred from arguing that the oath taken by the jurors requires that they find the defendant guilty of the offenses charged. *People v. Nelson*, 193 Ill. 2d 216, 737 N.E.2d 632 (2000) (Prosecutor said: "And I would suggest your oaths require you on the evidence here, you can see that the defendant is guilty. And I would suggest your oaths

require you to find him guilty on this evidence.” Supreme Court of Illinois found that this argument “is wholly inappropriate.”); *People v. Castaneda*, 299 Ill. App. 3d 779, 783, 791, 701 N.E.2d 1190, 1192, 1197 (4th Dist. 1998) (reversing conviction after prosecutor inappropriately stated during closing: “When a jury comes into a courtroom and has evidence like this presented to it and it is un-rebutted evidence, it is not living up to your oath, you are not doing your duty if you let her walk out of here.”)

3. The prosecution should be barred from accusing defense counsel of attempting to create reasonable doubt through “confusion, indecision, and misrepresentation.” *People v. Weathers*, 62 Ill.2d 114, 338 N.E.2d 880, 883 (1975). See also *People v. Harris*, 129 Ill. 2d 123, 160-161 (1989) (citing *Weathers* and stating that “it is error for a prosecutor to accuse defense counsel of attempting to create confusion.”)

4. The prosecution should be barred from labeling the defense attorney’s argument as a “smoke screen.” *People v. Kidd*, 147 Ill.2d 510, 544, 591 N.E.2d 431, 445 (1992); *People v. Shaw*, 98 Ill. App. 3d 682, 685, 424 N.E.2d 834, 837 (4th Dist. 1981) (improper for prosecutor to suggest that defense attorney was deliberately misleading jury.)

5. The prosecution in this case should be barred from attempting to define “reasonable doubt.” *People v. Speight*, 153 Ill.2d 365, 374, 606 N.E.2d 1174, 1177 (1992) (stating that “The law in Illinois is clear that neither the court nor counsel should attempt to define the reasonable doubt standard for the jury.” In addition, the prosecution should be barred from arguing that the Defendant must introduce evidence in order to create such a “reasonable doubt.” *People v. Weinstein*, 35 Ill.2d 467, 471, 220 N.E.2d 432, 434 (1966) (improper for prosecution to argue that the “defendant had the burden of introducing evidence to create a reasonable doubt of her guilt.”)

6. The prosecution should be barred from arguing that the jury would have to find all the prosecution's witnesses were lying in order to find the defendant not guilty. *People v. Roman*, 98 Ill.App.3d 703, 424 N.E.2d 794 (2d Dist. 1981) (holding that "it is improper for a prosecutor to argue that a jury would have to find all of the State's agents or witnesses had lied in order to acquit the defendant. The jury might properly return a verdict of not guilty because the evidence is insufficient to convict a defendant beyond a reasonable doubt without requiring the conclusion that certain witnesses were lying.") Because *Roman* forbids the prosecutor from arguing that the jury must find the State's witnesses were lying to acquit, the prosecution should be barred from arguing that the State's witnesses would be risking perjury charges or being fired if they lied.

7. The prosecution should be barred from appealing directly to the sympathy, passion, or prejudice of the jury. *People v. Dukes*, 12 Ill.2d 334, 340, 146 N.E.2d 14, 17 (1957); *People v. Spreitzer*, 123 Ill.2d 1, 43, 525 N.E.2d 30, 47 (1988).

8. The prosecution should be barred from arguing that the jury should make the Defendant "take responsibility" for his actions – such argument improperly suggests that by asking for a trial that the Defendant is avoiding responsibility. Any such argument regarding "responsibility" should be reserved for sentencing if the Defendant is found guilty and does not express remorse for any crimes that he is convicted of.

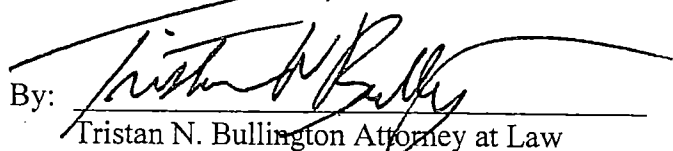
9. The prosecution should be barred from asking the Defendant whether he discussed his testimony with his attorney prior to testifying. Not only does such a question improperly seek privileged information, but also it improperly suggests that the Defendant is fabricating testimony. The prejudicial effect of such a question greatly outweighs its probative effect in light of the simple fact that nearly all defendants meet with their attorney prior to trial.

People v. Walker, 211 Ill. 2d 317, 337-38 (Ill. 2004) (“when deciding whether to exclude certain evidence, the proper consideration is whether the probative value of the evidence is substantially outweighed by the danger of unfair prejudice.”)

WHEREFORE, the Defendant, JOHN Y. BUTLER, respectfully requests that this Court enter an Order consistent with the following:

- A. Granting Count VII of this *Defendant’s Motion in Limine*;
- B. Ordering that the Prosecution be barred from referring to any of the foregoing during its opening statement and final arguments;
- C. Ordering that the Prosecution be barred from questioning any witness about the foregoing matters in a manner that would communicate the same message; and
- D. Granting to Defendant such other and further relief as the Court deems just and proper.

Respectfully submitted,
JOHN Y. BUTLER, Defendant

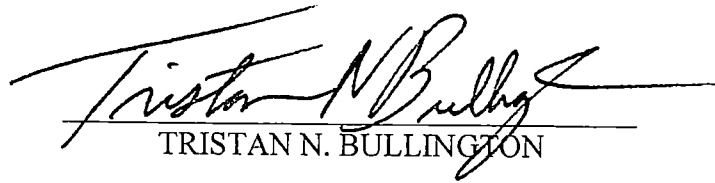
By: 
Tristan N. Bullington Attorney at Law

Prepared by:
Tristan N. Bullington
MEYER CAPEL, A Professional Corporation
202 North Center Street
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
TBullington@MeyerCapel.com
ARDC No. 6302971

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is one of the attorneys for the Defendant in this above titled cause, and that on February 5, 2020 he did cause a copy of the foregoing *Defendant's Motion in Limine* to be hand delivered to the following:

State's Attorney's Office
McLean County Courthouse
104 W. Front Street
Bloomington, IL 61701


TRISTAN N. BULLINGTON

Tristan N. Bullington
MEYER CAPEL, A Professional Corporation
202 North Center Street
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
TBullington@MeyerCapel.com
ARDC No. 6302971

IN THE CIRCUIT COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY

McLEAN
COUNTY
FILED
JAN 30 2020
CIRCUIT CLERK

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
)
v.)
)
JOHN Y. BUTLER)
Defendant.)

No. 2017-CF-1025

MOTION TO RETURN, EXPUNGE, OR DESTROY
ALL ELECTRONIC COPIES OF OUT OF SCOPE PONTIAC RECORDS

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C. and Tristan Bullington of Meyer Capel, P.C., and in support of his *Motion To Return, Expunge, or Destroy All Electronic Copies of Out of Scope Pontiac Records* states as follows:

1. On December 30, 2019, the Court made a tacit, if not explicit, finding that the Illinois State Police had exceeded the scope of the warrants to search and seize records located at the office of Striegel Knobloch and Defendant's ABC Storage unit.
2. On January 8, 2020, the Court entered an Agreed Order laying out the terms by which the State and Counsel for Defendant would meet in Pontiac, Illinois for the purpose of reviewing all the physical records seized pursuant to the two above-mentioned warrants and having the Defendant remove any out of scope records at his own cost.
3. The State and Counsel for Defendant met at the Illinois State Police headquarters in Pontiac, Illinois on January 29, 2020 and reviewed all records that were seized subject to the two warrants.

4. On January 29, 2020, Counsel for Defendant removed the entirety of the out of scope records that could be located. A list of every out of scope document, box, and file folder that was deemed out of scope by both parties and removed is attached hereto as Exhibit 1.
5. There is a disagreement between the parties as to only one document, which will be addressed at the March 6 hearing, pursuant to the Agreed Order.
6. The State is also in possession of electronically scanned copies of every single document that was seized pursuant to the ABC and Striegel Knobloch warrants. These scans include electronic copies of all of the out of scope documents that were physically removed by Counsel for Defendant from Pontiac on January 29, 2020.
7. Pursuant to the Court's prior finding that any out of scope documents should be returned to Defendant, the State has no authority to maintain these electronic copies and they must be returned to Defendant, expunged, or destroyed.
8. This motion is filed without waiving Defendant's continuing objection to the Court's December 30, 2019 ruling on Defendant's Motions to Suppress.

WHEREFORE the Defendant, JOHN Y. BUTLER, prays that the Court enter an order directing the State to return all electronic copies of the documents listed in Exhibit 1, or directing the State to expunge or destroy all electronic copies of the documents listed in Exhibit 1, and for such other relief deemed just and appropriate

Respectfully Submitted,
JOHN Y. BUTLER, Defendant

By:



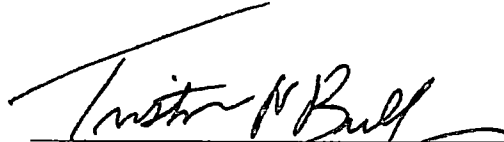
TRISTAN BULLINGTON,
one of his attorneys

TRISTAN BULLINGTON
MEYER CAPEL, A Professional Corporation
202 North Center Street,
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
TBullington@MeyerCapel.com
ARDC No.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is one of the attorneys for the Defendant in this above-titled cause, and that on January 30, 2020, he did cause a copy of the foregoing *Motion To Return, Expunge, or Destroy All Electronic Copies of Out of Scope Pontiac Records* to be hand delivered to the following:

State's Attorney's Office
McLean County Courthouse
104 West Front Street
Bloomington, IL 61701



TRISTAN BULLINGTON

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MEYER CAPEL, A Professional Corporation
202 North Center Street,
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TBullington@MeyerCapel.com
ARDC No.

**ILLINOIS STATE POLICE
EVIDENCE INVENTORY
AND RECEIPT**

1. Date 1/29/2020 3. File/Field Report # 16-13024-BL
 2. Time 9:07 AM 4. District/Office # Zone 5 Pontiac

5. Name or Place of Business Beckett Law Offices	6. Address 508 S. Broadway City <u>Urbana</u> State <u>IL</u> Zip _____
--	---

ITEMIZED LIST OF EVIDENCE

LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

Striegel Knoblach Box #1	Striegel Knoblach Box #1
10 pages of CEFCU documents 6/2016	
1 email from John Butler to Bill Mueller	
9. Received From (Signature) <i>[Signature]</i> #10230 1/29/2020	10. Received By (Signature) <i>[Signature]</i> 1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White
Headquarters
IL 493-0007

Canary
Judge or Prosecutor

Pink
Person from whom evidence
was seized or property received

Goldenrod
Retained by Officer
ISP 1-10 (3/99)

**ILLINOIS STATE POLICE
EVIDENCE INVENTORY
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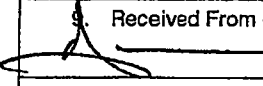
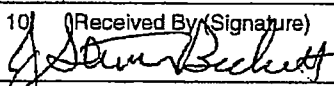
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 S. Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
--	--

ITEMIZED LIST OF EVIDENCE

LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

Striegel Knoblach Box #2	Striegel Knoblach Box #2
8 pages of various documents	
File Folder: Staff Payroll/Flowchart	
8 various newspaper clippings and articles	
various files from Table in Kelly Kleins Office	
9. Received From (Signature)  #6230 1/29/2020	10. Received By (Signature)  1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White **Canary** **Pink** **Goldenrod**
 Headquarters Judge or Prosecutor Person from whom evidence Retained by Officer
 IL 493-0007 was seized or property received ISP 1-10 (3/99)

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5. Name or Place of Business Beckett Law Offices	6. Address <u>508 S. Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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ITEMIZED LIST OF EVIDENCE

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

LOCATION EVIDENCE FOUND

8. (Specify Location)

ITEMIZED LIST OF EVIDENCE	LOCATION EVIDENCE FOUND
Striegel Knoblach Box #3	Striegel Knoblach Box #3
File Folder: Labeled Sound System	
Sound System, Coliseum Purchasing Procedures,	
129 pages of various documents	
20 pages from 2015 Season - Edge Contract folder	
9. Received From (Signature) <i>[Signature]</i> #6230 1/29/2020	10. Received By (Signature) <i>[Signature]</i> 1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White
Headquarters
IL 493-0007

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Judge or Prosecutor

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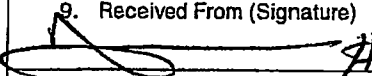
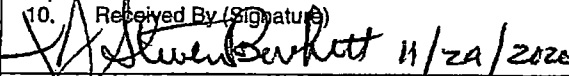
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--	--

ITEMIZED LIST OF EVIDENCE

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7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

ABC Storage Boxes: 2,4,5,15,21,22,23,27,30	Zone 5 Pontiac Secure Storage
Personnel Files of John Butler, Phil Charleston, Julia Cresci	ISP Box #39
U.S. Cellular Coliseum 3rd Party Subcontractor Binder	ISP Box #37
ABC Storage Box #1: File Folders	ABC Storage Box 1
Aimee Mctaggart, Barry Taylor, Jane Everhart	
Charlene Crowder, Jay Laesch, Thomas Speer	
Rodney Moore, Molli McClure, Barry Taylor	
Patti Calvert, John Nuckols, Ann Dunn	
Tyler Fairchild, Eric Bailey, Clint Nichols	
Robert White, Roland Keiser, Will Caylor	
Tim Hopper, Larry Brown, Claudia Ray	
Phil Charleston, Jarid Shubert, Nick Whinna	
Donthen Pherigo, Thomas Downing, Karen Hastings	
9. Received From (Signature)  <u>A. Corzo 1/29/2020</u>	10. Received By (Signature)  <u>Steven Beckett 1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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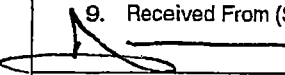
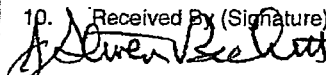
ITEMIZED LIST OF EVIDENCE

LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

ABC Storage Box #1: File Folder (Cont.)	ABC Storage Box 1
Aimee Snelling, Ron Lester, Troy Asbury	
Tremaine Hollie, Suzanna Mirowski, Kevin Rutledge	
Clemmie Pearson, Jerry Campbell, Lenard Brown	
Miscellaneous Employees	

9. Received From (Signature)  #6230 1/29/2020	10. Received By (Signature)  1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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IL 493-0007

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Judge or Prosecutor

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7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

ABC Storage Box #3- File Folders: Inventory Receipt 1 of 3	ABC Storage Box #3
Hockey- Suites 10/20/12, Hockey- Stand Sheets 10/20/12, Hockey- Micros 10-20-12	
Hockey Suites- 10/19/12, Football- Cash Sheets 6/8/12, Football- Suites, 6/8/12	
Football- Suites 5/25/12, Football- Stand Suites 5/25/12, Football- Cash Sheets 5/25/12	
Football- Micros 5/25/12, Hockey- Cash Sheets 12/21/12, Hockey- Suites 10/12/12	
Hockey- Stand Sheets 10/12/12, Hockey Micros 10/12/12, Hockey- Micros 10/26/12	
Hockey- Cash Sheets 10/20/12, Hockey- Suites 12/21/12, Hockey- Stand Sheets 12/21/12	
Holiday Classic 12/26-28/12, Hockey- Suites 12/22/12, Hockey- Stand Sheets 12/22/12	
Hockey- Cash Sheets 12/22/12, Hockey- Cash Sheets 11/25/12, Hockey- Stand Sheets 11/25/12	
Hockey- Suites 11/25/12, Twisted Athletics- Micros 12/1/12, Twisted Athletics- Cash Sheets 12/1/12	
Twisted Athletics- Stand Sheets 12/1/12, Twisted Athletics- Suites 12/1/12, Hockey- Cash Sheets 12/16/12	
Hockey- Micros 12/16/12, Twisted Athletics- Cash Sheets 12/2/12, Twisted Athletics- Micros 12/2/12	
Twisted Athletics- Suites 12/2/12, Hockey- Cash Sheets 12/14/12, Hockey- Stand Sheets 12/14/12	
Hockey- Stand Sheets 12/6/12, Hockey- Micros 12/14/12, Hockey- Suites 12/6/12	
9. Received From (Signature) <i>[Signature]</i> <u>Heise</u> <u>1/29/2020</u>	10. Received By (Signature) <i>[Signature]</i> <u>Julien Beckett</u> <u>1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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ITEMIZED LIST OF EVIDENCE	LOCATION EVIDENCE FOUND
ABC Storage Box #3- File Folders: Inventory Receipt 2 of 3	ABC Storage Box #3
Hockey- 12/12/12, Hockey- Cash Sheets 12/6/12, Hockey- Micros 12/6/12	
Hockey- Suites 12/14/12, Hockey- Micros 12/15/12, Mannheim- Stand Sheets 12/15/12	
Mannheim- Suites 12/15/12, Hockey- Stand Sheets 11/24/12, Mannheim- Cash Sheets 12/15/12	
Hockey- Suites 11/24/12, Hockey- Cash Sheets 11/24/12, Hockey- Micros 11/25/12	
Hockey- Stand Sheets 12/16/12, Hockey- Suites 12/16/12, Hockey- Micros 12/21/12	
Hockey- Micros 12/22/12, Pretty Lights- Cash Sheets 11/16/12, Hockey- Suites 11/2/12	
Hockey- Micros 11/17/12, Pretty Lights- Suites 11/16/12, Pretty Lights- Stand Sheets 11/16/12	
Hockey- Cash Sheets 11/17/12, Hockey- Stand Sheets 11/17/12, Hockey- Suites 11/17/12	
Hockey- Micros 11/24/12, Hockey- Stand Sheets 11/2/12, FOT 11/9-11/11	
Hockey- Micros 11/13/12, Hockey- Cash Sheets 11/13/12, Hockey- Stand Sheets 11/13/12	
Hockey- Suites 11/13/12, Pretty Lights- Micros 11/16/12, Hockey- Suites 10/27/12	
Hockey- Stand Sheets 10/27/12, Hockey- Micros 11/2/12, Hockey- Micros 10/27/12	
Hockey- Cash Sheets 11/2/12, Hockey- Cash Sheets 10/27/12, Hockey- Stand Sheets 10/26/12	
9. Received From (Signature) 6030 1/29/2020	10. Received By (Signature) 1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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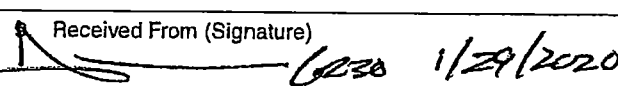
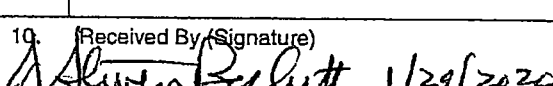
5. Name or Place of Business Beckett Law Office	6. Address 508 S. Broadway City <u>Urbana</u> State <u>IL</u> Zip _____
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ITEMIZED LIST OF EVIDENCE

LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #3- File Folders: Inventory Receipt 3 of 3	ABC Storage Box #3
Hockey- Suites 10/26/12, Women's Expo 9/8/12, WWE Suites 6/24/12	
WWE- Stand Sheets 6/24/12, WWE- Micros 6/24/12, Willie Nelson- Stand Sheets 6/9/12	
Willie Nelson- Suites 6/9/12, Willie Nelson- Cash Sheets 6/9/12, Willie Nelson- Micros 6/9/12	
Football- Stand Sheets 6/8/12, Zombie- Suites 10/13/12, Zombie- Stand Sheets 10/13/12	
Hockey- Cash Sheets 10/12/12, Zombie- Micros 10/13/12, Hockey- Stand Sheets 10/19/12	
Hockey- Cash Sheets 10/19/12, Hockey- Micros 10/19/12, Hockey- Cash Sheets 10/26/12	
WWE- Cash Sheets 6/24/12, Bassnectar- Cash Sheets 10/4/12, Bassnectar- Micros 10/4/12	
Bassnectar- Stand Sheets 10/4/12, Bassnectar- Suites 10/4/12, Football- Micros 6/8/12	
Bassnectar- Suites 10/4/12, Zombie- Cash Sheets 10/13/12	
Original seized Box #3	
Received From (Signature)  6030 1/29/2020	10. Received By (Signature)  1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White
Headquarters
IL 493-0007

Canary
Judge or Prosecutor

Pink
Person from whom evidence
was seized or property received

Goldenrod
Retained by Officer
ISP 1-10 (3/99)

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5. Name or Place of Business Beckett Law Office	6. Address _____ <u>508 S. Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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ITEMIZED LIST OF EVIDENCE

LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

ITEMIZED LIST OF EVIDENCE	LOCATION EVIDENCE FOUND
CEFCU deposit ticket 11/10/12	ABC Storage Box #6
9. Received From (Signature) _____ <u>6220 1/29/2020</u>	10. Received By (Signature) <u>Steven Beckett 1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White Headquarters IL 493-0007	Canary Judge or Prosecutor	Pink Person from whom evidence was seized or property received	Goldenrod Retained by Officer ISP 1-10 (3/99)
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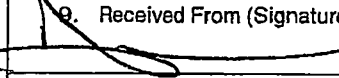
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ITEMIZED LIST OF EVIDENCE

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7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

ITEMIZED LIST OF EVIDENCE	LOCATION EVIDENCE FOUND
7 pages of ST-1 Sales and Use Tax 2006 with supporting documents	ABC Storage Box #7
9. Received From (Signature)  <u>6230 1/29/2020</u>	10. Received By (Signature) <u>J. Steven Beckett 1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White
Headquarters
IL 493-0007
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8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
3 pages BMI Concessions invoice 2/6/2009	ABC Storage Box #11
3 pages BMI Concessions Invoice 2/5/2011	
3 pages BMI Concessions Invoice 11/19/2011	
1 page US Cellular Coliseum Invoice 12/22/2011	
2 pages BMI Concessions Invoice 10/4/2012	
3 pages BMI Concessions Invoice 3/15/2011	
3 pages BMI Concessions Invoice 5/3/2011	
9. Received From (Signature) <i>[Signature]</i> <u>6230</u> <u>1/29/2020</u>	10. Received By (Signature) <i>[Signature]</i> <u>1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
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8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
4 pages, BMI Concessions Invoice 4/27/2011	ABC Storage Box #14
9. Received From (Signature) <i>[Signature]</i> 6230 1/29/2020	10. Received By (Signature) <i>[Signature]</i> 1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White Headquarters IL 493-0007	Canary Judge or Prosecutor	Pink Person from whom evidence was seized or property received	Goldenrod Retained by Officer ISP 1-10 (3/99)
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**ILLINOIS STATE POLICE
EVIDENCE INVENTORY
AND RECEIPT**

1. Date 01/29/2020 3. File/Field Report # 16-13024-BL
 2. Time 9:07am 4. District/Office # Zone 5 Pontiac

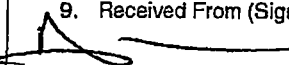
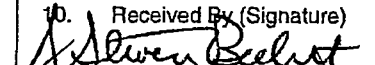
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 South Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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ITEMIZED LIST OF EVIDENCE

LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

ITEMIZED LIST OF EVIDENCE	LOCATION EVIDENCE FOUND
ABC Storage Box #19- Inventory Receipt 1 of 1	ABC Storage Box #19
File Folder: Twisted Athletics 12/1 & 12/2 2012	
58 pages of Roberts Foods Invoices for years 2005-2006	
File Folder: IHSA Cheerleading (contains documents from 2011-2012)	
9. Received From (Signature)  <u>6230 1/29/2020</u>	10. Received By (Signature)  <u>1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White
Headquarters
IL 493-0007

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Judge or Prosecutor

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Goldenrod
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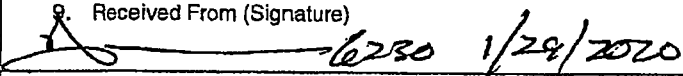
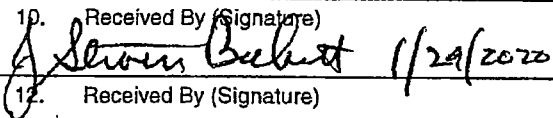
5. Name or Place of Business Beckett Law Offices	6. Address 508 S. Broadway City <u>Urbana</u> State <u>IL</u> Zip _____
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8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
Personnel Files for:	ABC Storage Box #24
Kelly haddock, Michael Haensel, Daniel Hafley, Benjamin Hague	
Andrew Hall, Charles Hall, Kelvin Hall, Christopher Hallam	
Elizabeth Hamilton, Philip Hamilton, Trish Hamilton, Arthur Hamilton	
Nicholas Hamlin, John Hamrin, Steven Hand, Josh Handlesman	
Edward Hanson, James Hardesty, Jonas Hardt, Jessica Hari	
Aaron Harris, Dontae Harris, Frank Harmison, Aaron Harris	
Darrell Harris, Justin Harrolle, Stacey Harrison, Nichelle Hart	
Matthew Hartwell, Mae Harvey, Hasse Rachael, Karen Hastings	
Sean Hastings, Matt Hill, Brandon Hilton, Erik Hinderliter	
Richard Hinderlinter, Kayln Hinshaw, Kenneth Hinshaw, Patricia Hinshaw	
Jacob Hirsch, Emily Hobbs, Isaac Hobbs, Luke Hoesley	
Richard Hogan, Matthew Hohmann, Grant Hohulin, Eric Holderby	
James Holderby, Tremaine Hollie, Keenan Hollywood, Anthony Holman	
9. Received From (Signature)  6230 1/29/2020	10. Received By (Signature)  1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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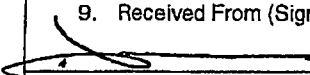
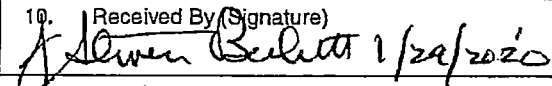
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 S. Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
Personnel Files for:	ABC Storage Box #24
Quince Holman, Theresa Holmes, Kimberly Hoover, Dillon Hopkins	
Connie Hopper, Timothy Hopper, Katherine Hopping, Chad Horner	
Cassie Horrocks, Richard Horton, Daniel Horvath, David Hosea	
John Haskins, Brandon Houck, Brian Houston, Brady Howard	
Randy Howard, William Howard, Seth Howerton, William Hronec	
Jonathan Hubbell, Dustin Hudelson, Velecia Hudson, Antoinette Hudson-Rodgers	
Leigh Huff, Mark Huffingron, Robert Hughes, Kraig, Hull	
Curtis Humbles, Megan Hunt, Kaschiev Hunter, Douglas Huskey	
AC Hutchcraft, Benjamin Ireland, Doug Ireland, Michael Irvin	
William Irvin, BJ Jackson, Charles Jackson, Jane Jackson	
Aaron Johnson, Chris, Johnson, Christie Johnson, Christopher Johnson	
Curtis Johnson, Dannen Johnson, Darius Johnson, David Johnson	
Dawn Johnson, Eric Johnson, John Johnson, Josh Johnson	
9. Received From (Signature)  <u>0230 1-29-2020</u>	10. Received By (Signature)  <u>1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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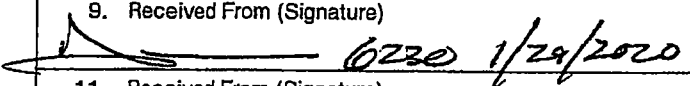
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 South Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #24- Personnel Files: Inventory Receipt 2 of 4	ABC Storage Box #24
David Haut, Michael Havlis, Ben Hawkins, Daniel Hawkins	
Quinton Hayes, Kelly Hazel, Donald Hazzard, Joann Heidloff	
Gary Heinz, Robert Heite, Matt Helfer, George Hemrich	
Brandon Henderson, Brittney Hendricks, Josh Hendricks, Richard Hendricks	
James Hendron, James Henery, Wayne Henrichs, Will Henrichs	
Sean Henry, Andrea Hensley, William Henson, James Hepperly	
Alan Herald, Jaime Hernandez, Maria Hernandez, Christopher Hiatt	
Willaim Hickman, Ann-Marie Hicks, Larry Hill, Kimberly Jackson	
Kinmberly Jackson, LaRoche Jackson, Matthew Jackson, Robert Jackson	
David Jacob, Kathy Jacob, Bradley Jahnke, Clifford James	
Kevin James, Adam James, Joe Janes, Alexander Jaronh	
Elvis Jarrett, Jeffrey Jarvis, Evan Jehle, John Jenkins	
Steven Jennings, Jeffrey Jensen, Jeffrey Jensen, Robert Jensen	
9. Received From (Signature)  <u>0230 1/29/2020</u>	10. Received By (Signature) <u>Steven Beckett 1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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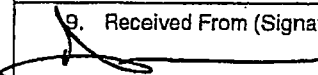
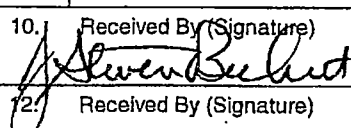
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 South Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #24- Personnel Files: Inventory Receipt 4 of 4	ABC Storage Box #24
Robert Jensen, Samantha Jensen, Aaron Johnson, Kenneth Johnson	
Kristopher Johnson, Lynne Johnson, Maya Johnson, Michael Johnson	
Rico Johnson, Steven Johnson, Zachary Johnson, Walter Johnson	
Ryan Johnston, Alfred Jones, Annie Jones, Calvin Jones	
Casey Jones, Chelsea Jones, Daniel Jones, David Jones	
Glenn Jones, Jaliya Jones, Justin Jones, Keith Jones	
Skylar Jones, Steven Jones, Ruth Jorgensen, Jeramie Joseph	
Vincent Joseph, Jeffrey Joyce, Sarah Judd, Brian Jurgens	
Original packaging for Box #24	
9. Received From (Signature)  <u>0230 1/29/2020</u>	10. Received By (Signature)  <u>1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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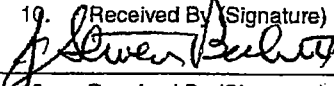
5. Name or Place of Business Beckett Law Offices	6. Address _____ 508 S. Broadway City <u>Urbana</u> State <u>IL</u> Zip _____
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8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #25 Personnel files (cont.)	ABC Storage Box #25
Norma Lind, Emily Lindenmier, Jacob Litton, Patricia Lloyd	
Anthony Lobello, Vincent Lobello, Michele Locke, Wes Logan	
Cody Long, George Lori, John Lucio, Amanda Luebchow	
Sharon Lush, Toshiro Luttrell, Michael Lyke, Tyshawn Mabry	
Robert Mackenzie, Erik Madsen, Thomas Magro, Michael Malecki	
James Malinowski, Kevin Mallehan, Brandy Maloney, Shawn Malott	
William Malott, Todd Mangruem, Abraham Marino, Julie Manley	
Eric Manuel, Anthony Maple, Monica Marlett, Amanda Marreno	
Lee Marsh, Christine Martin, James Martin, Adam Martinez	
Anabel Martinez, Destini Martinez, Brandon Mason, Tim Mason	
Ronald Masters, Naameh Matthews, John Matkovic, Kurt Mattson	
Robert Matthews, David Massie, Jeff Maurer, Kathryn Mavros	
Tameka Maxey, Valencia Maxwell, Larry Mays, Original Box #25	
9. Received From (Signature)  6230 1/29/2020	10. Received By (Signature)  1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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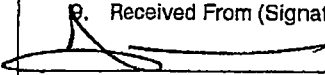
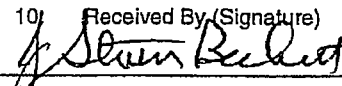
5. Name or Place of Business Beckett Law Offices	6. Address 508 S. Broadway City <u>Urbana</u> State <u>IL</u> Zip _____
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LOCATION EVIDENCE FOUND

8. (Specify Location)

ABC Storage Box #25 Personnel files (cont.)	ABC Storage Box #25
Michael Krumme, Michael Kudrys, Jeremy Kuhn, Austin Kull	
Adam Kumpf, Robert Kunze, Meghan Klein, Nicole Koch	
Jeffrey Koch, Jeff D. Koch, Laura Knight, Stephen Knecht	
Shawn Knapp, Maggie Kluck, Bernard Klimas, Robert Klein	
Melissa Klein, John Ladage, Mark LaFevre, Martha Lakin	
Kelly Lambert, William Lambert, Kristopher Lancaster, Walter Landaverry	
Jeremy Lane, Spencer Lane, Allan Lang, Christopher Lang	
Jon Paul Langellier, Adam Lansing, Brian Latham, Melinda Latham	
Eli, Lawhorn, Greg Leatherman, Bryan Leaver, Kyle LeDue	
John Lehman, Chris Lembke, Kyle LeRoy, Ronald Lester	
Brandon Lettow, Brooke Leverton, Gabrielle Lewis, Jonathan Lewis	
Ottis Lewis, Philemon Lewis, Richard Lewis, Sherri Lewis	
Stephanie Lewis, Derick Lian, Natalie Liehr, Roberto Lima, Frederick Lind	
9. Received From (Signature)  60230 1/29/2020	10. Received By (Signature)  1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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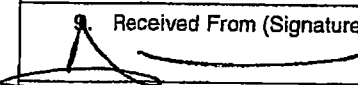
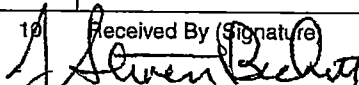
5. Name or Place of Business Beckett Law Offices	6. Address _____ 508 S. Broadway City <u>Urbana</u> State <u>IL</u> Zip _____
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LOCATION EVIDENCE FOUND

8. (Specify Location)

ITEMIZED LIST OF EVIDENCE	LOCATION EVIDENCE FOUND
ABC Storage Box #25 Personnel Files:	ABC Storage Box #25
Alexander k, Gary Kampton, Nathan Kappes, Jennifer Kaps	
Justin Karch, Lukas Karch, Philip Kaufman, Ronald Keck	
Francis Keenan, Alisha Keiser, Megan Keiser, Roland Keiser	
William Keiser (3), Gary Keith, Mike Keith, Elizabeth Keller	
Christopher Kelly, Patrick Kelly (2), Sean Kelly, Tyler Kelly	
Robert Kelsey, Ryan Kendrick, Bradley Kepler, Tyler Kern	
Steven Ketchan, Randall Kilpatrick, Kaitlyn Kindig, Kayla Kindred	
Amanda king, Joe king, Seth king, Tyler King, Michael Kilppert	
Daniel Kipp, Tyler Kirby, Darryl Kirkpatrick, Randall Koch	
Benjamin Koester, Jeremiah Koester, Kenneth Koester, Jessica Kohn	
Joyce Komnick, Adam Kopp, Roger Kosteck, John Kozak	
Tim Kramp, Steven Krave, David Kreitzer, Richard Krieg	
Kyle Krippner, Chad Krist, Gerald Krumme, Michael Krumme	
9. Received From (Signature)  60230 1/29/2020	10. Received By (Signature)  1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
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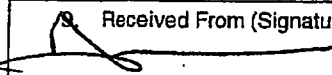
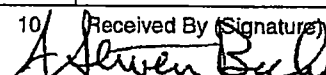
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8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #26- Personnel Files: Inventory Receipt 1 of 4	ABC Storage Box #26
Jerry McBurney, Jarred McCaffrey, Joe McCaffrey, Ronald McClain	
Eric McClanahan, Devon McCloud, Rhonda McComas, Wm. "Mike" McComas	
Robin McCoskey, Sarah McCoskey, Brandon McCracken, Brad McCreary	
Charles McCubbin, Amber McDaniel, Mark McDermott, Christa McElyea	
Brett McGee, Isaiah McGee, Chelsea McIntyre, David McIntyre	
Melissa McKallagat, Steve McKinley, Dave McKnelly, Robbie McLain	
Michael McLinden, Sarah McManus, Gary McRann, Fred Mecherle	
Peter Medina, Eric Medrano, Cody Meincke, Tony Mellor	
Dellena Melton, Isaac Menssen, Marissa Mercer, Robert Messenger	
Ryan Metz, Dustin Meyer, Samuel Michael, Raymond Michel	
Anthony Middleton, Jason Miles, Aaron Miller, Chris Miller	
Jerry Miller, Ian Miller, Robert Miller Jr., Stacy Miller, Lori Mills	
Damien Mines, Daniel Minor, Jermaine Mitchell, Jason Moberly	
9. Received From (Signature)  <u>0230 1/29/2020</u>	10. Received By (Signature)  <u>1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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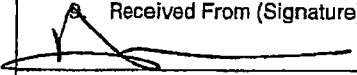
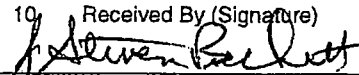
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7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #26- Personnel Files: Inventory Receipt 2 of 4	ABC Storage Box #26
David Moeller, Dennis Mohrman, Imre Molnar, Alvin Monke	
John Montecalvo, James Monninger, Carl Montgomery, Jason Montgomery	
James Montjoy, Qwion Mooney, David Moore, Jeffrey Moore	
Megan Moore, Rodney Moore, Brenda Morgan, Harley Morgan	
James Morgan, Douglas Morris, Jesse Morris, Joseph Morris	
Kevin Morris, Andre Morton, Charles Mosier, Jeffrey Hoss	
Ian Moulton, Brian Moyer, Andrew Mueller, Cheri Muller	
Matthew Mulford, Dario Murga, Michael Murphey, Sean Murphy	
Antoine Murray, Cleve Murray, David Murray, Hannah Muscat	
Adrian Myers, Austin Myers, Craig Myers, Kyle Myers	
Steve Naffziger, Adam Nagel, Daniel Nagle, Lisa Narotsky	
Brandy Navadomskis, John Neal, Paul Neal, Vonda Neelly	
Bryan Neibuhr, Maria Nellas, Bryan Nelson, Henry Nelson	
9. Received From (Signature)  6230 1/29/2020	10. Received By (Signature)  1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
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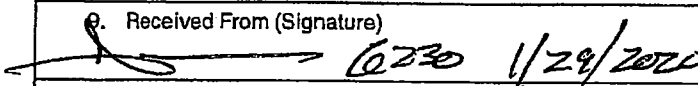
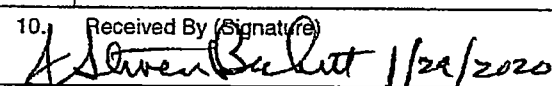
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 South Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #26- Personnel Files: Inventory Receipt 3 of 4	ABC Storage Box #26
Michael Nelson, Russell Nelson, Leeanne Nesby, Troy Newberry	
Clinton Newman, Carl Newnum, Clint Nichols, Martin Nichols	
Timothy Nichols, Wally Nichols, Allen Nievelt, Joseph Niklasch	
Leonard Nikonsok, Bagishe Nkuba, Sergio Nino, Mathew Nitsch	
Russell Nixon, Brendan Noble, Timothy Noe, Christopher Noel	
Malisa Norman, Zachary Norris, Nacy Northcutt, Andy Norton	
Nicholas Nottoli, Roger Nourie, Lawrence Nowlin, John Nuckols	
John Nussbaum, Robert Oakas, Julius Odems, Melissa Oertle	
Lori Okreglicki, Gavin Oldigs, Ryan Oliva, Terance Oliver	
James Olmstead, Mykel Olson, Luis Orellana, Luis Orellano	
Alban Osmani, Joe Ott, Taylor Oxley, Luis Padilla	
James Pagana, Toni Parker, Thomas Parks, Isabella Pate	
Lynn Pates, Ardis Patterson, Gerald Patteron, Terrenta Patton	
9. Received From (Signature)  0230 1/29/2020	10. Received By (Signature)  1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White
Headquarters
IL 493-0007

Canary
Judge or Prosecutor

Pink
Person from whom evidence
was seized or property received

Goldenrod
Retained by Officer
ISP 1-10 (3/99)

**ILLINOIS STATE POLICE
EVIDENCE INVENTORY
AND RECEIPT**

1. Date 01/29/2020 3. File/Field Report # 16-13024-BL
2. Time 9:07am 4. District/Office # Zone 5 Pontiac


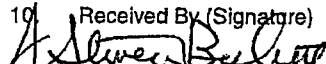
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 South Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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ITEMIZED LIST OF EVIDENCE

LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

7. ITEMIZED LIST OF EVIDENCE	8. LOCATION EVIDENCE FOUND
ABC Storage Box #26- Personnel Files: Inventory Receipt 4 of 4	ABC Storage Box #26
Michael Pavlik, Kevin Pawlak, Keegan Paxton, Kevin Paxton	
Kevin Paxton Unempl. Claims, Rod Paxton, Jason Payne, Timothy Payne	
Bernard Payton III, Carl Payton	
Original packaging for ABC Storage Box #26	
9. Received From (Signature)  6230 1/29/2020	10. Received By (Signature)  1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White
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IL 493-0007

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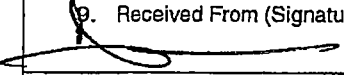
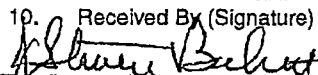
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 South Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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ITEMIZED LIST OF EVIDENCE

LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #28- Personnel Files: Inventory Receipt 1 of 4	ABC Storage Box #28
Paige Sibley, Robert Sikora, Justin Silverton, David Simmons	
Edward Simmons, Robert Simmons, Darnall Simpson, Travis Simpson	
Carl Sims, Edwin Skinner, Vickie Slagell, Steven Small	
Amanda Smith, David Smith, Chris Smith, Heather Smith	
Katherine Smith, Kevin Smith, Michael Smith, Robert Smith	
Samuel Smith, Jay Smithson, Theresa Smithson, Katherine Smock	
Matthew Smoody, Leonard Sneed, Aimee Snelling, John Snyder	
John Snyder, Jeff Sobol, Katherine Soler, Scott Somlar	
Dan Sorenson, Dave Sowa, Michael Sparks, Larry Sparrow	
Steven Sparfven, Tom Speer, Melanie Sellmeyer, Anthony Spence	
Andre Spiecker, Matthew Spiro, Edgar Springer, Shane Springer	
Jerome Springfield, Justin Staats, Melissa Stahl, David Stankiewicz	
Pamela Starks, Linda Stawick, Robert Steck, Donald Stecken	
9. Received From (Signature)  <u>6230 1/29/2020</u>	10. Received By (Signature)  <u>1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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Headquarters
IL 493-0007

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Goldenrod
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ISP 1-10 (3/99)

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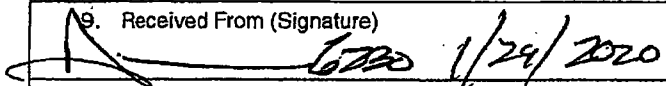
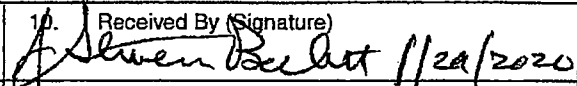
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 South Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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ITEMIZED LIST OF EVIDENCE

LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

ABC Storage Box #28- Personnel Files: Inventory Receipt 2 of 4	ABC Storage Box #28
David Stecken, Kenneth Steel, Lucas Steele, Nathaniel Steel	
Todd Steele, Jodi Steichen, Isaac Steidinger, Eric Stenerson	
Chad Stengel, Christian Stengel, Jacqueline Stengel, Karen Stevens	
Lesleigh Stevens, Dennis Stevenson, David Stewart, Dominique Stewart	
Gary Steward, Rodney Stickron, Jeremy Stiller, De'Jonice Stinson	
Prentis Stokes, Rachel Stoltz, Ray Strange, Bryson Strong	
Colt Stroud, Matt Suhadolc, Andrew Sumerlin, Jeremy Sirrett	
Raymond Sutton, Gregory Swank, Loretta Swank, Rachel Sweeney	
Gerald Sweitzer, Sandra Talbott, Terry Tatum, Kenneth Taylor	
Robert Taylor, James Temple, James Terrell, Lisa Teutsch	
John Thomas, Michael Thomas, William Thomas, Oscar Thompson	
Roy Thompson, William Thompson, Paul Thornhill, Anneta Thornton	
Christopher Tilka, George Tilton, Wayne Timm, Steve Tinglestad	
9. Received From (Signature)  1/29/2020	10. Received By (Signature)  1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

**ILLINOIS STATE POLICE
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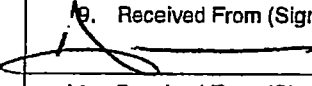
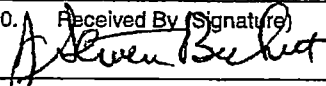
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 South Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #28- Personnel Files: Inventory Receipt 3 of 4	ABC Storage Box #28
Justin Tiraboschi, Susie Tod, Rick Todd, Vonshawn Tolliver	
Sandra Torres, Matthew Tow, Megan Towner, Christopher Tracy	
Greg Tracy, Gred D. Tracy II, Jonathan Tracy, Derrick Travis	
Danny Trice, Whitney Troyer, Andrea Turner, Ginger Tutewiler	
Vince Tyler, Steven Umstattd, Brandon Valentine, Kyle Van Sandt	
Brian Vanderbusch, Ludovicus Vanderhout, Shawn Vandervort, Susan VanHorn	
Jane VanSchett, Lyndsey Vaughn, Robbin Veitengruber, Laura Vick	
Ivy Vidrios, Sabrina Viruet, Amy Vitzhum, Dana Voight	
Jenna Voight, Larry Voigt, Nicholas Vombrack, Ashton Waggoner	
Tiger Wahtola, Peter Wald, John Wald, Pete J Wald	
Darrell Walker, Karen Walker, Sonya Walker, Lindell Walkington	
Brian Wallace, Jatoris Wallace, Derrick Waller, Mitchell Wallin	
Shane Wallin, Chris Watson, Gary Watson, Camilla Walls	
9. Received From (Signature)  <u>1/29/2020</u>	10. Received By (Signature)  <u>1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White
Headquarters
IL 493-0007

Canary
Judge or Prosecutor

Pink
Person from whom evidence
was seized or property received

Goldenrod
Retained by Officer
ISP 1-10 (3/99)

**ILLINOIS STATE POLICE
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1. Date 01/29/2020 3. File/Field Report # 16-13024-BL
 2. Time 9:07am 4. District/Office # Zone 5 Pontiac

5. Name or Place of Business **Beckett Law Offices** 6. Address 508 South Broadway
 City Urbana State IL Zip _____

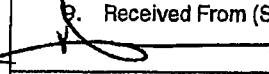
ITEMIZED LIST OF EVIDENCE

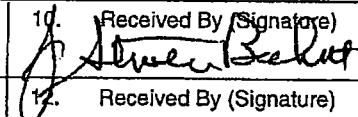
LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

ABC Storage Box #28- Personnel Files: Inventory Receipt 4 of 4	ABC Storage Box #28
Kendall Walls, Adam Walsh, Daniel Walsh, Jacob Walters	
William Walters, James Walton, Deandre Ward, Todd Ward	
Travis Ware, Wesley Ware, William Ware, James Warmath	
Clinton Warren, Allison Ward, Daron Washington, Logan Watkins	
Larry Washington, Melinda Watkins, Joseph Watson, Latisha Watts	
Original packaging for Box #28	

9. Received From (Signature)  OZBO 1/29/2020
 11. Received From (Signature)
 13. Received From (Signature)
 15. Received From (Signature)

10. Received By (Signature)  Steven Beckett 1/29/2020
 12. Received By (Signature)
 14. Received By (Signature)
 16. Received By (Signature)

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IL 493-0007

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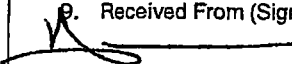
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 South Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #29- Personnel Files and I-9 Folders: Inventory Receipt 1 of 2	ABC Storage Box #29
Jonathan Weaver, Monica Weaver, Amanda Webber, Joseph Weber	
John Wedge, Richard Weil, Tim Weiner, Rebecca Welch	
Jason Wells, Shane Wells, Richard Wenrick, Erik Wenzel-Myles	
Lois Werre, Dennis Wertz, Jeff West, Ken Westerhausen	
Jerry Wetzel, Matthew Wheeler, Nicholas Whinna, Mark White	
Robert White, Gene Whitehouse Jr., Charles Whitmore, Michael Wickline	
Bill Wiedmann, Tyler Wiesemeyer, Joseph Wig, Scott Wight	
Demetrius Wilbert, Chris Wilkeson, Christie Williams, Daniel Williams	
Deandre Williams, Edwin Williams, Jason Williams, Kenneth Williams	
Robert Williams, Tommy Williams, Tod Williamson, Brandon Wills	
Terry Wilson, Sharris Wilson, David Wilson, David Wilson	
Curtis Wilson, Andrea Wilson, Errick Winbush, Lamont Wince	
Stephen Windisch, Jeff Winkowski, Erika Wisniewski, Corey Wissmiller	
9. Received From (Signature)  <u>6230 1/29/2020</u>	10. Received By (Signature) <u>Steven Beckett 1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White
Headquarters
IL 493-0007

Canary
Judge or Prosecutor

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EVIDENCE INVENTORY
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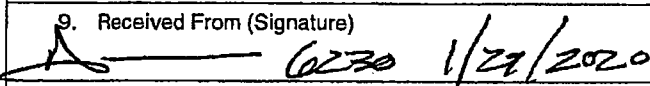
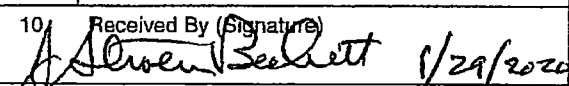
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 South Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #29- Personnel Files and I-9 Folders: Inventory Receipt 2 of 2	ABC Storage Box #29
Christopher Woith, Jason Wolter, Bruce Woodrow, Laquanda Woods	
Shavon Woods, Irene Woodson, Quentin Workman, Christopher Worley	
Corey Worthey, Angie Wright, Clinton Wright, Samantha Wright	
Maurice Wyatt, Christopher Wyatt, Michael Wyatt, Earl Wyrick	
Ryan Wyss, Herman Yancey, Brooke Yarbrough, Kerin Yarger	
Daniel Yorger, Christian Young, Matthew Zalzarriaga, Kevin Zalucha	
Amanda Zehr, Jason Zeis, Randy Zimmerman, Frank Zupancic	
File Folders Labeled: I-9(A), I-9(B), I-9(C), I-9(D)	
I-9(E), I-9(F), I-9(G), I-9(H), I-9(I), I-9(J)	
I-9(K), I-9(L), I-9(M), I-9(N), I-9(O), I-9(P)	
I-9(Q), I-9(R), I-9(S), I-9(T), I-9(U), I-9(V)	
Original Packaging for ABC Storage Box #29	
9. Received From (Signature)  0270 1/29/2020	10. Received By (Signature)  1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White
Headquarters
IL 493-0007

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Judge or Prosecutor

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ISP 1-10 (3/99)

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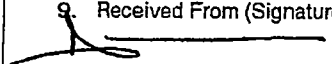
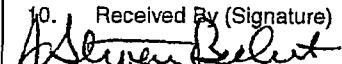
5. Name or Place of Business Beckett Law Offices	6. Address _____ 508 S. Broadway City <u>Urbana</u> State <u>IL</u> Zip _____
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ITEMIZED LIST OF EVIDENCE

LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #31	ABC Storage Box #31
Personnel Files:	
Sandra Hastings, Jane Everhart, Donald Collins, Traci Andracke	
Barry Taylor, Laura Jones, Nicole Hill, Andrea Henrichs, Sandra Hastings	
File Folders:	
2011 Form 5500, 2009 Form 5500, 2010 Form 5500, VSP Vision Care	
2009 unemployment, 2010 unemployment, 2011 unemployment, 2006 unemployment	
2007 unemployment, 2012 unemployment, 2012 form 5500, (5) 401K Plan info	
(2) Principal Dental, 401K Loans/Hardships, Terminated Employee Waivers	
BCBS Health Insurance, 2008 Unemployment, (4) CIAM Financial Statement 12/31/08 and 2007	
The Health and Safety Manual and Kit, Hanging File Folder with tax documents	
11 Work Comp documents April 2010, 1 page Kelly Klein e-mail to John Butler	
9. Received From (Signature)  <u>6230 1/29/2020</u>	10. Received By (Signature)  <u>1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

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Judge or Prosecutor

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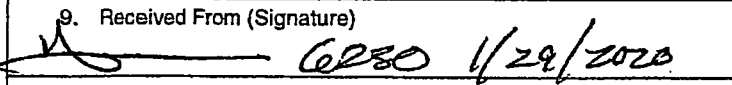
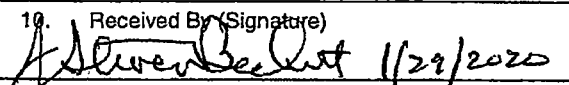
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8. (Specify Location)

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)	8. (Specify Location)
ABC Storage Box #33	ABC Storage Box #33
STEPS curriculum packet, Various BMI Concessions Invoices	
File Folders:	
CIAM 2012 payroll, CIAM 2012, CIAM 2011, W-9 Forms, CIAM 2012 Payroll	
CIAM 2011 Payroll, Bartender Meetings, Bassnectar 10/11, Bobak's, CEBP Bills Paid	
Sugarland, Jan 11 BMI Bank, Chevy Drive 9/10, CIAM Nelson Buyout	
Lady Antebellum, Wilson Wedding, Kenny Rogers, Andy's Movie 2010	
November 2012 CESP Bank, October 2012 CESP Bank, Nov 2011 CESP Bank	
December 2011 CESP Bank, Jan 2012 CESP bank, Feb 2012 CESP Bank	
March 2012 CESP Bank, April 2012 CESP Bank, May 2012 CESP Bank	
June 2012 CESP Bank, July 2012 CESP Bank, August 2012 CESP Bank	
Septemebr 2012 CESP Bank, December 2012 CESP Bank, CESP Bills Paid 2012	
Feb 11 BMI Bank, Mar 11 BMI Bank, April 11 BMI Bank, May 11 BMI Bank	
Jun 11 BMI Bank, Jul 11 BMI Bank, AUG 11 BMI Bank, Sep 11 BMI Bank	
9. Received From (Signature) 	10. Received By (Signature) 
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White
Headquarters
IL 493-0007

Canary
Judge or Proscutor

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5. Name or Place of Business Beckett Law Offices	6. Address _____ <u>508 S. Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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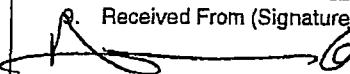
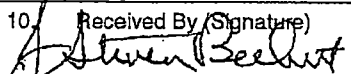
ITEMIZED LIST OF EVIDENCE

LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

ABC Storage Box #33 (cont.)	ABC Storage Box #33
Sep 11 BMI Bank, Oct 11 BMI Bank, Nov 11 BMI Bank, Dec 11 BMI Bank	
Exempt Certificates, Mannheim Steamroller, Rob Zombie, STYX, REO	
Eric Church, Picadilly Circuis, Shinedown, extreme car sale, MMA, Barry Manilow	
WWE, Nickleback, Festival of trees, FOT 2011, Thanksgiving Market	
Willie Nelson, Festival of Trees 2010, IESA Chess 2011, Bassnectar 2012	
Mannheim Steamroller 2012, Hanson Meet & Greet 2012, ICCA 2011	
Pretty Lights 2012	
Jay Employee Handbook, Clemens Insurance	
349 Various documents	
52 pages of Suite menus	
27 pages out of Winning edge contracts file folder	
5 page unsigned employment contract 2012	

9. Received From (Signature)  <u>0230 1/29/2020</u>	10. Received By (Signature)  <u>1/29/2020</u>
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White Headquarters IL 493-0007	Canary Judge or Prosecutor	Pink Person from whom evidence was seized or property received	Goldenrod Retained by Officer ISP 1-10 (3/99)
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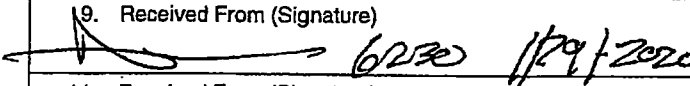
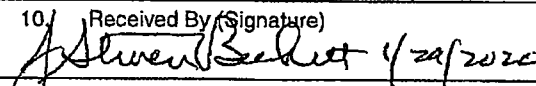
5. Name or Place of Business Beckett Law Offices	6. Address <u>508 S. Broadway</u> City <u>Urbana</u> State <u>IL</u> Zip _____
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ITEMIZED LIST OF EVIDENCE

LOCATION EVIDENCE FOUND

7. (List all items by name and serial no., if any, amount of currency, coins, etc.)

8. (Specify Location)

4 BMI Concessions binders with various documents inside	ABC Storage Box #34
1,202 individual pages of various documents	
1 First Class mail envelope addressed to Fighting Irish Youth Football containing 57 pages	
10 empty file folders	
IHSA 2/2/2007 & 2/3/2007 file folder	
Pay Roll file folder	
Unlabeled file folder containing 82 pages of documents	
9. Received From (Signature)  6/23/2020 1/29/2020	10. Received By (Signature)  Steven Beckett 1/29/2020
11. Received From (Signature)	12. Received By (Signature)
13. Received From (Signature)	14. Received By (Signature)
15. Received From (Signature)	16. Received By (Signature)

White
Headquarters
IL 493-0007

Canary
Judge or Prosecutor

Pink
Person from whom evidence
was seized or property received

Goldenrod
Retained by Officer
ISP 1-10 (3/99)

**IN THE CIRCUIT COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY, ILLINOIS**

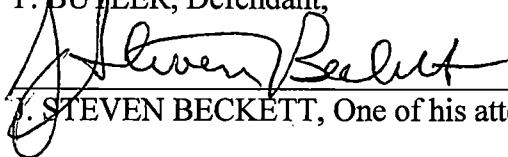
PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	
v.)	No. 2017-CF-1025
)	
JOHN Y. BUTLER)	
)	
Defendant.)	

DEFENDANT'S SUPPLEMENTAL DISCOVERY RESPONSE

NOW COMES the Defendant, JOHN Y. BUTLER, by his attorneys, J. Steven Beckett, of Beckett Law Office, P.C. and Tristan Bullington, of Meyer Capel, P.C., and for his *Supplemental Discovery Response* states as follows:

1. Pursuant to Supreme Court Rule 413(c), the report, opinions, and curriculum vitae of Mark Nicholas, CPA, CFE, CVA, CFF has been tendered to the State contemporaneously with the filing of this discovery response. Investigation continues in this case. Defendant acknowledges a continuing duty to disclose such matters pursuant to Illinois Supreme Court 413.

Respectfully submitted
JOHN Y. BUTLER, Defendant,

By: 
J. STEVEN BECKETT, One of his attorney

J. STEVEN BECKETT #0151580
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Urbana IL 61801
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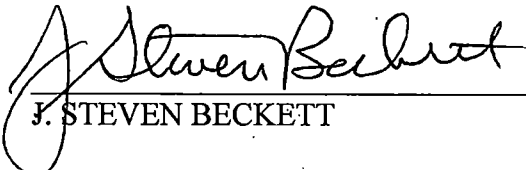
FILED
JAN 10 2020
CIRCUIT CLERK

McLEAN COUNTY

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of January, 2020, a copy of the foregoing *Defendant's Supplemental Discovery Response* was served by U.S. Mail delivery:

State's Attorney's Office
McLean County Courthouse
104 W. Front Street
Bloomington, IL 61701



J. STEVEN BECKETT

J. STEVEN BECKETT #0151580
BECKETT LAW OFFICE, P.C.
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BECKETT LAW OFFICE, P.C.
Attorneys at Law

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Andrew W. Hall
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Lawrence T. Solava
Juan C. Bernal

Of Counsel

J. Steven Beckett

January 9, 2020

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Tuscola Office
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P. O. Box 348
Tuscola IL 61953-0348
(217) 253-2383
(217) 253-3633 FAX

Please reply to Urbana Office

McLean County Circuit Clerk
McLean County Courthouse
104 W. Front St.
Bloomington, IL 61701-5005

Re: State v. John Butler
2017-CF-1025

McLEAN COUNTY
FILED
JAN 10 2020
CIRCUIT CLERK

To Whom It May Concern:

Enclosed please find an original and two copies of a Defendant's Supplemental Discovery Response to be filed in the above referenced matter. Once you have filed the enclosed documents, please return the copies to me in the enclosed envelope.

Should you have any questions or concerns, please do not hesitate to contact our office.

Very truly yours,


J. STEVEN BECKETT

JSB/scr
Enclosures

IN THE CIRCUIT COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
)
v.)
)
JOHN Y. BUTLER)
Defendant.)

No. 2017-CF-1025

McLEAN
FILED
JAN 08 2020
CIRCUIT CLERK
COUNTY

AGREED ORDER

This matter having come before the Court, the People, appearing by Bradley Rigdon, the Defendant, John Y. Butler, appearing by J. Steven Beckett, the Court finds as follows:

1. On December 30, 2019, the Court entered an Order denying Defendant's Motion to Suppress and Supplemental Motion to Suppress, however ruling that evidence seized outside the scope of the warrant could not be used at trial by the State.

2. Defendant objected to the State's continued possession of documents and records of all types seized outside the scope of the warrant. After conferring, the parties have agreed on the following procedures:

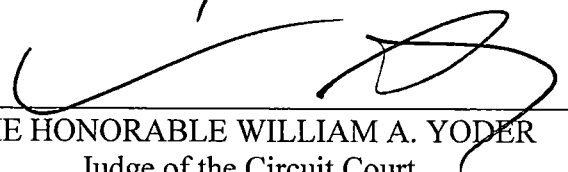
- of dates*
- a. A date will be selected by agreement of the parties within the next 30 days. Counsel for Defendant and representatives of the prosecution, including the Illinois State Police, shall meet at the location where the business records are currently stored, shall review those records in an attempt to identify and agree upon records that are outside the scope of the warrant, and those agreed records shall which be returned to Defendant;
 - b. Defendant, through counsel, shall remove all such records from the premises at his own cost;

- c. In the event that there is a dispute between the parties regarding the return of any specific document, file folder, box, or any disputed item, said item will remain within the custody of the Illinois State Police and the dispute regarding said item may be presented to the Court on March 6, 2020 at 1:30 P.M.; and
- d. Defendant shall not be physically present during this process.

3. Defendant reserves his objection to the Court's Order of December 30, 2019.


WHEREFORE it is ordered that the agreement of the parties is approved and ordered implemented by the court.

Entered this 8 day of January, 2020.



THE HONORABLE WILLIAM A. YODER
Judge of the Circuit Court

Approved as to Form:



Assistant State's Attorney

Prepared by:
AUDREY C. THOMPSON, ARDC No. 6327692
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IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY, ILLINOIS

THE PEOPLE OF THE)
STATE OF ILLINOIS)
VS.)
JOHN BUTLER,)
DEFENDANT)

No. 2017-CF-1025

McLEAN COUNTY
FILED
NOV 07 2019
CIRCUIT CLERK

STATE'S WRITTEN ARGUMENTS IN REGARD TO
DEFENDANT'S MOTION TO SUPPRESS AND
SUPPLEMENTAL MOTION TO SUPPRESS

Now comes the People of the State of Illinois by Bradly Rigdon and David Rossi, Assistant State's Attorneys, in and for the County of McLean, State of Illinois, and move that this Court deny the Defendant's Motion to Suppress and Defendant's Supplemental Motion to Suppress, and present the following written arguments in support thereof:

I. PROCEDURAL POSTURE

On September 20, 2017, the Grand Jury of McLean County returned a Bill of Indictment in the above-entitled case and in four other cases pertaining to co-defendants. The Defendant filed a document entitled "Defendant's Motion to Suppress" on October 11, 2018. Subsequent to an evidentiary hearing, the Defendant filed a Motion to Reopen Evidence and also supplemented the Motion to Suppress with a document entitled "Supplemental Motion to Suppress" that was filed on July 23, 2019. The State will reference both the Motion to Suppress and the Supplemental Motion to Suppress collectively as "Motion" within this argument. Evidentiary hearings on the Motion occurred on October 24, 2018 and October 23, 2019. During those evidentiary hearings, the Court heard testimony from Special Agent Daniel Rossiter of the

Illinois State Police as well as received exhibits submitted by both parties. At the conclusion of the presentation of evidence, and at the request of the Defendant, the Court authorized the submission of written arguments. At the request of the State, those written arguments are to be further supplemented by oral arguments occurring on December 6, 2019. The State does intend to utilize the oral arguments allowed by the Court and will further articulate its position in regard to the Motion during the setting on December 6, 2019.

II. STATEMENT OF LAW AND ARGUMENT

The evidence identified by the Defendant in this matter should not be suppressed as requested by the Defendant. The claims of violation of the Fourth Amendment rights of the Defendant are not such that the evidence should be suppressed in the manner requested.

The Defendant puts forth multiple arguments as it relates to the request for suppression of all materials that were seized from the office of Striegel Knobloch on December 21, 2016 as well as materials seized from the ABC Storage Unit search warrant that was served on December 22, 2016. The search warrants in question were entered into evidence during the evidentiary hearings. The warrants themselves lays out both the place to be searched and the items to be seized during execution of that warrant. As will be laid out in the State's argument, the seizure of documents outside of the scope of the warrant does not justify suppression of the documents that were within the scope of the warrant which will be utilized as evidence to support the charges against the Defendant.

Prior to addressing the legal arguments made by the Defendant, it is important to note that during the testimony of Special Agent Rossiter, it was confirmed that while materials outside of the specified date range on the warrants was seized, those documents were not utilized

in the investigation. Furthermore, as the Court can note from the charging documents, the date ranges in the charges relating to materials seized from ABC Storage and Striegel Knobloch do not exceed the date ranges on the search warrants. The State does not contest whether it should be allowed to admit those documents outside of the date range as evidence in the trial because the State is not desirous of admitting those documents as evidence. The only materials the State would seek to admit at trial in its case-in-chief would be those that were within the date range on the search warrants and the State would not seek to utilize any other materials during its case-in-chief unless said documents became relevant due to cross-examination or presentation of evidence by the Defendant. The only evidentiary materials from the seizures at Strigel Knobloch and the ABC Storage unit are those that are squarely within the date range specified on the search warrants. That fact alone makes this case much different than those cited by the Defendant because in those matters, the materials seized that were outside of the scope of allowable seizure were admitted at trial and were the subject of charges.

A. The Evidence Should Not Be Suppressed Because the Search Warrants Were Not Converted Into “General Warrants”

The Defendant mischaracterizes the actions of the Illinois State Police and the Illinois Department of Revenue during the execution of the search warrants on December 21, 2016 and December 22, 2016. Through the course of arguments, the Defendant places primary emphasis on the argument that the Illinois State Police converted the warrant into a “general warrant” and that such an act would mandate the suppression of all evidence seized from the storage unit. However, the Defendant attempts to justify that request by citing to case law that is neither analogous nor relevant to the facts of this case. Of particular note is that the cases of *Kimmel*,

Bates and *Eagle Books, Inc.* are specifically addressing investigations surrounding obscenity as well as the First Amendment rights that accompany the charges in those cases. The Defendant's citation to *Taylor* is also problematic because the *Taylor* court was addressing a different issue in regards to the search warrants, being whether the location searched was justified by the search warrant. Because the Defendant cited to those matters, and mischaracterized the holdings in those matters, the State will address their inapplicability to the case before this Court.

i. This Matter is Distinguishable from the “General Warrant” Cases Cited by the Defendant

The Defendant's reliance on citation to the *Kimmel* case is misplaced because, if anything, the facts between that matter and the one before the Court are distinguishable rather than analogous. In *Kimmel*, the Illinois Supreme Court was addressing an instance in which a search warrant allowed for the seizure of copies of four particular books from within a bookstore. During the course of the search, the four police officers and two assistant state's attorneys engaged in a review of the books in the store and left the store with over 1500 books and magazines that encompassed more than 130 separate titles. *People v. Kimmel*, 34 Ill.2d 578, 580 (1966). From that seizure, three charges were filed in regards to materials that were seized outside of the items designated to be seized pursuant to the search warrant. The court noted that the “police were obviously looking not only for what the warrant described but for all that they eventually seized.” *Id.* at 582. The Court ruled that the convictions on the charges that stemmed from the books seized outside of the scope of the search warrant must be reversed. *Id.* at 583. The conviction on the remaining charge in the case related to the seizure of a book that was covered in the search warrant was reversed on First Amendment grounds. *Id.* at 583-584.

The Defendant cites to portions of the holding in *Kimmel* in support of the request to suppress all of the materials seized from ABC Storage and from Striegel Knobloch; however, the Defendant chose to cite to grandiose language from the time of the American Revolution and to sweeping holdings of a general nature rather than providing citations to the actual holdings within *Kimmel*. The *Kimmel* court acknowledged that it was addressing a particular and narrow issue when it cited to *Marcus v. Search Warrants*, 367 U.S. 717 (1961) and the law in regard to the seizure of materials relating to free speech. The *Kimmel* court reiterated the holding of the United States Supreme Court "...that the difficulty of determining the line between speech that is protected and speech that may be regulated, suppressed or punished, places obscene literature in a different category from other forms of contraband." *Kimmel* at 581. The *Kimmel* opinion is couched in the particular issue presented to that court of examining the conduct of the law enforcement officers and the seizure in light of the more strict standard and procedural process that exists for the seizure of obscenity.

The standard applied in *Kimmel* and the other obscenity cases cited by the Defendant is more stringent than that which is applied to other forms of contraband and evidence. Even with the more stringent standard in *Kimmel*, the seizure of items not covered in the search warrant did not warrant the suppression of all evidence in the case on that basis; rather, the court only ruled that it was appropriate to reverse convictions on the three charges relating to materials that were outside of the search warrant. "The Marcus and Stanford cases require reversal of the three convictions for the possession of books not named in the warrant." *Id* at 583. Had it been appropriate to do so, the court could, and assuredly would, have reversed the conviction on the fourth charge on the grounds that all of the evidence was invalidated based upon exceeding the scope of the warrant. The *Kimmel* court did not do so; rather, the court proceeded to address the

fourth charge on separate grounds and directly identified that the book that was covered within the search warrant scope was distinct from the others. “A somewhat different problem is posed by the defendant’s conviction upon the count of the indictment that charged him with possession of a book named in the search warrant.” *Id.* The *Kimmel* case cites to holdings regarding general warrants but there is no holding within that case that dictated suppression of all of the items seized based upon seizure of items not identified within the search warrant.

Similarly, the *Bates* case to which citation is made within the Defendant’s argument, is inapplicable to the facts currently before the court. In *Bates*, the court was addressing another investigation regarding obscenity and the search warrants related to the investigation. *People v. Bates*, 39 Ill.App.3d 259 (2nd Dist. 1976). The Defendant misstates the facts of that case in his argument to the Court. The holding in *Bates* turned almost entirely on the validity of the search warrant itself. The court in *Bates* specifically addressed the particularity of the search warrant as being insufficient, meaning that it was not specific and did not properly identify the items to be searched. *Id.* at 265 (emphasis added). The emphasis on “search” is important because the warrant that was addressed in the case had no seizure component to it at all. In that matter, the judge had “crossed out the word ‘seizing’ on the search warrant form and wrote in the word ‘searching,’ and also crossed out the words ‘and to make your return of all instruments, articles or things seized without unnecessary delay.’” *Id.* at 261.

The facts and holding of *Bates* are not relevant to the Court’s consideration in this matter because the warrant in *Bates* did not allow for any seizure to occur; it only allowed for a “search” to occur at the premises. The seizure of items based on that warrant was deemed invalid because the warrant did not authorize the seizure of a single item, not because items not listed in the warrant were seized. “The search warrant directed *only that a search be made* for fourteen films,

yet it is clear that at least six, and perhaps as many as 72 films *were not only searched for but were seized...*” *Id.* at 265 (emphasis added). *Bates* differs significantly from the case at hand because the Illinois State Police were in possession of a warrant that allowed for both the search *and seizure* of records that were voluminous in nature. Had the warrants that authorized the seizure of the documents in question not actually authorized *any seizure* to occur at all, the Defendant’s reliance on the holding in *Bates* might be well-taken. But that is not the fact-pattern before the Court and the holding in *Bates* is, therefore, readily distinguishable from the issues presented to this Court.

The Defendant also cites to *People v. Eagle Books, Inc.*, 151 Ill.2d 235 (1992) in support of his arguments. This case is, once again, a matter dealing with obscenity and the implications of the First Amendment rights of the owner of the property subject to seizure. Throughout this opinion, the court specifically identifies the matter as an issue pertaining directly to the handling of the seizure of items prior to a determination that they are obscene and the additional procedural steps that must be taken. The holding in *Eagle Books, Inc.* is not applicable to this matter because the Court is not charged with determining whether the execution of the search warrant resulted in a violation of the Defendant’s First Amendment rights or whether the “effect of this type of seizure was to suppress as a prior restraint the materials...” contained within the storage unit or at Strigel Knobloch. *Id.* at 254. When citing to the case, the Defendant takes one section out of context without referencing that the Court is specifically addressing the “search for materials presumptively protected by the first amendment.” *Id.* at 254-255.

The Third District further announced the importance of drawing a distinction in analysis of the search warrant relates to objects with first amendment implications as opposed to those without such implications. In *Raicevich*, the defendant was seeking suppression of all evidence

without such
when

located during the execution of a search warrant at a residence. The evidence for which suppression was sought was a handgun and cannabis; in support of the request, the defendant relied on *Kimmel* when making his arguments. *People v. Raicevich*, 61 Ill.App.3d 143, 148 (3rd Dist. 1978). That court discussed the importance of the distinction and held “[t]he stringent requirements of *Kimmel* are thus limited to the seizure of publications protected by the First Amendment and are not applicable here.” *Id.*

The Defendant places reliance on *Taylor* for the proposition that a seizure beyond the scope should result in the suppression of all evidence seized during the execution of a search warrant. Once again, the facts in *Taylor* show that the holding is of a limited nature and applied specifically to an issue that is not present in this matter. In *Taylor*, the actions of the police officers were deemed to be justified because they conducted their search in an area in which they were allowed to search and inadvertently located additional evidence. *People v. Taylor*, 205 Ill.App.3d 446, 448 (3rd Dist. 1990). The *Taylor* court cites to a Fourth District holding in *Harmon* relating to the “general warrant” aspect.

In *Harmon*, police officer had a warrant to search for large railroad items in a residence. During the search, the officers searched “every nook and cranny of the house and seized countless items, large and small. None of the listed items were small enough to fit in the back of a television set.” *People v. Harmon*, 90 Ill.App.3d 753, 757 (4th Dist. 1980). In essence, the officers searched places they were not allowed to search because the items subject to seizure could not possibly be in those locations. The Fourth District later conducted further analysis of this issue in *LeShoure* when it held that a “very wide search was justified” when the items to be seized; including controlled substance and related paraphernalia, “were likely to be small and hidden in obscure places.” *People v. LeShoure*, 138 Ill.App.3d 356, 370 (4th Dist. 1985).

The reliance on *Taylor* is misplaced because that holding relates to instances in which the law enforcement officers essentially exceed the area in which they are permitted to search. The portion of the *Taylor* case the Defendant has cited is in fact an internal citation to *Harmon* and its holding in regards to the scope of a warrant. Just like in *LeShoure*, the scope of where the Illinois State Police were permitted to search was not exceeded. By their very nature, business record documents could be concealed within any single file folder at the location to be searched. There was no instance in which the law enforcement officers in this matter seized something that could not, or did not, contain business records and there is no instance in which they conducted their search in an area that could not contain business records.

ii. The Actions of the Illinois State Police Were Reasonable and Were Not a Violation of the Defendant's Fourth Amendment Rights

The actions of the Illinois State Police in the seizure of the materials from Striegel Knobloch as well as from ABC Storage were reasonable and not actions that converted the warrants into "general warrants."

The Defendant attempts to portray the actions at ABC Storage as nefarious in nature. The Defendant makes reference to the officers not asking the Defendant to open the unit for them but instead chose to cut the lock off of the unit as conduct that was unreasonable or somehow indicative of a different intent. The State continues to see claims by the Defendant in which he wishes to place the officers in a "no-win" situation. The Defendant claims that it was improper for the officers not to stop the Defendant and have him come back to the unit to open the locker; however, had the officers stopped the Defendant, he would most likely be claiming he was improperly and illegally detained. The actions of gaining access to the storage unit are well

within the bounds of the execution of the search warrant and not indicative of anything other than the desire to execute the search warrant.

The Defendant also argues that the procedure utilized in the execution of the search warrant was a violation of the Defendant's Fourth Amendment rights in that the actions were not objectively reasonable. "Items not listed in a search warrant may also be seized when they have a sufficient nexus to the described items and when it is not practical to sort through them on the premises." *People v. Ingram*, 143 Ill.App.3d 1083, 1086 (3rd Dist. 1986). It is reasonable to seize voluminous records rather than rely on sorting through the documents while on scene at the place of initial seizure. *Id.* at 1087.

The testimony from Special Agent Rossiter demonstrated that his actions in moving the boxes from the storage unit to a secure location were reasonable. In fact, his statements during testimony regarding the impossibility of reviewing the contents of all of the boxes at the storage unit that day is wholly unrefuted. When asked whether he determined that any of the boxes or their contents were beyond the authority of the warrant while at the storage unit, Special Agent Rossiter testified "it would be impossible for us to determine at that time." See Transcript of October 25, 2018 hearing 10:5-6. No other witnesses testified at the hearing and the testimony from Special Agent Rossiter regarding the practicality of reviewing all of the boxes at the storage unit was not impeached. There was no evidence presented that contradicts Special Agent Rossiter's testimony that the review of the contents of the boxes to determine what they contained took an extended period of time due to the number of records in the boxes. Special Agent Rossiter testified that the boxes contained thousands of pages of documentation and the exhibits received by the court confirms that statement.

In support of his argument that the examination of all of the boxes should have occurred on-site at the storage unit, the Defendant makes conclusory statements that are in no way supported by the evidence at the hearing. The Defendant's argument states "[a] cursory glance at the outside of these boxes would have openly indicated to the ISP which boxes were inside and outside the scope of the warrant." The testimony contradicts that statements in multiple ways, particularly in that it was testified that the labels on the boxes did not match the contents of the boxes in all instances. Special Agent Rossiter identified this problem when he testified "[s]ome boxes that we retrieved in fact had lids on them that said 2010, and yet they were all documents from 2014." *Id.* at 13:7-14. This is once again a situation in which the Defendant attempts to argue a "no-win" situation. If Special Agent Rossiter had just examined the exterior labels which were made by an unknown person, he would be impeached for his lack of thoroughness and attention to detail as an investigator. Rather, Special Agent Rossiter engaged in proper investigative techniques and the Defendant wishes to attack his actions because the Defendant is displeased that incriminating evidence was located.

Furthermore, the Defendant identifies the report of Special Agent Rossiter as being written on December 22, 2016 as grounds to state that the review of the boxes was done quickly and the seizure, therefore, was unreasonable under the circumstances. There has been absolutely no evidence presented that the written report itself was completed on December 22, 2016. That assertion by the Defendant is nothing more than an assumption in an attempt to further mischaracterize Special Agent Rossiter's investigation. As it stands, the testimony of Special Agent Rossiter directly contradicts such an assertion as, when asked about the timeframe of identifying the twenty-seven boxes that were eventually returned to the Defendant, he testified "I couldn't tell you a specific date of exactly when. I mean it was a long process going through

each box and each document to determine what was and what was not inside the scope of the warrant.” *Id.* at 10:24-11:3. The State can, in good-faith, tell this Court that the report itself was not completed on December 22, 2016 and would be more than willing to present such evidence through testimony of Special Agent Rossiter if needed. The State did not address that issue during the hearing because it was not an issue that was ever raised in pleadings or in evidence. The Defendant’s assumptions are not something that should be considered by the Court as they are not based on any evidence that has been presented.

The Court can, however, consider the testimony and evidence that was presented during the hearings in this matter. The un rebutted evidence is that it took months to be able to go through the thousands of documents and make determinations as to which boxes were within the date range specified in the search warrant and that it was impossible to conduct that review at the location of the seizure. The evidence also weighs against the claim that it was an “exploratory rummage” because all of the materials seized were of the same characteristics. The search warrant authorized the seizure of business records; all of the boxes seized contained business records that were piled together at the same location.

On top of all of that, the location of the Storage Unit was learned when two pages of a lease agreement were located that had “CIAM Storage” handwritten on the document. That document detailed a lease that began within the time frame of the search warrant and also contained an invoice date within the time frame. Neither the seizure from Striegel Knobloch nor the seizure from ABC Storage was such that it converted the search into a “general warrant.” Interestingly enough, when admitting a copy of a lease agreement for the ABC Storage unit, the Defendant chose to admit a different document than the one located by Special Agent Rossiter and different than the one tendered in discovery to the Defendant as part of Special Agent

Rossiter's reports. The State assumes this was an unintentional oversight but it is worth noting that the document submitted by the Defendant was missing the handwritten note of "CIAM Storage" that was on the document located by Special Agent Rossiter. The State corrected this oversight and admitted a copy of the actual document located by Special Agent Rossiter which showed that the dates on the document as well as the handwritten note placed it within the scope of items to be seized during execution of the search warrant at Striegel Knobloch. Because the search of Striegel Knobloch was valid, the invoice that was located inside of a file sitting on Kelly Klein's desk was not the product of an illegal search and the Court need not conduct any analysis under *Fruit of the Poisonous Tree*.

The State also cannot overlook the Defendant's incorrect claims that Special Agent Rossiter decided to hold onto all of the boxes for two and a half years. Special Agent Rossiter testified in response to multiple questions that he made attempts to arrange return of the twenty-seven boxes through two different attorneys representing the Defendant and that the attempts to effect return of the boxes began even before the Defendant's arrest in this matter. The question was asked "[s]o is it your testimony that you told Mr. Mueller that you had—before September 2017 that you had documents outside the scope of the warrant that would be returned" and the response to the question was "yes." Mr. Beckett then asked "[a]nd how were you going to return them?" to which it was answered "[t]hat was undetermined at the time." *Id.* at 12:11-16. The fact that neither of the Defendant's attorneys finalized discussions on how to return the boxes cannot impute misconduct onto Special Agent Rossiter. As he testified during the hearing, he had contact with the attorneys and was willing to transport the boxes back to Bloomington for their return; however, he needed arrangements to the point that he had a date and location to return the boxes.

The Defendant makes a claim that the seizure of the documents has interfered with the Defendant's ability to prepare his defense and that such claim is a ground for suppression of the evidence. The Defendant has not properly pled that claim in the Motion to Suppress or in the Supplemental Motion to Suppress. The first reference to this claim has come in the written arguments filed after the conclusion of evidence when the State would have had the opportunity to counter the claims. Therefore, the State is not going to address this portion of the Defendant's claim and encourages the Court not to consider the claim as it has not been raised in a timely manner considering the extent of the pleadings made by the Defendant.

B. Suppression of All of the Evidence Recovered is not an Appropriate Remedy

Suppression of all of the materials seized from the execution of the search warrant at ABC Storage and Striegel Knobloch is not an appropriate remedy, regardless of whether the Court agrees with the Defendant's arguments regarding "general warrant."

The cases the Defendant cites in support of a request for suppression of all of the materials seized do not have bearing on this matter because those cases address a nuanced segment of the law pertaining to the impact of the search warrants on first amendment rights. The Defendant has not attacked the sufficiency of the search warrants in regard to whether they appropriately described the locations to be searched and the items to be seized. In fact, the Defendant has agreed that the warrants at issue were specific in nature. This agreement as to the sufficiency of the warrant itself is important because the First District, in *Fragoso*, addressed the issue of whether the seizure of materials outside the scope of a search warrant should result in the suppression of materials seized which were within the scope of the warrant. In that matter, the court, while citing to the United States Supreme Court's opinion in *Cioppi*, ruled that the

materials outside of the scope of the search warrant were subject to suppression but ruled “[t]his suppression does not of course invalidate the seizure of the other items, for which no complaint of lack of specificity of description has been advanced. *People v. Cioppi* (1926), 322 Ill. 353, 153 N.E. 604; see *People v. Russell* (1977), 45 Ill.App.3d 961, 4 Ill.Dec. 579, 360 N.E.2d 515.” *People v. Fragoso*, 68 Ill. App. 3d 428, 436, 386 N.E.2d 409, 415–16 (1st Dist. 1979). While the *Fragoso* court was addressing an instance in which the items seized outside of the scope of the warrant consisted of an envelope and a piece of paper, this holding was not limited by other constitutional grounds relating to the first amendment. The First District affirmed that holding in *Hirsch* when it again held “the improper seizure of items not within the purview of the warrant does not invalidate seizure of items for which no complaint of a lack of specificity has been advanced.” *People v. Hirsch*, 221 Ill.App.3d 772 (1st Dist. 1991).

The holding in *Fragoso* was validated even further by the United States Supreme Court in *Waller v. Georgia*. In that matter, the court addressed an issue in the same vein as that which has been raised by the Defendant. The defendant in *Waller* was making a claim that the searches by law enforcement officers were “indiscriminate, ‘exploratory, and general.’” *Waller v. Georgia*, 467 U.S. 39, 41 (1984). The defendant further argued, much like has been argued in this matter, that the police “so ‘flagrant [[[ly] disregard[ed]’ the scope of the warrants in conducting the seizures at issue here that they turned the warrants into impermissible general warrants.” *Id.* at 43. It was argued by the defendant that in such circumstances, “the entire fruits of the search, and not just those items as to which there was no probable cause to support seizure, must be suppressed.” *Id.* When addressing that argument, the court held that “[p]etitioners do not assert that the officers exceeded the scope of the warrant in the places searched. Rather, they say only that the police unlawfully seized and took away items unconnected to the prosecution. The

Georgia Supreme Court found that all items that were unlawfully seized were suppressed. In these circumstances, there is *certainly no requirement that lawfully seized evidence be suppressed* as well.” *Waller v. Georgia*, 467 U.S. 39 (1984) (emphasis added).

The Defendant relies on *Ingram* for the argument that a showing of a flagrant disregard for the warrant will necessitate suppression of all of the evidence seized. This contention is not supported by the *Waller* case. A review of *Ingram* shows that the court in that matter cited to an eighth circuit decision in *Marvin v. United States*, 732 F.2d 669 (1984) in support of that holding. *Ingram* at 1087. The persuasive impact of that portion of the holding is lessened due to the fact that *Marvin* was a matter that was decided on April 26, 1984 whereas *Waller* was decided on May 21, 1984, making it the controlling precedent. Research into the issue of “flagrant disregard” shows it is not an issue that has been otherwise addressed by Illinois courts. The only available judicial precedent comes from various circuit courts at the federal level and also through the ruling in *Waller* as noted above. What can be observed through the cases cited in *Waller* under this proposition is that it takes a significant level of improper conduct and a lack of rational motives in the seizure before “flagrant disregard for the limitations of the search warrant.” See *U.S. v. Tamura*, 694 F.2d 591 (1982) (“Government’s wholesale seizures were motivated by considerations of practicality rather than by desire to engage in indiscriminate ‘fishing’”).

The relief sought by the Defendant is an extreme measure that is not supported by the facts presented to the Court and is not supported by the law. The exclusion of evidence that was lawfully obtained is not a remedy that serves any value other than for reliable and trustworthy evidence to be excluded from the case. The Defendant rests much of his argument in the

deterrent value of suppression of all of the evidence but has neglected to account for the law as laid down by the United States Supreme Court in 2011.

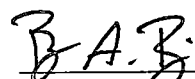
Real deterrent value is a “necessary condition for exclusion,” but it is not “a sufficient” one. *Hudson v. Michigan*, 547 U.S. 586, 596, 126 S.Ct. 2159, 165 L.Ed.2d 56 (2006). The analysis must also account for the “substantial social costs” generated by the rule. *Leon, supra*, at 907, 104 S.Ct. 3405. Exclusion exacts a heavy toll on both the judicial system and society at large. *Stone*, 428 U.S., at 490–491, 96 S.Ct. 3037. It almost always requires courts to ignore reliable, trustworthy evidence bearing on guilt or innocence. *Ibid.* And its bottom-line effect, in many cases, is to suppress the truth and set the criminal loose in the community without punishment. See *Herring, supra*, at 141, 129 S.Ct. 695. Our cases hold that society must swallow this bitter pill when necessary, but only as a “last resort.” *Hudson, supra*, at 591, 126 S.Ct. 2159. For exclusion to be appropriate, the deterrence benefits of suppression must outweigh its heavy costs. See *Herring, supra*, at 141, 129 S.Ct. 695; *Leon, supra*, at 910, 104 S.Ct. 3405. *Davis v. United States*, 564 U.S. 229, 237, 131 S. Ct. 2419, 2427, 180 L. Ed. 2d 285 (2011).

The Defendant asks this Court to issue the bitter pill and to go directly to the last resort. Such a remedy flies in the face of judicial precedent and is too significant of a step when there are lesser remedies available in the State’s agreement as to not admitting records that are outside of the date range of the search warrants.

III. CONCLUSION

WHEREFORE, the People of the State of Illinois respectfully request that this Court consider this written argument as well as the State’s pending oral argument, and deny the Defendant’s Motion to Suppress and Supplemental Motion to Suppress in their entirety.

Respectfully Submitted,

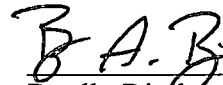


Bradly Rigdon
Assistant State’s Attorney

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney of record of the Defendant, John Butler, in the above cause by:

X By placing a true and accurate copy of the same in the outgoing mail at the McLean County Law and Justice Center, in an envelope with sufficient postage affixed to, Steve Beckett, on the 7th day of November, 2019.



Bradly Rigdon
Assistant State's Attorney

**IN THE CIRCUIT COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)	
Plaintiff,)	
)	
v.)	No. 2017-CF-1025
)	
JOHN Y. BUTLER)	
Defendant.)	

FILED
OCT 30 2019
CIRCUIT CLERK
MCLEAN COUNTY

DEFENDANT’S ARGUMENT ON DEFENDANT’S MOTIONS TO SUPPRESS

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C. and Tristan Bullington of Meyer Capel, P.C., and as argument in support of his *Motions to Suppress* states as follows:

Introduction

On December 21, 2016, Special Agent Rossiter executed a search warrant for the office of Striegel, Knobloch & Company, located at 115 W. Jefferson St #200, Bloomington, IL 61701. This warrant authorized the Illinois State Police (hereinafter sometimes “ISP”) to search the premises of Striegel Knobloch and seize “Central Illinois Arena Management Business Documents (CIAM): for the period of January 1, 2013 to March 31, 2016...” and “BMI Concessions business documents: for the period of January 1, 2013 to March 31, 2016...” (See Defendant’s Exhibit 1A, hereinafter “the Striegel warrant”). Agents of the ISP searched the premises of Striegel Knobloch & Company and seized a desktop computer, a laptop computer, and four boxes of physical paper records. Within the records seized pursuant to the Striegel warrant “were invoices for ABC Storage located in the office of KELLY KLEIN.... The storage unit documentation was in the name of JOHN BUTLER...” (See Defendant’s Exhibit 2).

Based on the ABC Storage invoice and lease (Defendant's Exhibit 8), the ISP prepared a search warrant for the ABC Storage unit #14, located at ABC Storage, 2442 S. Main St, Bloomington, IL 61704 (See Defendant's Exhibit 1 hereinafter "the ABC Storage warrant"). The ABC Storage warrant had the exact same date and subject parameters as the Striegel warrant listed above. From Defendant's ABC Storage unit, the ISP seized 61 boxes of Defendant's business records. Throughout the course of their investigation, the ISP also seized four boxes of records from Defendant's previous attorney at the office of Mueller, Reece, & Hinch and 30 boxes of records of the Coliseum. Additionally, the ISP created four boxes worth of documents by pulling individual records from other unidentified boxes and combining those records with records from other boxes. In total, the ISP currently has in its possession 76 boxes of Defendant's records. The State has scanned the contents of these 76 boxes and tendered that information to Defendant. Defendant and the State has since stipulated to a list of the documents that were contained in these boxes (See Defendant's Exhibit 7).

Argument

It is undisputed that the State seized material outside the scope of either warrant. By seizing documents outside the scope of the warrants, the State turned these specific warrants into general warrants. "Vivid in the memory of the newly independent Americans were those general warrants known as writs of assistance under which officers of the Crown had so bedeviled the colonists." *Stanford v. State of Texas*, 379 U.S. 476, 481 (1965). These general warrants placed "the liberty of every man in the hands of every petty officer." *Id.* General warrants had been used "as instruments of oppression from the time of the Tudors, through the Star Chamber, the Long Parliament, the Restoration, and beyond." *Id.* Warrants such as those complained of in the foundational years of American history were outlawed a decade before America even won its

independence. See *Wilkes v. Wood*, 19 How.St.Tr. 1153 (1763); *Entick v. Carrington*, 19 How.St.Tr. 1029 (1765). The Fourth Amendment to the Constitution of the United States and corollary provisions of the Illinois State Constitution of 1970 prohibit unreasonable searches and seizures. U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6. The federal and state constitutions protect against the issuance of search warrants that grant the police broad discretion to conduct a “general, exploratory rummaging in a person's belongings.” *Coolidge v. New Hampshire*, 403 U.S. 443, 467 (1971). Where a search warrant is general in nature, it is an invitation to a sweeping and unlimited search and seizure. *People v. Gifford*, 26 Ill. App. 3d 272 (4th Dist. 1974).

Both parties seem to be in agreement that the search warrants that ISP obtained were specific in nature (See Defendant's Exhibits 1 and 1A). However, when a specific warrant is treated as a general warrant, the warrant is rendered invalid. See generally *People v. Kimmel*, 34 Ill.2d 578 (1966); *People v. Bates*, 39 Ill.App.3d 259 (1976) (Police had a warrant for the search and seizure of 14 films, but the ensuing search resulted in the seizure of as many as 72 films. The Court found that police exceeded the authority of the warrant and the warrant was therefore invalid). Treating a warrant as a general warrant invites “a government official to use a seemingly precise and legal warrant only as a ticket to get into a man's home, and, once inside, to launch forth upon unconfined searches and indiscriminate seizures as if armed with all the unbridled and illegal power of a general warrant.” *Stanley v. Georgia*, 394 U.S. 557, 572 (1969). In *People v. Kimmel*, the Illinois Supreme Court found that “the officers who searched the defendant's store did not have a general warrant, but they treated the warrant that they had as a license for a general search, and they took advantage of their presence in the bookstore to ferret out and seize whatever they considered to be contraband.” *People v. Kimmel*, 34 Ill.2d 578, 582

(1966). The police in this case obtained a warrant that authorized them to search Kimmel's bookstore and seize copies of four specific books. *Id.* However, in the execution of their specific warrant, "the officers seized nearly 1500 books and magazines other than those specifically described." *Id.*

A. The ISP Treated the ABC Storage Search Warrant as a General Warrant

i. The ISP Conducted an Exploratory Seizure and Rummage of Defendant's Records

The ISP obtained a search warrant to search and seize records from Defendant's ABC Storage unit with the limitations that the records seized must be: "Central Illinois Arena Management Business Documents (CIAM): for the period of January 1, 2013 to March 31, 2016..." and "BMI Concessions business documents: for the period of January 1, 2013 to March 31, 2016..." (*See* Defendant's Exhibit 1). In Defendant's case, the ISP obtained a warrant to search and seize specific files from specific companies for a specific date range from Defendant's ABC Storage Unit. The ISP should have been aware that the acceptable scope and intensity of a search is determined by the underlying search warrant's content, and what the search warrant lists as the place to be searched and the things to be seized. *People v. Harmon*, 90 Ill. App. 3d 753, 756 (4th Dist. 1980).

When ISP arrived at ABC Storage to conduct their search, they actually saw Defendant leaving the facility. However, instead of announcing their presence and asking Defendant to open the unit for them, they used bolt cutters to shear the lock off Defendant's unit immediately after he left the storage facility.

Once inside Defendant's storage unit, they found 61 boxes of records. The exterior of many of these boxes were labelled, as can clearly be seen in Defendant's Exhibit 12. Some of

these boxes were labelled as “CESP Bank Statements 2011-2014 Triple E Payroll 2014 Payables 2013” (Defendant’s Exhibit 12, pg. 3) and “Finance 2011-2012 Event Settlements” (Defendant’s Exhibit 12, pg. 7), both labels that would place them squarely outside the purview of the warrant (Defendant’s Exhibit 1). A cursory glance at the outside of these boxes would have openly indicated to the ISP which boxes were inside and outside the scope of the warrant. We know that the ISP did indeed read the labels on the boxes, because in the report written by Special Agent Rossiter on December 22, 2016 following the search and seizure, he listed the labels on each of the 34 that he considered to be within the scope (*See* Exhibit 2). Some of the labels listed in Special Agent Rossiter’s report include: “Box 3: Event Settlements 2012”; “Box 5: Event Settlements 2012”; and “Box 32: Bank Statements 2011-2013/Payroll 2010-2013/Payables 2011-2014”. Furthermore, simply lifting the lid and reading the headings on the file folders inside the boxes would have plainly indicated to the ISP which boxes were inside and outside the scope of the warrant (Defendant’s Exhibit 12, pg. 12).

The ISP stayed at the storage unit only “long enough to load the boxes out of the unit into various vehicles to transport to a secure facility” (*See* Transcript from Hearing on Motions on October 25, 2018, 8:2-3). The proper approach for evaluating compliance with the Fourth Amendment is to assess objectively the officer's actions under the facts and circumstances then before him, regardless of his underlying intent or motivation. *People v. Garcia*, 2017 IL App (1st) 133398, ¶ 41. It is clear from Special Agent Rossiter’s recounting of the amount of time the ISP spent at Defendant’s storage unit that the ISP did not even attempt to ascertain which documents were within the scope of the warrant. They simply cut the lock on Defendant’s storage unit and took every single file they could find – the definition of an exploratory rummage through a person’s belongings. *Coolidge*, 403 U.S. at 467. There was no evidence presented

that would indicate that the ISP could not conduct their search of the records at the storage unit. In fact, Special Agent Rossiter testified that there was even a table and chair set up at the unit. There was no testimony presented that the storage unit was not safe or that lingering in the area would have presented a concern for officer safety. However, Special Agent Rossiter did testify that there were five or six other agents with him at the storage unit. Even if some exigency existed necessitating the quick removal the boxes to a secure location, of which none was testified to, ISP's keeping of these documents for several years after their illegal seizure nullifies any such claim.

When objectively examining the ISP's actions in seizing all of the boxes without even reading the boxes' labels or glancing inside at the contents, it is clear that there was no justification for the Fourth Amendment violation. There was no appropriate reason that justifies the ISP seizing all of Defendant's records without first verifying that they were legally authorized to do so, especially since many of the boxes were labelled by content on both the outside and in further detail on the inside. Even for those boxes seized that contained documents both inside and outside the scope, ISP's failure to return the documents outside the scope of the ABC warrant after two and a half years is not objectively reasonable.

ii. The ISP knew almost immediately that they had exceeded the scope of the warrant, but continues to maintain records outside of the scope illegally

Agent Rossiter realized that the ISP had seized a box that was outside the scope of the warrant "within an hour of being at the secure facility. There were boxes that were labeled 2009. We opened the box. We see that the documents in there are, in fact, from 2009, and that box was immediately set aside" (Transcript, 11:6-9). Special Agent Rossiter knew within an hour of beginning his examination of the seized records that he had exceeded the scope of his warrant.

His team determined that, of the 61 boxes that were seized, 27 were outside the scope of the warrant. Special Agent Rossiter began his review of the boxes on December 22, 2016 and knew on that same day that those 27 boxes were outside the scope of the warrant. This fact is uncontested as Special Agent Rossiter only listed the 34 boxes that he determined to be in scope on the investigative report that he drafted on December 22, 2016 and states “twenty-seven boxes were determined to be outside the scope of the search warrant” (*See Exhibit 2*). However, as will be discussed below, there were at least eight other boxes that were completely out of the scope, and fifteen more that were a mix of inside and outside the scope records that the ISP still maintains control over.

The ABC Storage warrant was executed on December 22, 2016. These 27 boxes were returned to Defendant on April 12, 2019 (*See Defendant’s Exhibit 10*). Special Agent Rossiter knew within an hour of his examination of the seized evidence on December 22, 2016 that he had conducted a general search and seizure, but he waited almost *two and a half years* to return some of the records that he had illegally seized. He waited those two and a half years to return a portion of the illegally seized records despite the fact that Defendant’s attorney notified him on December 22, 2016 that he had exceeded the warrant (Defendant’s Exhibit 9: “Second, much of what was taken from the storage shed are records for 2012 and earlier. Those should be returned.”). He returned only the records that *he* felt were outside the scope of the warrant and only the boxes that he did not look at, while keeping all of the other records that are outside the scope, and that ISP has reviewed.

However, while the ISP did – after two and a half years – return the 27 boxes that Special Agent Rossiter determined to be outside the scope of the warrant, a cursory review of Defendant’s Exhibit 7 will quickly dispel any notion that the ISP returned *all* the records and

boxes that were outside the scope of the warrant. As stated during the most recent hearing on the motions to suppress, Defendant's Exhibit 7 is a list of the contents of the boxes that remain in the custody of the ISP. Below is a summation of Defendant's Exhibit 7:

- In Box #1 ABC Storage, while the State has labeled the box as "CIAM HR documents, 2013-2016", there is exactly one document in the box that is within the scope of Defendant's Exhibit 1: "CIAM's first quarter 2014 Federal form 941". There are approximately 1,360 pages of records in Box #1 ABC Storage and there is exactly one page that falls within the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 1-2).
- In Box #2 ABC Storage, there are over 500 pages of records and there is not a single page that falls within the scope (Defendant's Exhibit 7, pgs. 2-8).
- In Box #3 ABC Storage, there are 54 files and there is exactly one file that falls within the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 8-9).
- In Box #4 ABC Storage, there are absolutely no CIAM or BMI records at all. Every single document in this box is a Coliseum Entertainment and Sports Properties, LLC (hereinafter "CESP") record, or a Triple E Smokehouse business record. (Defendant's Exhibit 7, pg. 11).
- In Box #5 ABC Storage, there are only two files that fall within the scope of the ABC Storage warrant. (Defendant's Exhibit 7, pg. 11). It should also be noted that there is a 2018 letter from a Betty Renfrow of the State's Attorney to a Melissa J. Volk dealing with an entirely different criminal case. It is clear that the inclusion of this letter in the scans by the State's Attorney's office was an oversight, but it does support the argument

that Defendant's records have been commingled and not been kept in an organized manner.

- In Box #6 ABC Storage, there is one file that falls outside the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 12-13).
- In Box #7 ABC Storage, there are four files that fall outside the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 13-18).
- In Box #9 ABC Storage, there are two files that fall outside the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 19-21).
- In Box #11 ABC Storage, there are six files that fall outside the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 22-28).
- In Box #14 ABC Storage, there one file containing records for Triple E Smokehouse which falls outside the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 32-34).
- In Box #15 ABC Storage, while the State has labeled the box as "CIAM HR documents, 2013-2016", there are 87 files and there is not a single document within those files that falls within the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 34-38).
- In Box #19 ABC Storage, there are four files that fall outside the scope of the ABC Storage warrant, including an invoice dated as far back as June of 2005 (Defendant's Exhibit 7, pgs. 42-44).
- In Box #21 ABC Storage, while the State has labeled the box as "CIAM HR documents, 2013-2015", there are 278 files and not a single document within those files falls within the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 46-57).

- In Box #22 ABC Storage, there are 206 files and not a single document within those files falls within the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 57-59).
- In Box #23 ABC Storage, there are 223 files and not a single document within those files falls within the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 59-61).
- In Box #24 ABC Storage, while the State has labeled the box as "CIAM HR documents, 2013-2016", there are 167 files and only four of those files fall within the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 61-68).
- In Box #25 ABC Storage, there are 244 files and approximately 20 of those files fall within the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 68-69).
- In Box #26 ABC Storage, there are 57 files that are within the scope and 206 files that fall outside the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 70-78).
- In Box #27 ABC Storage, while the State has labeled the box as "CIAM HR documents, 2013-2016", there are 31 files and there is not a single document within those files that falls within the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 78-79).
- Boxes #28 and #29 contain a mix of in scope and out of scope employee files (Defendant's Exhibit 7, pg. 79).
- In Box #30 ABC Storage, there are 147 files and not a single document within those files falls within the scope of the ABC Storage warrant (Defendant's Exhibit 7, pg. 79-80).
- In Box #31 ABC Storage, there are a mix of in scope and out of scope files, including a Federal tax form dated 2005 (Defendant's Exhibit 7, pg. 81).
- In Box #32 ABC Storage, there are 19 files that fall outside the scope of Defendant's Exhibit 1 (Defendant's Exhibit 7, pgs. 81-85).

- In Box #33 ABC Storage, there are 10 files that are within the scope and 24 files that are outside the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 85-87).
- In Box #34 ABC Storage, there are 6 files that are within the scope and 14 files that are outside the scope of the ABC Storage warrant (Defendant's Exhibit 7, pgs. 87-88).
- From the boxes of records seized at ABC Storage pursuant to Defendant's Exhibit 1, only eight boxes (Boxes 8, 10, 12, 13, 16,17, 18, and 20) were completely within the scope of the ABC Storage warrant.

There were eight other boxes seized from ABC Storage that did not contain a single document inside the scope of the warrant (Defendant's Exhibit 7, Boxes 2, 4, 15, 21, 22, 23, 27, and 30). The ISP still maintains that it had the authority to seize these boxes.

iii. The ISP is using pretextual reasons to maintain illegal control over Defendant's records, in further violation of his Fourth Amendment Rights, as a way to justify its general search

In addition to the eight boxes that are completely outside the scope of the warrant, but still in the ISP's custody, there are fifteen boxes that contain a mixture of both in-scope and out-of-scope documents. Of those fifteen boxes, four of them contain fewer than five files that are within the scope of the warrant (ABC Boxes 1, 3, 5, 24). When asked why the ISP did not simply remove the few documents that fell within the scope of the warrant and then return the remainder of the box, Rossiter stated, "Well, the boxes you're referring to actually contain documents inside the scope of the warrant as well as outside, and in order to preserve the evidence as we collected it, we determined or we decided or I chose to keep those documents in the exact same boxes that they were taken from to keep them in their – to keep the integrity of that piece of evidence or that box, that file box with those documents" (Transcript, 15:14-21). While it may

be in the best interest of investigative officers to “keep the integrity of that piece of evidence”, the ABC Storage warrant did not authorize the seizure of any and all documents needed to “keep the integrity of that piece of evidence”. Defendant’s Exhibit 7 also establishes that there are eight boxes whose contents are entirely outside the scope of the warrant. There is not a single in-scope document, so how are these eight boxes keeping the integrity of any piece of evidence? The warrant’s language was specific; the ISP’s actions were general.

Keeping the integrity of a piece of evidence at the cost of depriving Defendant of his Fourth Amendment protections against unreasonable searches and seizures is not supported by caselaw. Illinois courts have found that police *may* seize an item that is not described in a search warrant when it has potential evidentiary value *as a receptacle of an item that has been described*. *People v. Ingram*, 143 Ill. App. 3d 1083, 1086 (3d Dist. 1986) (emphasis added). However, while the Illinois State Police may have had cause in the instant case to seize an actual, physical cardboard box containing the records, it had no authority to seize the out-of-scope records contained in that box because such records are not “a receptacle of a described item.” It should also be noted that Special Agent Rossiter never once testified that the reason he refused to return the out-of-scope records was because they were “a receptacle for an item that has been described” in the warrant. Special Agent Rossiter testified that his reason for refusing to return the out-of-scope records was to “keep the integrity of that piece of evidence.” Preserving the integrity of a piece of evidence is not the same thing as seizing a receptacle of an item described in a warrant and therefore, Illinois courts do not support the ISP’s actions.

Additionally, when asked whether he could have applied for a further warrant to authorize the retention of the records needed to “keep the integrity of that piece of evidence”, Rossiter acknowledged that he could have applied for an additional warrant, but did not

(Transcript, 15:22-16:3). The Court is the only entity with the power to make determinations of whether a record is evidentiary and thus subject to seizure. By making this determination himself, instead of asking permission from the Court, Special Agent Rossiter withheld from the Court the opportunity to exercise the oversight with which it is charged.¹ Special Agent Rossiter's position appears to be that, because he *could have* retained the illegally seized records in a legal way, it does not matter that he did not actually go through the steps to actually make it legal.

Further proof of this attitude was exemplified during the most recent hearing on these motions, when Special Agent Rossiter was asked about the origin of the four "ISP Working Boxes" (See Defendant's Exhibit 7, pgs. 120-132). According to Special Agent Rossiter, these four working boxes were created by the ISP after the seizure of the ABC Storage records. Special Agent Rossiter testified that the ISP found that they were referencing specific records regularly in their investigation, so the ISP pulled *the original* document from its *original box* and moved it into one of the four working boxes. Special Agent Rossiter was so concerned about keeping "the integrity of that piece of evidence" when it came to preventing the return of entire boxes of out-of-scope records because there was at least one in-scope file in a box, but happily pulled and commingled records from many different boxes because it was convenient for the ISP. These ISP working boxes combined documents that were seized from the Coliseum, ABC Storage, Striegel Knobloch and the offices of Mueller, Reece, & Hinch for the convenience of the investigative officers. In combining documents from four different sources, Special Agent

¹ After unsuccessful attempts to secure the inventory, Defendant is unaware whether the seizure beyond the scope of the warrant was ever communicated to the issuing judge pursuant to 725 ILCS 5/108-2

Rossiter effectively tainted all four sources of documents and destroyed the integrity of every piece of evidence in these boxes.

It should also be noted that, even if Rossiter had returned every single out-of-scope document that was seized – which he did not – it would not cure the general nature of the search and seizure, nor the constitutional violation. *See People v. Eagle Books, Inc.*, 151 Ill. 2d 235 (1992) (“To allow the police to ‘voluntarily return’ items seized in the search in an effort to save the entire search has no basis in the Supreme Court’s opinions or in this court’s and we decline to create new inroads in this area, particularly where none are merited.”). Even if the ISP had returned the 53 boxes that were outside the scope and only kept the eight boxes that were completely within the scope of the warrant, the search would still have to be considered unconstitutionally general.

iv. The ISP’s General Search and Seizure of the ABC Storage Records has Interfered with Defendant’s Ability to Prepare his Defense

The ISP kept 27 boxes of Defendant’s ABC Storage business records for almost two and a half years without authority. For those two and a half years, it was the position of the ISP that the onus was on Defendant to retrieve the documents that the ISP had illegally seized (“Q: And so the onus would be on the defendant to return the boxes back to Bloomington, Illinois, from which they had been taken? A: That was the agreement between myself and Mr. Beckett, yes.” Transcript, 14:7-11). However, there were also an additional eight boxes that contained no records within the scope, and fifteen others that had records both in and outside the scope. The ISP refused to release any of these records to Defendant. The ISP also prevented Defendant from even viewing them in person by refusing to allow him to visit the Pontiac facility, even though they had no authority to seize these boxes initially and failed to obtain authority to maintain

possession of them. The ISP was aware of the hardship that they were placing on Defendant's ability to prepare his defense, as Special Agent Rossiter stated in the prior hearing on the motions:

Q: Would you agree with me that by you having the boxes they have not been available to Mr. Butler?

A: Yes. Well, the ones that we have determined as evidentiary, yes, that is correct.

Q: Okay. And the documents in there that I identified in paragraph six, those have not been available to Mr. Butler, correct?

A: Correct.

(See Transcript, at 17:10-16.)

The ISP has determined that eight boxes that have no records inside the scope of the warrant are evidentiary. The ISP has determined that fifteen boxes that have some records in and some records out of the scope of the warrant, but for which they were not authorized by that warrant to seize, are evidentiary. Even though these records do not fall within the proper date range or are not even CIAM or BMI records, these records are apparently evidentiary. By extrapolating on Special Agent Rossiter's testimony, even though the records were seized without authority, and exceed the authority of a specific warrant, because they have evidentiary value, the Defendant is not entitled to their return and the ISP is entitled to retain possession of them. This logic is flagrant abuse of the system and a blatant violation of Defendant's Fourth Amendment protections against unreasonable search and seizure.

There is no logical reason that the ISP would insist on maintaining records that are outside the scope of the warrant. The State is acting deliberately to prevent Defendant from

accessing records that may aid in his defense, suppressing Defendant's ability to present his case, and/or just being careless with the execution of search warrants. In any case, Defendant is entitled to Fourth Amendment protections from unreasonable search and seizures and this fundamental protection is guaranteed by giving close scrutiny to careless police practices. *Katz v. United States*, 389 U.S. 347 (1967); *Boyd v. United States*, 116 U.S. 616 (1886); *People v. Siegwarth*, 285 Ill. App. 3d 739, 742 (3rd Dist. 1996).

B. The ISP Treated the Striegel Knobloch Search Warrant as a General Warrant

i. The ISP Conducted an Exploratory Seizure and Rummage of Defendant's Records

The ISP obtained a search warrant to search and seize records from the office of Striegel Knobloch with the limitations that the records seized must be: "Central Illinois Arena Management Business Documents (CIAM): for the period of January 1, 2013 to March 31, 2016..." and "BMI Concessions business documents: for the period of January 1, 2013 to March 31, 2016..." (See Defendant's Exhibit 1A). This warrant was executed on December 21, 2016 and the ISP seized two computers and four boxes of records. Those four boxes now contain many records that were outside the scope of the Striegel Knobloch Warrant:

- In Box #2 Striegel Knobloch, there are 4 files that are outside the scope of the Striegel Knobloch warrant (Defendant's Exhibit 7, pgs. 88-89);
- In Box #3 Striegel Knobloch, there are 7 files that are outside the scope of the Striegel Knobloch warrant (Defendant's Exhibit 7, pgs. 89-93);
- In New Box #4 Striegel Knobloch, there are 7 files that are outside the scope of the Striegel Knobloch warrant (Defendant's Exhibit 7, pgs. 93-97);

- In Box #5 Striegel Knobloch, there are 38 files that are outside the scope of the Striegel Knobloch warrant (Defendant's Exhibit 7, pgs. 88-89).

As noted above, the ISP's decision to remove files from the source and place them into the "ISP working boxes" tainted this Court's ability to evaluate what files were seized from what warrant. All of the above records are still within the possession and control of the ISP as of the filing of this argument, but outside the scope of the Striegel Knobloch Warrant. Some of the documents that are referenced above which are outside the warrant include documents related to Defendant's other businesses, such as Illinois Pro Sports, the Peoria Rivermen, and CESP. There are also CIAM business records from 2006-2012, and invoices for Meyer Capel's legal representation of Defendant.

The ISP simply took anything they thought might be evidentiary from the Striegel Knobloch office without paying attention to the parameters that were set by the judge in the form of the Striegel Knobloch Search Warrant. Any search beyond the scope of the warrant is a general search which invalidates the resultant seizure of evidence. *People v. Taylor*, 205 Ill. App. 3d 446, 448 (1990).

ii. Fruit of the Poisonous Tree

Because the search of Striegel Knobloch was a general search, in violation of Defendant's Fourth Amendment Rights, the seizure of evidence derived from that general search is invalidated. Had the ISP not illegally searched the office of Striegel Knobloch, they would not have discovered the ABC Storage paperwork that led them to seek a search warrant for Defendant's storage unit (*See* Defendant's Exhibit 2: "Within documents seized pursuant to this warrant were invoices for ABC Storage located in the office of KELLY KLINE..."). The discovery of this paperwork must also be invalidated.

Under the Fruit of the Poisonous Tree Doctrine, a Fourth Amendment Violation is deemed “the poisonous tree”, and any evidence obtained by exploiting that violation is subject to suppression as the “fruit” of that poisonous tree. *People v. Henderson*, 2013 IL 114040, ¶ 33. Because evidence obtained during a general search of the office of Striegel Knobloch, in violation of Defendant’s Fourth Amendment rights, was the basis for the warrant to search Defendant’s ABC Storage unit, the entirety of the ABC Storage subsequent warrant and seizure is fruit of the poisonous tree. Courts will generally not admit evidence that was obtained in violation of the Fourth Amendment. *People v. Sutherland*, 223 Ill. 2d 187, 227 (2006). In the interest of fairness, deterring future police misconduct, and protecting the Fourth Amendment, any information collected by the ISP pursuant to the Striegel Knobloch Warrant and the ABC Storage Warrant must be suppressed.

C. The State is not Entitled to Use this Illegally Obtained Information Under Any Exceptions

i. The State has failed to Meet its Burden for the Doctrine of Inevitable Discovery

The State presented brief evidence at the hearings on the motions to suppress regarding an inevitable discovery argument. However, the State has the burden of establishing by a preponderance of the evidence that the information Defendant is seeking to suppress would have ultimately or inevitably been discovered by lawful means. *Nix v. Williams*, 467 U.S. 431, 444 (1984). Special Agent Rossiter testified that the ISP searched Defendant’s computer and gained access to Quickbooks. Through Quickbooks, he was able to view years of financial transactions and accounts payables. However, in the 61 boxes seized from ABC Storage and the four boxes seized from Striegel Knobloch, there are thousands of files that in no way resemble a Quickbooks file or a financial records. A cursory glance at Defendant’s Exhibit 7 would prove

that. Merely showing that the ISP has access to Quickbooks, which is related to some of the financial records found in the disputed discovery, does not meet the burden to show that the entire search should not be suppressed.

Furthermore, the U.S. Supreme Court has indicated that “lawful means” in the above context signifies that, for the out-of-scope records to be “inevitably discovered,” the police would have had to either (1) gain non-coerced permission from the defendant or someone else with authority to grant such permission (*Georgia v. Randolph*, 547 U.S. 103, 106 (2006)), (2) identify an exigency (*People v. Wimbley*, 314 Ill.App.3d 18, 24–25 (2000)), or (3) acquire another search warrant (*McDonald v. United States*, 335 U.S. 451, 455 (1948)). See *People v. Carter*, 2016 IL.App (3d) 140958, ¶ 29. The ISP did gain written permission from Defendant to search his computer, which led to the discovery of the Quickbooks files. However, the ISP unequivocally did not get permission from Defendant to search and seize the contents of 61 boxes, most of which have nothing to do with Quickbooks. There has been no testimony elicited that there was an exigency, and Special Agent Rossiter testified himself that he could have gotten another search warrant, but chose not to. The State has not met their burden to prove inevitable discovery.

ii. The State has failed to Meet its Burden for the Independent Source Doctrine

The State has the same burden with the Independent Source Doctrine as it does with the Doctrine of Inevitable Discovery. The State must prove by a preponderance of the evidence that the illegally obtained evidence would have been discovered by independent and lawful means. *Nix v. Williams*, 467 U.S. at 444. To wit, the State must show that the evidence has been discovered by means wholly independent of any constitutional violation. *Id.* The testimony that Special Agent Rossiter was able to access Quickbooks on Defendant’s computer does not meet

the State's burden. Unless the State elicited testimony that every single document that was seized at ABC and Striegel Knobloch was scanned and saved on this seized computer, the State has failed to meet the burden for the Independent Source Doctrine.

WHEREFORE, Defendant requests that this Honorable Court order the suppression of all information searched and seized pursuant to the ABC Storage Warrant; order the suppression of all information searched and seized pursuant to the Striegel Knobloch Warrant; and for any other such relief deemed just and appropriate.

JOHN Y. BUTLER, Defendant


J. STEVEN BECKETT

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Urbana IL 61801
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(217) 328-0263
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is one of the attorneys for the Defendant in this above titled cause, and that on October 30, 2019 he did cause a copy of the foregoing *Defendant's Argument on Defendant's Motions to Suppress* to be hand delivered to the following:

State's Attorney's Office
McLean County Courthouse
104 W. Front Street
Bloomington, IL 61701



TRISTAN N. BULLINGTON

TRISTAN N. BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, First Floor
Bloomington, Illinois 61701
Phone: 309-829-9486
Fax: 309-827-8139

CLERK'S EXHIBIT RECORD

DATE: 10-23-19
 CLERK: P. Bailey
 JUDGE: W. Yoder

CASE # <u>17 CF 1025</u> <u>State of Illinois</u> vs <u>John Y Butler</u>		MARK: P O R D	OFFERED	ADMITTED	NOT ADMITTED	WITHDRAWN	RESERVED
#	EXHIBITS						
2	Lease agreement ABC Storage	P	✓	✓			
3	7-20-19 Search warrant	P	✓	✓			
4	7-20-19 Search warrant	P	✓	✓			
5	12-21-16 Search warrant	P	✓				
6	MRH Law offices Consent to Search	P	✓	✓			
Motion 1	Motion to Suppress 10-18-18	P	✓	✓			
Motion 2	Supplemental motion to Suppress	P	✓	✓			
7	Itemization of records seized from ABC Storage	D	✓	✓			
8	Lease Agreement ABC Storage	D	✓	✓			
9	Email 12-22-16	D	✓	✓			
10	ILLinois State Police Evidence inventory receipt	D	✓	✓			
12	Photos of Storage Boxes. ILL. State Police HQ Pontiac ILL.	D	✓	✓			

FILED

OCT 23 2019
 17 CF 1025
 CLERK

MARK EXHIBITS: P - PLAINTIFF / PETITIONER, D - DEFENDANT / RESPONDENT

WHITE (ORIGINAL) COPY MUST BE PLACED IN CIRCUIT CLERK FILE.
 THE YELLOW COPY GOES WITH THE EXHIBITS.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY, ILLINOIS

THE PEOPLE OF THE
STATE OF ILLINOIS

VS.

JOHN BUTLER,
DEFENDANTS

McLEAN)	FILED)	COUNTY	
)	SEP 26 2019)		No. 2017-CF-1025
)	CIRCUIT CLERK)		
))		

SIXTH DISCOVERY COMPLIANCE PURSUANT TO RULE 412

Now comes the People of the State of Illinois by Bradly Rigdon, First Assistant State's Attorney, in and for the County of McLean, State of Illinois, and presents as SIXTH discovery compliance herein the following as listed below.

1. Pursuant to Supreme Court Rule 412(a)(i), the People of the State of Illinois have previously disclosed individuals whom may be called to testify.

- See People's discovery exhibits 2404 through 2436 for plea paperwork and a transcript of the hearing for co-defendant Paul Gazar in McLean County Case 2017-CF-1028 as well as McLean County Case 2018-CF-1166.
- See People's discovery exhibit 2437 through 2468 for plea paperwork and a transcript of the plea hearing for co-defendant Jay Laesch in McLean County Case 2017-CF-1026.
- See People's discovery exhibit 2545 for a written agreement entered into by Jay Laesch as part of additional interviews.
- See People's discovery exhibits 2469 through 2544 for a printed report and attachments summarizing the interview of Jay Laesch occurring in May and August of 2018 and including written questions and answers provided by Jay Laesch.
- See People's discovery exhibit 2544 for a CD containing digital versions of attachments 2 through 4 and spreadsheets which relate to the interviews of Jay Laesch.

2. Pursuant to Supreme Court Rule 412(a)(v), in addition to that which has been previously disclosed, the State discloses the following tangible items, papers, and documents that may be used as exhibits:

- See People's discovery exhibits 2469 through 2544 for a printed report and attachments summarizing the interview of Jay Laesch occurring in May and August of 2018 and including written questions and answers provided by Jay Laesch.

See People's discovery exhibit 2544 for a CD containing digital versions of attachments 2 through 4 and spreadsheets which relate to the interviews of Jay Laesch.

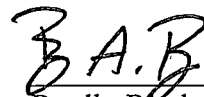
3. Pursuant to Supreme Court Rule 412(a)(vi), there now exists the following impeachable conviction. If additional impeachable convictions become known, they will be disclosed.

- Jay Laesch, McLean County Case 2017-CF-1026
 - Money Laundering, Class 3 felony
 - Filing a Fraudulent Sale and Use Tax Return, Class 3 felony
 - Convicted on November 7, 2018
- Paul Grazar, McLean County Case 2017-CF-1028
 - Conspiracy to Commit Tax Evasion, Class 3 felony
 - Convicted on August 1, 2019

4. Pursuant to Supreme Court Rule 412(b) there has not been electronic surveillance as outlined in People's Discovery exhibits 1 to 2545.

5. Pursuant to Supreme Court Rule 412(c), see People's discovery exhibits 1 to 2545 hereby tendered this date for known Brady material available at this time. Specifically, see People's Discovery exhibit 2404 through 2436 for plea paperwork and a transcript of the plea hearing for co-defendant Paul Grazar in McLean County Case 2017-CF-1028. Additional Brady materials, if any, will be tendered to the defense upon receipt. Additionally, see People's Discovery exhibit 2437 through 2468 for plea paperwork and a transcript of the plea hearing for co-defendant Jay Laesch in McLean County Case 2017-CF-1026.

Respectfully Submitted,



Bradley Regdon
Assistant State's Attorney

Pursuant to Supreme Court Rule 415(c) the assigned or appointed attorney is required to maintain "exclusive possession" of these materials and that the attorney(s) will provide access to the client of these materials and will not allow the client or clients to possess, maintain, remove these materials, provide copies or possess these materials pursuant to the terms and provisions of Supreme Court Rule 415(c).

PROOF OF SERVICE

X Via Hand Delivery of a true and correct copy of the same to the attorney of record, while in the McLean County Law and Justice Center on September 25, 2019.



Bradly Rigdon
Assistant State's Attorney

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
JOHN Y. BUTLER,)
)
Defendant.)

No. 17-CF-1025

McLEAN COUNTY
FILED
SEP 20 2019
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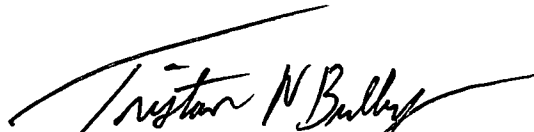
NOTICE OF HEARING

TO: McLean County State's Attorney
Law & Justice Center
104 West Front Street
Bloomington, IL 61701

John Y. Butler
9513 North 2125 East Road
Bloomington, IL 61705

YOU ARE HEREBY NOTIFIED that at 3:30 P.M. on September 25, 2019, or as soon thereafter as counsel may be heard, we shall appear before The Honorable William Yoder, or such other judge as may be substituting for the foregoing judge, in Courtroom 5C of the McLean County Law & Justice Center, 104 West Front Street, Bloomington, Illinois, for a status hearing.

Dated this 16 day of September, 2019.



TRISTAN N. BULLINGTON, Attorney at Law

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202 North Center Street, Suite 2
Bloomington, IL 61701
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TBullington@MeyerCapel.com
ARDC No. 6302971

PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the undersigned caused service of the foregoing *Notice of Hearing* to be made upon the recipient(s) designated below by the following method(s):

VIA U.S FIRST-CLASS MAIL: A true and correct copy of the foregoing instrument(s) was sent via regular U.S. first-class mail to the following person or professional office in a properly addressed envelope and bearing full prepaid postage deposited in a U.S. Post Office box in Bloomington-Normal, Illinois, on this 16th day of September, 2019.

John Y. Butler
9513 North 2125 East Road
Bloomington, IL 61705

McLean County State's Attorney's Office
Law & Justice Center
104 West Front Street
Bloomington, IL 61701



TRISTAN N. BULLINGTON
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TBullington@MeyerCapel.com
ARDC No. 6302971

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY, ILLINOIS

THE PEOPLE OF THE)	
STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.)	No. 17-CF-1025
)	
JOHN BUTLER,)	
)	
Defendant.)	

HEARING

BE IT REMEMBERED and CERTIFIED that on March 4, 2019, the following proceedings were held before the Honorable WILLIAM YODER, Presiding Judge.

APPEARANCES:

MR. ROSSI,
Assistant State's Attorney,
for the People of the State of Illinois;

MR. BECKETT,
Attorney at Law,
for the Defendant;

MS. WALL,
Attorney at Law,
for VenuWorks.

Lisa Doerr, CSR
CSR# 084-004304
Official Court Reporter
(309) 888-5891

McLEAN **FILED** **COUNTY**
AUG 27 2019
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*****EXCERPTS*****

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THE COURT: Okay. Ms. Wall -- do we want to take care of Ms. Wall's issue next? Why don't we address that so she can leave us. Where are we at on the VenuWorks subpoenas.

MS. WALL: So Judge, we had filed a motion to quash the second subpoena that was issued to VenuWorks. Actually, VenuWorks had responded initially to one subpoena that was directed to personnel here locally. And then subsequent to our motion to quash, I think additional documents have been tendered by the City of Bloomington. The latest round of documents, I think, occurred on January 15th. And then Mr. Butler's counsel filed a response to our motion to quash, essentially just arguing that the allegations that I asserted, Judge, that it was overly broad and unduly burdensome, and that it didn't establish relevance. They essentially said, well, no it's not unduly burdensome.

So I think we're set for oral arguments on those two positions, respectively, today.

1 THE COURT: Okay. What was the date of
2 your motion, Ms. Wall?

3 MS. WALL: I'm going to -- I don't think
4 I have a file-stamped copy, Judge, but I'm thinking
5 September or October -- October 2nd, I believe,
6 Judge, of 2018, when we presented that in open
7 court.

8 THE COURT: Okay.

9 MS. WALL: I'm sorry, I don't have the
10 file-stamped copy. I know that was our first
11 appearance, and response was filed January 2nd of
12 this year, I believe, Judge.

13 THE COURT: All right.

14 MS. WALL: Looks like our first
15 appearance was October 2nd, and I think we were
16 given a short time to file our motion to quash.

17 THE COURT: Okay.

18 MS. WALL: I'm sorry that I don't have a
19 file date.

20 THE COURT: Looks like November 5th on
21 your motion to quash.

22 MR. BECKETT: January 2nd, Judge, is our
23 response.

24 THE COURT: That's yours. Okay. All

1 right.

2 Ms. Wall, do you have any further
3 argument on your motion?

4 MS. WALL: I do, Judge. We filed a
5 motion to quash in this case because the defendants
6 are asserting that a private entity that is now
7 conducting business with the City of Bloomington
8 post the time period of any of the dates that are
9 relevant to any of the criminal charges pending,
10 would be obligated to seek documents responsive to a
11 subpoena that requests any and all QuickBooks
12 backups, and any and all reports for all accounts
13 associated with Grossinger Motors. And it requests,
14 Judge, all those backup financial documents for any
15 former employee, any current employee, any former
16 agent. Which would include independent contractors.

17 I would assert, Your Honor, that the case
18 law that I cited to Your Honor in our motion
19 essentially says, certainly the constitution
20 provides instances where a defendant can seek
21 information that is relevant to defending the
22 defendant in criminal proceedings, but there's a
23 threshold that the defendant has to establish that
24 the requested information is relevant or likely to

1 be admissible as evidence in the defense of a
2 criminal preceding pending against them. I would
3 assert to Your Honor that there was no threshold
4 showing of any relevancy in this case and in the
5 response to the motion to quash. Again, there
6 wasn't any indication as to how information
7 beginning April 1st of 2016 and going forward for
8 now a three-year period, would be relevant to
9 criminal action with allegations alleged up to
10 March 31st of 2016, and not beyond that date.

11 Additionally, Judge, you had previously
12 ruled that similar language included in a subpoena
13 that was served on the City of Bloomington was
14 burdensome and unreasonable with respect to the City
15 of Bloomington, which was the entity that actually
16 had a contract with Mr. Butler. In this instance
17 VenuWorks never had any relationship with
18 Mr. Butler. VenuWorks, as of April 1 of 2016, had a
19 contractual relationship with the City of
20 Bloomington. But the defendants already have copies
21 of that contract.

22 Finally, Judge, with respect to the
23 information sought in this subpoena against
24 VenuWorks, it does seek proprietary and confidential

1 financial information of VenuWorks. It's admitted
2 in their response to our motion to quash that
3 certainly the information that the defendant is
4 seeking has proprietary value, and is not
5 information that is available to competitors of
6 VenuWorks. So certainly VenuWorks should not be put
7 through the burden of, number one, marshaling and
8 securing this information; and two, providing it
9 without any protections when it is trade secret
10 protected information.

11 On that basis, I would assert that the
12 defendant has not met his obligation to meet a
13 minimum threshold to show that the information
14 sought is relevant, and I would urge the Court to
15 grant our motion to quash.

16 THE COURT: Thank you.

17 Mr. Beckett?

18 MR. BECKETT: Thank you. Counsel. May
19 it please the Court.

20 THE COURT: Counsel.

21 MR. BECKETT: Judge, the subpoena asked
22 for QuickBooks backups and reports, period.
23 QuickBooks backups and reports prepared by
24 VenuWorks, or its agents, or its employees.

1 QuickBooks backups and reports, documents that
2 already exist.

3 You're aware that this case involves the
4 Coliseum here in Bloomington, Illinois. It's the
5 same Coliseum being operated by VenuWorks. Our
6 experts tell us -- we do have an accounting expert
7 -- that this claim regarding industry standards, the
8 claims in the indictments in this case regarding the
9 expenditure of funds for utilities, the indictments
10 in this case making claims regarding the request for
11 cash into the Coliseum fund, all related to the
12 operation of the same building. Because there's
13 this claim of industry standards, the basic thrust
14 of the indictments is that this Coliseum has lost
15 money year, after year, after year, and there must
16 be something wrong, because this management company
17 on the contract is fleecing it. In comparison of
18 the years following, the very years following this
19 management company's operation of the Coliseum
20 establishes whether or not this is something that is
21 part of the building -- is part of the building, is
22 part of the operation of the building. We're not
23 talking now about necessarily admissibility forward,
24 we're talking about a form of discovery that our

1 accountants can look at for comparative purposes for
2 the years that are under scrutiny and the charge in
3 this case. So the thought that we're asking for
4 just tons, and tons, and tons of documents, that's
5 simply not true. It's actually very narrow. It's
6 QuickBooks. QuickBooks backups and reports. That's
7 all it asked for. And it's contrasted to a subpoena
8 with the City of Bloomington that had very broad
9 language that you asked us to narrow, in which we
10 did narrow.

11 In terms of the confidentiality, indeed
12 some of the claims in this case were that the
13 defendant's company wrongfully was claiming
14 confidentiality. Well, that is part of, I submit to
15 you, the industry standards that we're focusing on
16 here. Here we're hearing VenuWorks say the same
17 thing as the defendant company. I don't see in the
18 motion to quash any request for a protective order,
19 for an opportunity to redact what they think are
20 trade secrets, for an in-camera review. Those would
21 all be methodologies that are available to address
22 those concerns. We're not getting these documents
23 to release them to some competitor. We're getting
24 these documents with the idea that they're going to

1 be admissible in a trial in this case.

2 So far from saying this is just some sort
3 of wild fishing expedition where we're asking for
4 tens of thousands of documents, it's actually very
5 narrowly focused, and it directly relates to issues
6 in this pending case. Thank you, Your Honor.

7 THE COURT: Thank you.

8 Ms. Wall?

9 MS. WALL: Yes, Judge. While I'm hearing
10 for the first time today any information from the
11 defense with respect to any assertion that the
12 industry standards would be the reason that
13 VenuWorks would be obligated to respond to a
14 subpoena, they have never met the burden of
15 establishing that. I still don't have anything in
16 writing indicating that. An industry standard of
17 what is occurring in 2019 versus what happened
18 throughout the time that the defendant was the
19 management company for the Coliseum, I would assert
20 is not relevant. If this were a civil proceeding,
21 certainly after acquired information would not be
22 relevant to any expert, and I would assert to Your
23 Honor that whatever rules or regulations have been
24 implemented since March 31st of 2016, forward, would

1 not be requested retroactively to what Mr. Butler is
2 indicating. And counsel is now indicating that
3 their request is only for any and all QuickBooks
4 backups and reports for all accounts. But again, it
5 still requests for agents, for anyone that VenuWorks
6 would have done business with over the last
7 three-year period. I believe, Your Honor, that it
8 puts an undue burden on VenuWorks to have to, number
9 one, prepare those documents. Counsel indicates
10 that information is available. Well, it's available
11 in electronic format, but VenuWorks is going to have
12 to pay counsel or someone to redact proprietary and
13 confidential information belonging to other entities
14 that would be available in that QuickBooks. And
15 counsel should have received all of the information
16 that they're requesting from the City of
17 Bloomington, who has responded to their subpoenas,
18 and who has the utility bill information and all of
19 the concluding information on what expenses would be
20 and what the operations would look like.

21 Your Honor, if VenuWorks is required to
22 produce this information, anybody could reverse
23 engineer their expenditures to determine how much
24 they're charging for their management service.

1 That's proprietary, it's confidential, it's trade
2 secret protected, and I would assert that the
3 defendant has not met its burden in order to be
4 allowed to receive that information.

5 THE COURT: Thank you.

6 Anything else, Mr. Beckett?

7 MR. BECKETT: Well, it's VenuWorks'
8 QuickBooks backups and reports. Nobody else's.
9 It's VenuWorks'.

10 THE COURT: Let me ask you a question and
11 then ask you to respond. So VenuWorks is not a
12 party to this. There is no overlap -- from the way
13 I understand it, there is no overlap in time between
14 defendant's company managing the Coliseum and
15 VenuWorks' involvement in the company. You're
16 seeking this to show that -- apparently part of your
17 argument is that under defendant's management of the
18 Coliseum it lost money and it continues to lose
19 money to this day. Is that what is allegedly some
20 type of a defense to this case? I don't know a lot
21 about this case yet, obviously, because I haven't
22 heard all of the evidence. But you're asking to
23 subpoena what may be proprietary and confidential
24 information, or at least partially proprietary and

1 confidential information from a third party
2 business, doing business with the City of
3 Bloomington, and a government organization that is
4 and has responded to subpoenas with a lot of the
5 same information. And so I want to know what the
6 actual relevance -- what the actual relevance of
7 this information is to a defense -- a possible
8 defense in this case, and why the same information
9 isn't available from the City of Bloomington.

10 Mr. Beckett?

11 MR. BECKETT: Well, I suppose the
12 information could be available from the City of
13 Bloomington. The City of Bloomington's subpoena did
14 not ask for any documents beyond 2016.

15 THE COURT: That's part of my question.
16 Why are a documents postdated the bill of indictment
17 relevant?

18 MR. BECKETT: Well, they're relevant if
19 -- we've been accused of improperly taking funds to
20 pay for utilities. If, in fact, the City of
21 Bloomington vis-a-vis VenuWorks is doing the same
22 thing they did while we were operating it, then
23 there's something wrong with that theory of
24 prosecution. How can we know that if we don't see

1 how the City of Bloomington and VenuWorks are
2 interacting regarding the payment of utilities?
3 What about the shows? We've been --

4 THE COURT: Let me stop you on the first
5 point. So if -- obviously there are criminal
6 charges pending here that allege that your client
7 engaged in some conduct that was criminal in nature
8 as a result of the management of the Coliseum. If,
9 for argument sake, the person -- or the company that
10 took over that roll with the City of Bloomington is
11 engaged in the same conduct and allegedly criminal
12 conduct, again, what is the relevance to this
13 prosecution? Wouldn't that be a whole new
14 prosecution that could take place down the road if
15 there's mismanagement on a new --

16 MR. BECKETT: No. If the City of
17 Bloomington, in fact, assessed that management and
18 the method of paying utilities in my example, then
19 it's not criminal, and the theory of criminality
20 doesn't exist. But this is pretrial, Judge. This
21 isn't -- we're not arguing about whether or not it's
22 admissible in court. How can I even find out
23 whether or not I can articulate that admissibility
24 if I can't see the records?

1 THE COURT: So that's why we're talking
2 about relevancy now. So how is this -- I want to
3 know, how this is actually relevant to this
4 prosecution?

5 MR. BECKETT: The City's acceptance of
6 the same method of payment, of cash advances to the
7 Coliseum fund to pay utilities, to pay commissions,
8 to do everything that CIAM was doing demonstrates
9 that the theory of criminality is flawed.

10 THE COURT: Okay. Any additional
11 argument on any other point, Mr. Beckett?

12 MR. BECKETT: No.

13 THE COURT: Anything else, Ms. Wall?

14 MS. WALL: Well, I guess the only thing I
15 would say is with respect to counsel's argument,
16 that kind of relationship or what the city accepts
17 is somehow relevant to the criminality of the
18 conduct, I would assert that that's completely
19 inappropriate. The city and whoever they're
20 contracting with, they don't have the ability to
21 decide whether or not something is criminal in
22 nature versus not criminal in nature. And I would,
23 again, assert, Judge, anything that happened after
24 March 31st of '16, with respect to another

1 enterprise is not relevant in this proceeding, and
2 the defendant hasn't met the relevancy requirement.

3 THE COURT: All right. I'm going to take
4 -- this is the first time, I think, I've taken
5 something under advisement in this case, but the
6 lawyers have made complete argument. I'm going to
7 take this issue under advisement. I'm going to look
8 at it a little bit closer. I want to go over the
9 motion to quash again, and the response again, and I
10 would like a copy of the transcript of the arguments
11 of counsel.

12 I'll look into this a little bit and then
13 issue a response in relation to the motions. I'll
14 try to get that done in the next couple of weeks,
15 although -- I'll try to get, if done in the next
16 couple of weeks.

17 I think that takes care of everything
18 you're involved with, Ms. Wall.

19 MS. WALL: That's great. With the
20 Court's permission, I'll leave. Thank you, Judge.
21 Thank you, Counsel.

22 (End of excerpt.)
23
24

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY, ILLINOIS

CERTIFICATE OF REPORTER

I, LISA J. DOERR, CSR# 084-004304, an Official Court Reporter for the Circuit Court of Mclean County, Eleventh Judicial Circuit of Illinois, reported in machine shorthand the proceedings had on the hearing in the above-entitled cause and transcribed excerpts of same by Computer Aided Transcription, which I hereby certify to be a true and accurate transcript of the excerpts of proceedings had before Judge William Yoder.



Official Court Reporter

Dated this 5th day

of March, 2019.

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.)
)
JOHN Y. BUTLER,)
)
Defendant.)

No. 17-CF-1025

McLEAN
FILED
AUG 22 2019
COUNTY
CIRCUIT CLERK

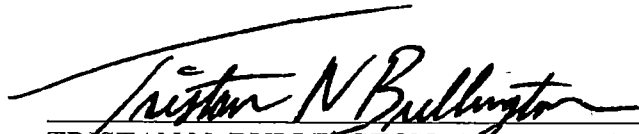
NOTICE OF HEARING

TO: McLean County State's Attorney
Law & Justice Center
104 West Front Street
Bloomington, IL 61701

John Y. Butler
9513 North 2125 East Road
Bloomington, IL 61705

YOU ARE HEREBY NOTIFIED that at 9:00 A.M. on October 23, 2019, or as soon thereafter as counsel may be heard, we shall appear before The Honorable William Yoder, or such other judge as may be substituting for the foregoing judge, in Courtroom 5C of the McLean County Law & Justice Center, 104 West Front Street, Bloomington, Illinois, for a hearing on Motion to Suppress, Supplemental Motion to Suppress, and Supplemental Brady Motion.

Dated this 22nd day of August, 2019.



TRISTAN N. BULLINGTON, Attorney at Law

TRISTAN N. BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
TBullington@MeyerCapel.com
ARDC No. 6302971

PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the undersigned caused service of the foregoing **Notice of Hearing** to be made upon the recipient(s) designated below by the following method(s):

VIA U.S FIRST-CLASS MAIL: A true and correct copy of the foregoing instrument(s) was sent via regular U.S. first-class mail to the following person or professional office in a properly addressed envelope and bearing full prepaid postage deposited in a U.S. Post Office box in Bloomington-Normal, Illinois, on this 22nd day of August, 2019.

John Y. Butler
9513 North 2125 East Road
Bloomington, IL 61705

McLean County State's Attorney's Office
Law & Justice Center
104 West Front Street
Bloomington, IL 61701



TRISTAN N. BULLINGTON
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ARDC No. 6302971

IN THE CIRCUIT COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
)
v.) No. 2017-CF-1025
)
JOHN Y. BUTLER)
Defendant.)

FILED
AUG 06 2019
CIRCUIT CLERK

McLEAN COUNTY

SUPPLEMENTAL BRADY MOTION

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett, of Beckett Law Office, P.C., and Tristan Bullington, of Meyer Capel, P.C., and in support of his *Supplemental Brady Motion* states as follows:


1. On December 14, 2017, Defendant's Counsel filed Defendant's *Motion for Pre-Trial Discovery and Production Pursuant to Brady v. Maryland*, wherein Defendant requested discovery in compliance with *Brady*.
2. On January 30, 2018, a status hearing was held before the Honorable Judge Robert Freitag, during which the State acknowledged their discovery obligations.
3. On November 13, 2018, Defendant's Counsel sent a written request to the State for any and all information relating to the negotiated plea agreement with Jay Lasech, one of the co-defendants in the above-captioned case. A true and correct copy of that request is attached hereto as Exhibit 1.
4. On November 13, 2018, the State acknowledged receipt of the written request and its discovery obligations via email correspondence. A true and correct copy of the State's email correspondence is attached hereto as Exhibit 2.

5. As of the date of this filing, the State has not produced the materials that were requested in Defendant's written request, dated November 13, 2018.
6. On August 1, 2019, Defendant was made aware via news media that another co-defendant, Paul Grazar, had entered into a negotiated plea agreement with the State.
7. As of the date of this filing, Defendant has not received any discovery or information from the State related to Mr. Grazar's negotiations, pursuant to *Brady v. Maryland*.
8. Under *Brady*, and the ensuing line of cases, the defendant has the right to be given all exculpatory evidence that is in the possession or control of the government. *Brady v. Maryland*, 373 U.S. 83 (1963). This right is protected by the Due Process Clause of the Fifth Amendment, and requires the government to turn over any information concerning its witnesses that may cast doubt on their credibility. *United States v. Bagley*, 473 U.S. 667, 677 (1985).
9. Defendant therefore requests:
 - a. Copies of all emails, text messages, letters, handwritten notes or other documents regarding communications between your office and the Defendant Jay Laesch, his counsel or any other person, including law enforcement personnel, and that concern the plea negotiations and plea agreement that was present in court on November 7, 2018;
 - b. A summary of all verbal conversations between Defendant Jay Laesch, his counsel or any other person, including law enforcement personnel and your office, or anyone acting on your office's behalf that concern the plea negotiations and plea agreement that was present in court on November 7, 2018;

- c. Copies of all emails, text messages, letters, handwritten notes or other documents regarding communications between your office and the Defendant Paul Grazar, his counsel or any other person, including law enforcement personnel, and that concern the plea negotiations and plea agreement that was present in court on August 1, 2019;
- d. A summary of all verbal conversations between Defendant Paul Grazar, his counsel or any other person, including law enforcement personnel and your office, or anyone acting on your office's behalf that concern the plea negotiations and plea agreement that was present in court on August 1, 2019;
- e. Any other information regarding Jay Laesch or Paul Grazar, in your office's possession, or in the possession of any law enforcement personnel, that is favorable to the defense on the issue of guilt or innocence, or on the credibility of any witness identified by the prosecution in the above referenced case.

WHEREFORE, Defendant requests that this Honorable Court order production and discovery compliance as set forth herein.

JOHN Y. BUTLER, Defendant


J. STEVEN BECKETT

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway
Urbana IL 61801
steve@beckettwebber.com
(217) 328-0263
(217) 328-0290 FAX
steve@beckettlawpc.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is one of the attorneys for the Defendant in this above titled cause, and that on August 6th, 2019 he did cause a copy of the foregoing *Supplemental Brady Motion* to be hand delivered to the following:

State's Attorney's Office
McLean County Courthouse
104 W. Front Street
Bloomington, IL 61701


TRISTAN N. BULLINGTON

TRISTAN N. BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, First Floor
Bloomington, Illinois 61701
Phone: 309-829-9486
Fax: 309-827-8139

BECKETT LAW OFFICE, P.C.
Attorneys at Law

Attorneys
Chad S. Beckett
Andrew W. B. Bequette

Andrew W. Hall
Audrey C. Thompson
Lawrence T. Solava
Juan C. Bernal

Of Counsel
J. Steven Beckett

November 13, 2018

Urbana Office
508 South Broadway
Urbana IL 61801
(217) 328-0263
(800) 770-0263
(217) 328-0290 FAX
(217) 278-2117 Alt. FAX

Tuscola Office
401 South Main
P. O. Box 348
Tuscola IL 61953-0348
(217) 253-2383
(217) 253-3633 FAX

Please reply to Urbana Office

Bradly Rigdon
McLean County States Attorneys Office
Law and Justice Center
104 W. Front Street
Bloomington IL 61701

Re: People v. Butler 17 CF 1025

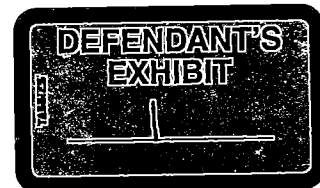
Dear Brad:

Defense counsel learned of the negotiated plea agreement in the Jay Laesch case from public media. Our information about that case comes from the media and from the transcript of proceeding which we have ordered.

We have received no information from your office about this matter.

Pursuant to the principles of *Brady v. Maryland* 373 U.S. 83 (1963) and *U. S. v. Giglio* 405 U.S. 150 (1972), we request the following information:

1. Copies of all emails, text messages, letters, handwritten notes or other documents regarding communications between your office and the Defendant Jay Laesch, his counsel or any other person, including law enforcement personnel, and that concern the plea negotiations and plea agreement presented in court on November 7, 2018.
2. A summary of all verbal conversations between Defendant Jay Laesch, his counsel or any other person, including law enforcement personnel and your office, or anyone acting on your office's behalf that concern the plea negotiations and plea agreement presented in court on November 7, 2018
3. Any other information regarding Jay Laesch, in your office's possession, or in the possession of any law enforcement personnel, that is favorable to the defense on the issue of guilt or innocence, or on the credibility of any witness identified by the prosecution in the above referenced case.

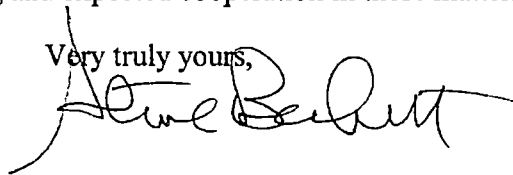


Bradly Rigdon
November 13, 2018
Page 2 of 2

Please provide this information in the form of a supplemental discovery response with documents referred to in the response but not publicly filed. If you indicate that you will be responding to this request, no defense motion will be filed. The defense wants to work cooperatively with your office to minimize publicity regarding this matter.

Thank you for your understanding and expected cooperation in these matters.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Steven Beckett". The signature is written in a cursive style with a large, prominent "J" and "B".

J. STEVEN BECKETT

PC: Scott Kording



Audrey Thompson <audrey@beckettlawpc.com>

Laesch Plea and Discovery Request

Rigdon, Bradly <Bradly.Rigdon@mcleancountyil.gov>

Tue, Nov 13, 2018 at 2:31 PM

To: Steve Beckett <steve@beckettlawpc.com>

Cc: Scott Kording <skording@meyercafel.com>, Audrey Thompson <audrey@beckettlawpc.com>

Steve,

I am aware of my ongoing obligation *Brady* and general discovery obligation. In fact, I have already ordered a copy of the transcript of the proceeding in question in anticipation of disclosing it and the relevant documentation which accompanied the plea when I receive my copies from the clerk' s office.

Thank you,

Brad Rigdon**First Assistant State's Attorney****Office of the McLean County State's Attorney****104 W. Front St., Rm 605****Bloomington, IL 61702****Ph. (309) 888-5514****Fax (309) 862-8314**

[Quoted text hidden]



STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 vs.)
)
JOHN Y. BUTLER,)
)
 Defendant.)

No. 17-CF-1025

McLEAN
FILED
JUL 24 2019
CIRCUIT CLERK
ILLINOIS
COUNTY

**AGREED ORDER MODIFYING DEFENDANT'S BOND CONDITIONS
TO ALLOW OUT-OF-STATE TRAVEL**

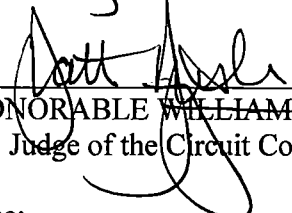
This cause comes before the Court on the request of Defendant for modification of the conditions of bond to allow Defendant to engage in certain out-of-state travel. The State appears by and through Assistant State's Attorney Brad Rigdon. The Defendant, JOHN Y. BUTLER, appears by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C. and Tristan N. Bullington of Meyer Capel, A Professional Corporation. The Court, being fully advised in the premises, hereby FINDS and ORDERS as follows:

1. The Defendant's bond is hereby modified to remove the restrictions on out of state travel for designated purposes discussed between Counsel for the Defendant and Counsel for the State.

2. At least 48 hours prior to any out of state travel, Defendant, through his counsel, shall provide written notice to the Office of the McLean County State's Attorney of his intended dates and location of travel, including, when necessary, the address where Defendant will spend the night.

IT IS SO ORDERED.

Entered this 24th day of July, 2019.

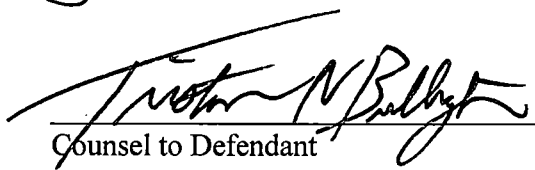


THE HONORABLE WILLIAM A. YODER *Scott Jazewski*
Judge of the Circuit Court

Approved as to Form and Substance:

F.A.B. 07/27/19

Assistant State's Attorney



Counsel to Defendant

Prepared by:
Tristan N. Bullington
MEYER CAPEL, A Professional Corporation
202 North Center Street
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
TBullington@MeyerCapel.com
ARDC No. 6302971

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.) No. 17-CF-1025
)
JOHN Y. BUTLER,)
)
Defendant.)


NOTICE OF HEARING

TO: McLean County State's Attorney
Law & Justice Center
104 West Front Street
Bloomington, IL 61701

John Y. Butler
9513 North 2125 East Road
Bloomington, IL 61705

YOU ARE HEREBY NOTIFIED that at 1:30 P.M. on August 27, 2019, or as soon thereafter as counsel may be heard, we shall appear before The Honorable William Yoder, or such other judge as may be substituting for the foregoing judge, in Courtroom 5C of the McLean County Law & Justice Center, 104 West Front Street, Bloomington, Illinois, for a hearing on Supplemental Motion to Suppress.

Dated this 23rd day of July, 2019.


TRISTAN N. BULLINGTON, Attorney at Law

TRISTAN N. BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
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TBullington@MeyerCapel.com
ARDC No. 6302971

McLEAN COUNTY
FILED
JUL 23 2019
CIRCUIT CLERK

PROOF OF SERVICE


Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the undersigned caused service of the foregoing **Notice of Hearing** to be made upon the recipient(s) designated below by the following method(s):

✓ VIA HAND DELIVERY: A true and correct copy of the foregoing instrument(s) was delivered by hand to the person or professional offices of the following recipient(s) on this 23rd day of July, 2019.

McLean County State's Attorney's Office
Law & Justice Center
104 West Front Street
Bloomington, IL 61701

✓ VIA U.S FIRST-CLASS MAIL: A true and correct copy of the foregoing instrument(s) was sent via regular U.S. first-class mail to the following person or professional office in a properly addressed envelope and bearing full prepaid postage deposited in a U.S. Post Office box in Bloomington-Normal, Illinois, on this 23rd day of July, 2019.

John Y. Butler
9513 North 2125 East Road
Bloomington, IL 61705



TRISTAN N. BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
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TBullington@MeyerCapel.com
ARDC No. 6302971

IN THE CIRCUIT COURT FOR THE
ELEVENTH JUDICIAL CIRCUIT OF ILLINOIS
MCLEAN COUNTY

McLEAN

FILED

JUL 23 2019

CIRCUIT CLERK

COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
)
v.)
)
JOHN Y. BUTLER)
Defendant.)

No. 2017-CF-1025

SUPPLEMENTAL MOTION TO SUPPRESS

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C. and Tristan N. Bullington of Meyer Capel, A Professional Corporation., and in support of his *Supplemental Motion to Suppress* states as follows:

Factual Background

1. On December 21, 2016, Special Agent Rossiter executed a search warrant for the offices of Striegel, Knobloch & Company, an accounting firm, located at 115 W. Jefferson St #200, Bloomington, IL 61701 (See Striegel Knobloch Search Warrant, attached hereto as "Exhibit 1~~A~~" hereinafter "Striegel Knobloch Warrant").
2. The language of the Striegel Knobloch Warrant authorized the seizure of "Central Illinois Arena Management Business Documents (CIAM): for the period of January 1, 2013 to March 31, 2016..." and "BMI Concessions business documents: for the period of January 1, 2013 to March 31, 2016...."
3. Agents of the Illinois State Police (hereinafter sometimes "ISP") searched the Striegel Knobloch premises and seized a desktop computer, a laptop computer, and four boxes of records

from Central Illinois Arena Management (hereinafter "CIAM") and BMI Concessions (hereinafter "BMI").

4. Within the records seized pursuant to the Striegel Knobloch Warrant "were invoices for ABC Storage located in the office of KELLY KLEIN.... The storage unit documentation was in the name of JOHN BUTLER...." (See Illinois State Police Investigative Report dated December 22, 2016, attached hereto as "Exhibit 2")

5. Based on the ABC Storage invoices located and seized pursuant to the Striegel Knobloch Warrant, Special Agent Rossiter of the ISP prepared a search warrant for the ABC Storage unit, where an additional 61 boxes of Defendant's business records were seized.

6. In these 61 boxes seized by ISP from Defendant's ABC Storage unit were banking information from Citizens Equity First Credit Union (hereinafter "CEFCU") that was used by the ISP to obtain a Search Warrant on September 25, 2017, and a subsequent warrant directed to CEFCU on June 27, 2018.

7. On or about May 30, 2019, the State tendered to Defendant a flash drive containing what was purported to be scans of all of the documents that were seized by the Illinois State Police pursuant to the Striegel Knobloch Warrant.

8. Contained within this flash drive were scans of an extensive amount of documents that were seized pursuant to the Striegel Knobloch Warrant that exceeded the scope of that warrant. Listed below is a sampling of the out of scope documents that were seized from Striegel Knobloch:

9. McLean Co Clerk, Kathy Michael relays information to City Council regarding "CIAM and BMI financial arrangements," November 2009

10. A document prepared by Defendant, "Coliseum events booked by CIAM after March 31, 2016." Defendant asked Kelly in an attached note, dated 12/13/16: "Per our conversation attached are the events CIAM booked after March 31st. Are the estimates [of the commissions to be paid to CIAM] close?"

- a. Several supporting documents, including Coliseum "event flash reports" from VenuWorks' management in 2016.
- b. CIAM, Meyer Capel invoices: 12/14/16, 11/17/16
- c. BMI, bank records, Nov 2016, Oct 2016
- d. CIAM, bank records, Nov 2016
- e. Illinois Pro Sports, bank records, Nov 2016
- f. CESP, bank records, Nov 2016
- g. CIAM, unemployment insurance claim, 10/25/16
- h. Illinois Pro Sports, invoices, 2016
- i. Peoria Rivermen, invoice, Sep 2016
- j. Illinois Pro Sports, Bart's credit card
- k. Peoria Rivermen, "Lucasfilm sports request form," Dec 2016
- l. CIAM, Principal insurance, 2016
- m. Peoria Rivermen/Illinois Pro Sports, player rosters, undated
- n. Peoria Rivermen/Illinois Pro Sports, business documents, 2015-16
- o. Peoria Rivermen/Illinois Pro Sports, bank records, Jan – Mar 2016
- p. Note by Defendant: "Legal expenses paid from John Butler's personal checking account;" Mueller Reece invoice, 9/16/16
- q. CIAM, 350 pp, wide variety of documents, 2006-2016

- r. Concessions commissions, 2006-2007
- s. Correspondence Mueller-Jurgens, 6/28/16 and 7/22/16
- t. Coliseum Fund, reimbursement to CIAM for BP lawsuit, \$30,000, 2/28/07; other documents related to BP lawsuit
- u. City of Bloomington memo on Coliseum maintenance, 10/6/15
- v. Hales letter to Defendant regarding cash advances for Rob Zombie and Drake, 2010
- w. Defendant's letter to David Hales regarding cash advances for Keith Urban and Lynyrd Skynyrd, 8/20/09
- x. City of Bloomington, "Procurement Code Update"
- y. Illinois Attorney General letter to City of Bloomington, 3/1/12, non-compliance with ADA
- z. "Procedure for Procurement Approval," 2011
- aa. City of Bloomington invoice to Coliseum Fund, "misc. repairs," 2/10/11
- bb. "insurance broker application," 2010
- cc. Various City of Bloomington documents, 2008, 2009, 2011
- dd. CIAM operating funds request, 2009
- ee. Correspondence from Brian Barnes to Tom Hamilton, 1/16/08, "Coliseum-related accounts receivable"
- ff. CIAM request for operating funds, 2007
- gg. PDFs of a variety of CIAM documents, 2006-16
 - i. Kelly email to Mueller, 9/15/09, "audit response re Management Agreement"

- ii. City of Bloomington, "approval of professional hockey license agreement," 10/10/05
 - iii. Hockey commissions, 2010
 - iv. Pepsi ice center, 10/7/08
 - v. Operating funds request, 10/2/08
 - vi. Bart Rogers employment contract, 2008
 - vii. Coliseum Fund, payroll, 2006-07
 - viii. City of Bloomington, bond redemption and equipment replacement not to be charged to Coliseum Fund, 10/11/07.
 - ix. City of Bloomington, "Approval of professional hockey license agreement," 10/10/05; included are commission payments from Coliseum Fund to hockey and football teams.
 - x. Correspondence between Sarah Bohnsack and Mia Frommelt to Judy Whikehart, 3/13/06.
 - xi. Bill Mueller correspondence, 9/23/09, settlement of Bloomington Partners lawsuit
- hh. CIAM, tax levies on employees and other tax-related matters, 2009-16
- ii. BMI, invoice, 2012

Suppression Based on General Warrant

11. The Fourth Amendment to the Constitution of the United States, and corollary provisions of the Illinois State Constitution of 1970, prohibit unreasonable searches and seizures. U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6. The federal and state constitutions protect against the issuance of search warrants that grant the police broad discretion to conduct a "general,

exploratory rummaging in a person's belongings." *Coolidge v. New Hampshire*, 403 U.S. 443, 467 (1971): This fundamental guarantee is preserved by giving close scrutiny to careless police practices. *Katz v. United States*, 389 U.S. 347 (1967); *Boyd v. United States*, 116 U.S. 616 (1886); *People v. Siegarth*, 285 Ill. App. 3d 739, 742 (3rd Dist. 1996).

12. "Converting specific warrants into general warrants" is unconstitutional and emphasizes the need for scrupulous adherence to the warrant requirements. *Horton*, 496 U.S. 128 at 148.

13. The Illinois Supreme Court in *People v. Kimmel* addressed a situation where officers, "did not have a general warrant, but they treated the warrant that they had as a license for a general search, and they took advantage of their presence in the bookstore to ferret out and seize whatever they considered to be contraband." *People v. Kimmel*, 34 Ill. 2d 578, 582 (1966). The *Kimmel* Court noted that, while the warrant before it was specific, the search conducted by law enforcement was general. *Id.* ISP's created the same situation as in *Kimmel* in the instant case. The Illinois State Police had a valid warrant to seize CIAM and BMI documents from January 1, 2013 to March 31, 2016. ISP's indiscriminate seizure of records without first determining whether or not the documents they seized fell within the scope of the warrant, converted the valid warrant into an unconstitutional general warrant.

14. The acceptable scope and intensity of a search is determined by the underlying search warrant's content, and what the search warrant lists as the place to be searched and the things to be seized. *People v. Harmon*, 90 Ill. App. 3d 753, 756 (4th Dist. 1980). A search beyond the scope of the warrant is a general search which should invalidate the resultant seizure of evidence. See *Id.* ISP's indiscriminate search and seizure of documents that were outside the scope of the warrant, is a general search and therefore, the resultant seizure of evidence pursuant to the Striegel Knobloch Warrant should be suppressed.

15. Allowing a specific warrant to be treated as a general warrant invites “a government official to use a seemingly precise and legal warrant only as a ticket to get into a man's home, and, once inside, to launch forth upon unconfined searches and indiscriminate seizures as if armed with all the unbridled and illegal power of a general warrant.” *Stanley v. Georgia*, 394 U.S. 557, 572 (1969). Even though the Striegel Knobloch Warrant had limiting language about the items to be seized and restricted applicable date ranges, the pattern and practice of law enforcement officials was to treat the warrant as a general warrant and seize whatever evidence they wanted.

Suppression Based on Fruit of the Poisonous Tree Doctrine

16. Courts will generally not admit evidence that was obtained in violation of the Fourth Amendment. *People v. Sutherland*, 223 Ill. 2d 187, 227 (2006). Under the fruit of the poisonous tree doctrine, a Fourth Amendment violation is deemed the “poisonous tree,” and any evidence obtained by exploiting that violation is subject to suppression as the “fruit” of that poisonous tree. *People v. Henderson*, 2013 IL 114040, ¶ 33.

17. In an ISP Investigative Report (Exhibit 2), written by Special Agent Rossiter, he states that the reason he was aware of the ABC Storage unit in Defendant's name was due to invoices that he seized pursuant to the Striegel Knobloch Warrant. Because the evidence seized pursuant to Striegel Knobloch Warrant was beyond the scope of the specific warrant as explained above, the seizure of evidence was unconstitutional. But for ISP's seizure of documents outside the scope of the Striegel Knobloch Warrant, ISP would not have become aware of the ABC Storage unit. Any information that the ISP gleaned from that unconstitutional seizure must be suppressed, including any evidence gathered as the result of subsequent warrants issued based on information illegally seized.

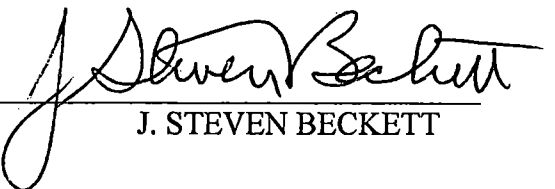
18. In that same vein, the ABC Storage Warrant was issued based on information seized pursuant to the Striegel Knobloch Warrant, and the ABC Storage Warrant yielded information that led the ISP to issue two separate seizure warrants to CEFCU on September 25, 2017 and June 27, 2018 for all of Defendant's banking information. These CEFCU warrants must also be suppressed as fruit of the poisonous tree.

19. The prime purpose of the exclusionary rule is to deter future unlawful police conduct and thereby effectuate the guarantee of the Fourth Amendment against unreasonable searches and seizures. *Illinois v. Krull*, 480 U.S. 340, 347 (1987); *People v. Burns*, 2015 IL App (4th) 140006, ¶¶ 53-54. The ISP illegally seized evidence to use it to obtain a further search warrant which yielded information for a further third and fourth search and seizure warrant. All of these warrants must be suppressed to deter future police misconduct and protect the Fourth Amendment.

WHEREFORE the Defendant, JOHN Y. BUTLER, prays that the Court enter an order quashing the Striegel Knobloch Warrant of December 21, 2016; suppress any evidence that was seized during the execution of said warrant; order the return of the Defendant's records that were seized during the execution of said warrant; order the suppression of any evidence illegally obtained through the use of the materials seized pursuant to the Striegel Knobloch warrant, and for such other relief deemed just and appropriate

Respectfully Submitted,

JOHN Y. BUTLER, Defendant

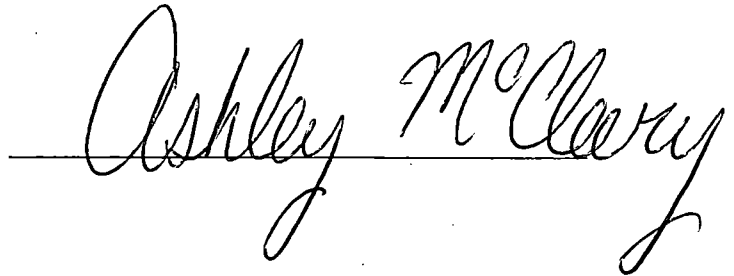
By: 
J. STEVEN BECKETT

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ARDC No. 0151580

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is one of the attorneys for the Defendant in this above-titled cause, and that on July 23rd 2019, he did cause a copy of the foregoing *Supplemental Motion to Suppress* to be hand delivered to the following:

State's Attorney's Office
McLean County Courthouse
104 West Front Street
Bloomington, IL 61701

A handwritten signature in cursive script, reading "Ashley McClary", is written over a horizontal line.

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
COUNTY OF MC LEAN

SEARCH WARRANT

TO ALL PEACE OFFICERS OF THE STATE:

On this date being December, 21, 2016 Affiant Petitioner Special Agent Daniel Rossiter #6230 Of the Illinois State Police has subscribed and sworn to a Complaint for Search Warrant before me. Upon examination of the Complaint for Search Warrant and attachments incorporated by reference the Court find it states facts sufficient to establish probable cause for the issuance of a warrant to search the following described place, persons or objects for the items as listed below.

I, THEREFORE, COMMAND THAT YOU SEARCH:

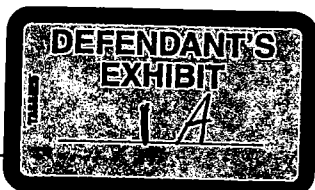
The office of Striegel, Knobloch & Company L.L.C 115 W Jefferson St #200, Bloomington, IL 61701, specifically the work space, work and personal computer, work and personal digital storage devices to include flash drives, external hard drives or any other device capable of storing digital media which could include the items to be seized below owned or assigned to Kelly Klein.

AND, IF FOUND, SEIZE THE FOLLOWING:

4. Central Illinois Arena Management Business Documents (CIAM): for the period of January 1, 2013 to March 31, 2016 including but not limited to: General Journals and charts of accounts; general ledger and subsidiary ledgers; cash receipt journals, cash deposit journals, cash drop journals from concessions; and cash disbursement journals; sales journals and purchase journals; Point of Sale (POS) daily close reports; Point of Sale (POS) monthly close reports; balance sheets, income statements and profit/loss statements; records pertaining to customer accounts, accounts receivables, notes receivables, etc.; records pertaining to allowance for bad debts and bad expenses; records pertaining to accounts payable, notes payable, loans payable, mortgages payable, etc.; cash receipt books; bank statements, deposit slips, cancelled checks, withdrawal slips, debit memos, and credit memos for all checking and or savings accounts; assets and/ or investments, such as certificates of deposits, stocks, bonds, real estate, vehicles, aircraft, boats, etc.; itemized inventory records; purchase orders, vouchers, invoices, receipts, etc.; payroll records, payroll journals, personnel files, W 2's, 1099's; copies of all certified audits along with accountants confidential file; all work sheets, accountant work papers, adjusting entries, etc.; copies of all federal and state income tax, and/or employee tax returns for the identified period; any and all reconciliations of books to tax returns for the identified period; any other financial records that were created for, by, or on behalf of the partnership/corporation, such as loan applications, deeds to real estate, schedules of loan payments, etc.;

5. BMI Concessions business documents: for the period of January 1, 2013 to March 31, 2016 including but not limited to: General Journals and charts of accounts; general ledger

596



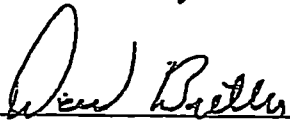
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and subsidiary ledgers; cash receipt journals, cash deposit journals, cash drop journals from concessions; and cash disbursement journals; sales journals and purchase journals; Point of Sale (POS) daily close reports; Point of Sale (POS) monthly close reports; balance sheets, income statements and profit/loss statements; records pertaining to customer accounts, accounts receivables, notes receivables, etc.; records pertaining to allowance for bad debts and bad expenses; records pertaining to accounts payable, notes payable, loans payable, mortgages payable, etc.; cash receipt books; bank statements, deposit slips, cancelled checks, withdrawal slips, debit memos, and credit memos for all checking and or savings accounts; assets and/ or investments, such as certificates of deposits, stocks, bonds, real estate, vehicles, aircraft, boats, etc.; itemized inventory records; purchase orders, vouchers, invoices, receipts, etc.; payroll records, payroll journals, personnel files, W 2's, 1099's; copies of all certified audits along with accountants confidential file; all work sheets, accountant work papers, adjusting entries, etc.; copies of all federal and state income tax, and/or employee tax returns for the identified period; any and all reconciliations of books to tax returns for the identified period; any other financial records that were created for, by, or on behalf of the partnership/corporation, such as loan applications, deeds to real estate, schedules of loan payments, etc.;

IT IS FURTHER ORDERED

- 1) that the agents and employees of any entity or any other person receiving a copy of this Order, not disclose to the subscriber, or to any other person, the existence of the release of information unless or until otherwise ordered by the Court; and
- 2) that the materials be provided in in digital format on a compact disc in Excel, PDF or TXT format; and
- 3) that the records be accompanied by an affidavit that complies with the requirements set forth in Rule 902(11) of the Illinois Rules of Evidence as referenced in "Attachment A" of the Complaint.

ISSUED this 21st day of December of 2016 at 9:27 AM.



Associate Circuit Judge David Butler

ILLINOIS STATE POLICE
INVESTIGATIVE REPORT

File No:	Reporting Date(s):	Reporting Agent(s):	ID#:	Lead No:	
16-13024-BL	12/22/16	S/A D. Rossiter	6230		
Title:	Case Agent:	ID#:	Office:	Typed:	Date:
Butler Et. Al.	S/A D. Rossiter	6230	Z5/BL	DR	12/22/16

Purpose:

ABC Storage Search Warrant

SYNOPSIS:

On June 9, 2016 at approximately 2:00 PM, the assistance of Zone 5 Investigations was requested by the City of Bloomington, Illinois to investigate allegations of embezzlement and theft by the previous management team for the U.S. Cellular Coliseum.

DETAILS:

On December 21, 2016 I, Special Agent Rossiter #6230 executed a search warrant for the physical address of Striegel Knobloch & Company, L.L.C. at 115 W. Jefferson Street, Suite 200, Bloomington, IL 61701. Within document seized pursuant to this warrant were invoices for ABC Storage located in the office of KELLY KLINE (CPA (Former CIAM Finance Director), F/W, DOB: 9/10/1960, 3180 Shepard Rd, Normal, IL 61761). The storage unit documentation was in the name of JOHN BUTLER (9513 N 2125 East Road, TX: (309) 242-7107) for unit 14 beginning on March 11, 2016. Hand written in the top right form of the document is "CIAM Storage".

On December 22, 2016 I, Special Agent Rossiter #6230 prepared a search warrant for ABC Storage located at 2442 S. Main Street, Bloomington, IL 61704. Judge Butler found probable cause and signed the search warrant on December 22, 2016 at 8:57 AM.

I made contact with ABC Storage employee TINA POWNALL (F/W, 2442 S Main St, Bloomington, IL 61704) who confirmed unit 14 was registered to BUTLER and paid in full. I provided POWNALL with a copy of the search warrant which was executed on December 22, 2016 at 9:38 AM. The key lock securing unit 14 was cut to gain entry and sixty-one boxes were seized and transported to a secure location for inventory. Twenty-seven boxes were determined to be outside the scope of the search warrant and set aside in a secure location. These twenty-seven boxes will be returned to BUTLER at a later time. The remaining thirty-four boxes covered by the search warrant are itemized below. All documents were removed from the storage locker and a copy of the search warrant was left inside, taped to the top of a five foot "Pepsi" plastic pallet.

- Box 1: Federal Tax returns
- Box 2: BMI Personnel Files
- Box 3: Event Settlements 2012
- Box 4: 2013-2014 tax returns / Various Invoices
- Box 5: Event settlements 2012
- Box 6: 2013 Payables / Bank Statements
- Box 7: 2013 Event Settlements



599

Dissemination:

MC

- Box 8: Event Settlements 11/13 – 1/14
- Box 9: Event Settlements 2/14 – 5/14
- Box 10: Event Settlements 5/14 – 12/14
- Box 11: 2014 Payables
- Box 12: Event Settlements 5/13 – 10/13
- Box 13: Event Settlements 5/15 – 12/15
- Box 14: 2015 Payables
- Box 15: 2012 – 2013 Payroll / Event Folders
- Box 16: Event settlements 3/13 – 5/13
- Box 17: Event Settlements 3/15 – 5/15
- Box 18: Event Settlements 2/15 & 6/15
- Box 19: 2013 – 2015 Past Events / Backstage/catering
- Box 20: Event Settlements 1/16 – 3/16
- Box 21: Personnel Files A-D
- Box 22: Personnel Files A-Z
- Box 23: Personnel Files D-G
- Box 24: Personnel Files H-J
- Box 25: Personnel Files K-M
- Box 26: Personnel Files M-P
- Box 27: Personnel Files P-S
- Box 28: Personnel Files S-W
- Box 29: Personnel Files W-Z
- Box 30: Personnel Files C-S
- Box 31: Terminated employees / Admin Personnel Files / 2014 Payroll
- Box 32: Bank statements 2011-2013 / Payroll 2010-2013 / Payables 2011-2014
- Box 33: Event Settlements
- Box 34: Tax forms / Payroll 2015

Identifiers:

KELLY KLINE, CPA (Former CIAM Finance Director)
F/W, DOB: 9/10/1960
3180 Shepard Rd, Normal, IL 61761

JOHN BUTLER (CIAM & BMI Concessions Owner)
M/W, DOB: 8/28/1959
9513 N 2125 East Road, Bloomington, IL, 61705

TINA POWNALL
F/W,
2442 S Main St, Bloomington, IL 61704

600