

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

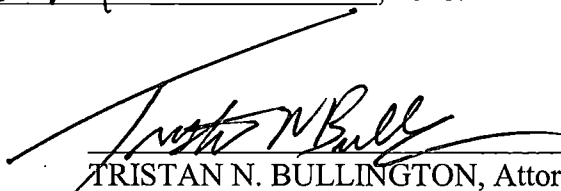
NOTICE OF HEARING

McLEAN COUNTY
FILED
DEC 17 2018
CIRCUIT CLERK

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

YOU ARE HEREBY NOTIFIED that at 11:00 A.M. on January 15, 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 3D of the McLean County Law & Justice Center, 104 West Front Street, Bloomington, Illinois, for a hearing on the return of the attached Subpoena Duces Tecum issued to the Legal Department of City of Bloomington, Illinois.

Dated this 14th day of December, 2018.



TRISTAN N. BULLINGTON, Attorney at Law

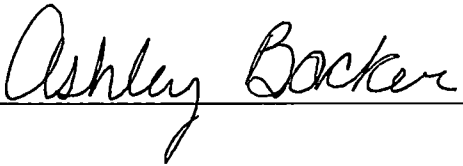
Tristan N. Bullington
Attorney at Law
MEYER CAPEL, A Professional Corporation
202 North Center Street, Suite 2
Bloomington, IL 61701
Phone: (309) 829-9486
Fax: (309) 827-8139
TBullington@MeyerCapel.com
ARDC No. 6302971

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* and *Subpoena Duces Tecum* 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 17th day of December, 2018.

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



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

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

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

No. 17-CF-1025

FILED
DEC 17 2018
CIRCUIT CLERK

McLEAN COUNTY

SUBPOENA DUCES TECUM

TO: City of Bloomington, Illinois
C/o Attorney Jeffrey R. Jurgens, City Attorney,
Legal Department
109 East Olive Street
Bloomington, IL 61701

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do.

YOU ARE COMMANDED to identify, locate, and produce the following items or evidence:

Any and all MICROS data for all accounts associated with the Grossinger Motors Arena, formerly the U.S. Cellular Coliseum. This data should be in a searchable .txt file format, and organized by event.

The applicable period for documents encompassed by this subpoena shall be from January 2007 through March 2016.

YOU ARE COMMANDED to produce the foregoing items or evidence by delivering them to the following judicial officer:

The Honorable William Yoder
Circuit Judge
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

YOU ARE FURTHER COMMANDED to appear before the foregoing judicial officer at 11:00 A.M./P.M. on January 15, 2018, to produce and deliver the above-identified items or evidence in Courtroom 5D, or the courtroom to which you are directed by courthouse personnel on that

date. Please note, however, that your appearance in court is not required on this date if you produce and deliver the foregoing documents to the specified judicial officer on or before the date and time listed above. If you have questions or wish to make arrangements for the delivery to the foregoing judicial officer of responsive items and documents encompassed by this ***Subpoena Duces Tecum***, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this ***Subpoena Duces Tecum***, then you may contact the undersigned attorney. You may not, however, deliver the responsive items or evidence to the undersigned attorney; instead, the responsive items or evidence must be delivered only to the foregoing judicial officer.

If the responsive items or documents are voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this ***Subpoena Duces Tecum*** on behalf of the Circuit Court.

Dated: 12/17/18

On behalf of the Circuit Court by,


TRISTAN BULLINGTON, Attorney at Law

TRISTAN BULLINGTON
MEYER CAPEL, P.C.
202 North Center Street, First Floor
Bloomington, Illinois 61701
Phone: 309-829-9486
Fax: 309-827-8139
tbullington@meyercafel.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 2:30 P.M. on December 20, 2018, 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 the Motion to Withdraw for Attorney Scott Kording

Dated this 10th day of December, 2018.


SCOTT KORDING, Attorney at Law

SCOTT KORDING
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@MeyerCapel.com
ARDC No. 6286628

McLEAN COUNTY
FILED
DEC 10 2018
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 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 10th day of December, 2018.

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



Prepared by:
SCOTT KORDING
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
ARDC No. 6286628

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.)

CERTIFICATE OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the undersigned served the foregoing **Entry of Appearance** upon the recipient(s) identified below via 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 7th day of December, 2018.

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



Tristan N. Bullington
Meyer Capel, A Professional Corporation
202 North Center Street, Suite 2
Bloomington, IL 61701
Phone: (309) 829-9486
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TBullington@MeyerCapel.com
ARDC No. 6302971

McLEAN COUNTY
FILED
DEC 07 2018
CIRCUIT CLERK

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

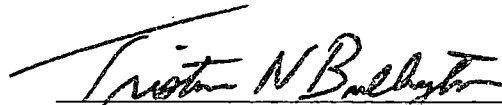
PEOPLE OF THE STATE OF ILLINOIS,)
)
Plaintiff,)
)
vs.) No. 17-CF-1025
)
JOHN Y. BUTLER,)
)
Defendant.)

ENTRY OF APPEARANCE AS CO-COUNSEL

NOW COMES Attorney TRISTAN N. BULLINGTON of Meyer Capel, P.C., who enters his appearance as co-counsel on behalf of the Defendant, JOHN Y. BUTLER. The undersigned attorney requests that all court documents and correspondence pertaining to this cause be sent to the undersigned counsel via hand delivery or U.S. mail to the law office identified below. Unless consent is obtained subsequent to the filing of this instrument, the undersigned counsel does not consent to service of pleadings or other court papers via facsimile.

Dated this 7th day of December, 2018.

Respectfully submitted,



TRISTAN N. BULLINGTON, Attorney at Law

Tristan N. Bullington
Meyer Capel, A Professional Corporation
202 North Center Street, Suite 2
Bloomington, IL 61701
Phone: (309) 829-9486
Fax: (309) 827-8139
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MCLEAN COUNTY
FILED
DEC 07 2018
CIRCUIT CLERK

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

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

No. 17-CF-1025

McLEAN COUNTY
FILED
DEC 04 2018
CIRCUIT CLERK

MOTION TO WITHDRAW

NOW COMES the Movant, SCOTT KORDING of Meyer Capel, A Professional Corporation, and states as follows for this *Motion to Withdraw*:

1. This *Motion to Withdraw* is brought pursuant to Illinois Supreme Court Rule 13 and Illinois Rule of Professional Conduct 1.16(b)(4).
2. The Movant, SCOTT KORDING of Meyer Capel, A Professional Corporation, is an attorney at law who is licensed to practice law in the State of Illinois.
3. Movant is the instant cause's co-counsel of record for the Defendant, JOHN Y. BUTLER.
4. Movant has been notified of his appointment to the office of Associate Judge of the Circuit Court for the Eleventh Judicial Circuit. As a result, Movant must discontinue his private practice of law.
5. Movant has provided to Defendant with this *Motion to Withdraw* a *Notice to Client* explaining Defendant's responsibility for obtaining new counsel or filing a supplemental appearance within 21 days of entry of the *Order of Withdrawal*. See Ill. Sup. Ct. R. 13(c)(2).

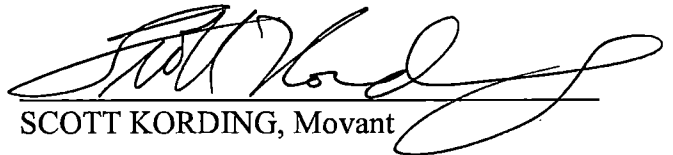
6. Upon information and belief based upon information provided to Movant by Defendant, Defendant's current mailing address is 9513 North 2125 East Road, Bloomington, IL 61705. *See* Ill. Sup. Ct. R. 13(c)(3).

7. Good cause exists for granting this *Motion to Withdraw*.

WHEREFORE, the Movant, Attorney SCOTT KORDING of Meyer Capel, A Professional Corporation, respectfully requests that this Court enter an Order consistent with the following:

- A. Granting this *Motion to Withdraw* and granting to the Movant leave to withdraw as counsel of record; and
- B. Granting to the Movant such other and further relief as the Court deems just and proper.

Respectfully submitted,


SCOTT KORDING, Movant

SCOTT KORDING
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@MeyerCapel.com
ARDC No. 6286628

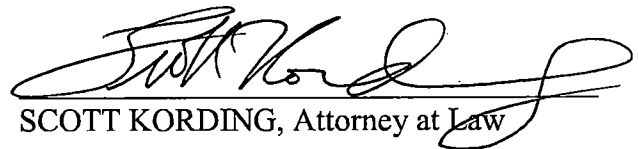
STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF MCLEAN

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

NOTICE TO CLIENT

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

To ensure that you receive notice of any action in this cause, you should retain other counsel, or file your supplemental appearance with the Clerk of the Court within 21 days after entry of the ***Order of Withdrawal***. Your supplemental appearance should contain a clearly identifiable address at which service of notices or other papers may be made upon you. Failure to file a supplementary appearance within 21 days after entry of the ***Order of Withdrawal*** could mean that this cause would proceed in your absence and without notice to you.


SCOTT KORDING, Attorney at Law

SCOTT KORDING
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@MeyerCapel.com
ARDC No. 6286628

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


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

NOTICE OF FILING

FILED
NOV 19 2018
MCLEAN COUNTY
CIRCUIT CLERK

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


YOU ARE HEREBY NOTIFIED that on the 15th day of November, 2018, I filed with the Clerk of the Eleventh Judicial Circuit, McLean County, Illinois, Defendant's *Reply to the People's Response to Defendant's Motion to Suppress* in the above referenced matter which is attached hereto.



J. Steven Beckett

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November, 2018, a copy of the foregoing Defendant's *Reply to the People's Response to Defendant's Motion to Suppress* and Notice of Filing was placed in the U.S. Mails in Urbana, Illinois in an envelope securely sealed, with postage pre-paid, and legibly addressed to the above-named individual.



J. Steven Beckett

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(217) 328-0263
(217) 328-0290 (FAX)
steve@beckettlawpc.com
ARDC No. 0151580

**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

FILED
NOV 19 2018
CIRCUIT CLERK
MCLEAN COUNTY

MOTION TO REOPEN SUPPRESSION HEARING PROOFS

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C., and Scott Kording of Meyer Capel, P.C., and in support of his *Motion to Reopen Suppression Hearing Proofs* states as follows:

1. On October 24, 2018, the Court commenced a hearing on Defendant's Motion to Suppress.
2. During this hearing, evidence was presented, including the testimony of Illinois State Police Special Agent Daniel Rossiter.
3. The Court admitted all the evidence presented and, when the State filed a written response to the defense motion on the day of the hearing, the Court authorized the defense to file a written reply. The matter was then continued for final argument on December 20, 2018.
4. Prior to the October 24, 2018 hearing, Defendant had issued subpoenas *duces tecum*, including one to the City of Bloomington and the City's production under that subpoena had been extended due to the volume of material being produced.
5. On November 6, 2018, Defendant finally received a response and production of documents from the City of Bloomington.

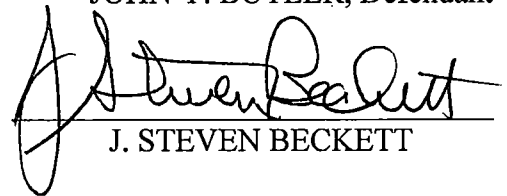
6. Defendant has been diligent in pursuing its investigation of the underlying facts of this case.
7. As a result of the documents produced in response to the subpoena *duces tecum* issued to the City of Bloomington, the defense has discovered additional evidence regarding governmental access to the financial records that Defendant claims were unlawfully seized.
8. This additional evidence, along with the explanatory testimony of Special Agent Rossiter, is necessary to fully understand Defendant's claims in his Motion to Suppress.

WHEREFORE the Defendant, JOHN Y. BUTLER, prays that the Court reopen the proofs for additional, limited testimony regarding the issue of access to the records at Pontiac by others under the authority of the Illinois State Police.

Respectfully Submitted,

JOHN Y. BUTLER, Defendant

By:



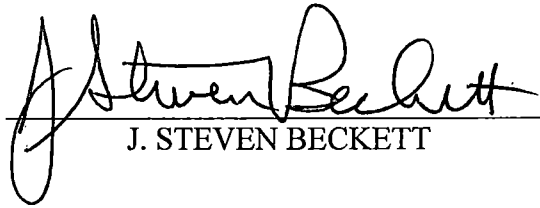
J. STEVEN BECKETT

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(217) 328-0263
(217) 328-0290 (FAX)
steve@beckettlawpc.com
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 November 15, 2018, he did cause a copy of the foregoing Defendant's *Motion to Reopen Suppression Hearing Proofs* to be placed in the U.S. Mails in Urbana, Illinois in an envelope securely sealed, with postage pre-paid, and legibly addressed to the following:

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



J. STEVEN BECKETT

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(217) 328-0263
(217) 328-0290 (FAX)
steve@beckettlawpc.com
ARDC No. 0151580

**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

FILED
NOV 19 2018
CIRCUIT CLERK

McLEAN COUNTY

**DEFENDANT'S REPLY TO PEOPLE'S RESPONSE
TO DEFENDANT'S 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 Scott Kording of Meyer Capel, P.C., and in reply to the *People's Response to Defendant's Motion to Suppress* states as follows:

- 1. The Illinois State Police are only authorized to conduct a search and seizure that is reasonable and the Fourth Amendment protects against a search that is unreasonable.**

The Illinois State Police executed a search warrant for Defendant's storage unit for the period of January 1, 2013 to March 31, 2016. (See ABC Storage Search Warrant, attached as Exhibit 1 to Defendant's *Motion to Suppress*, filed October 11, 2018.) This search warrant gave the Illinois State Police the authority to search and seize any records within that limited scope of time. This search warrant did not authorize the Illinois State Police to conduct a sweeping seizure of every single piece of paper in Defendant's storage unit. It is well settled that the U. S. Constitution protects against unreasonable search and seizures. *Terry v. Ohio*, 392 U.S. 1, 9 (1968). Taking a very specific search warrant and converting it into a general warrant by seizing any record within eyesight is not a reasonable search. Taking every single one of Defendant's business records, moving them 40 miles away to a different county, and then preventing

Defendant from accessing his own records – over thousands of pages of which the Illinois State Police has no constitutional right to maintain control over – to advance the preparation and conduct of his defense, is similarly not reasonable. (*See also* Defendant’s *Motion to Compel State to Allow Unrestricted Defense Inspection of Defendant’s Documents Seized by Illinois State Police* previously filed May 16, 2018.)

2. The Illinois State Police acted in flagrant disregard of the limitations of the search warrant and thus the disputed records should be suppressed in their entirety.

The State relies heavily on the *Ingram* analysis to justify its illegal seizure of Defendant’s records. *Ingram* states only that an unlawful seizure of items outside a warrant will not necessarily by itself render a search warrant invalid and require suppression and return of documents seized; the case also suggests the proposition that unlawful seizure outside of a warrant’s scope, when combined with flagrant disregard for the scope limitations imposed by the warrant *would* justify suppression and turnover of the seized documents. *People v. Ingram*, 143 Ill. App. 3d 1083, 1086 (3d Dist. 1986). The search warrant executed by the Illinois State Police had extremely clear limitations – namely, police could only search and seize records “for the period of January 1, 2013 to March 31, 2016.” Even if this Court agrees that “the volume of boxes and documents seized by the Illinois State Police was justified under the circumstances” as asserted by the State (*See* People’s Response, at 5), the fact that almost every single box seized contained copious amounts of documents outside the scope of the warrant, and that those documents were never returned to Defendant, plainly demonstrates a “flagrant disregard for limitations of the search warrant.” *Id.* Furthermore, the Illinois State Police determined within an hour of seizing Defendant’s records that it had exceeded the scope of the warrant. This

Court's cursory review of the testimony given by Special Agent Rossiter at the hearing on October 24, 2018, makes this fact indisputable:

Q: How about a date when you first realized that you had a box that was beyond the scope of the warrant?

A: 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 is immediately set to the side.

(See Transcript of Special Agent Rossiter's Testimony on October 24, 2018, at 11:4-9, attached hereto as Exhibit 1.) Within an hour after 9:38 A.M. on December 22, 2016, the Illinois State Police knew that it had records that it was not entitled to possess. As of the filing of Defendant's underlying suppression motion, the Illinois State Police has, for at least one year and 11 months, not only illegally possessed Defendant's records, but also prevented and prohibited Defendant from accessing his own records – records to which Defendant is entitled, to which the Illinois State Police is *not* entitled, and which may be helpful to Defendant's defense. This timeline of deprivation of Defendant's right to his own records inexplicably continues to grow even more egregious, for the Illinois State Police still possesses the records even all these weeks after Defendant's suppression motion was filed.

On this same topic, Special Agent Rossiter indicated that Defendant could retrieve his 27 boxes of record outside the scope of the warrant from Pontiac, Illinois, as long as arrangements were made. After the Illinois State Police illegally seized at least 27 (and arguably more) boxes of Defendant's records, determined they were outside the scope of the warrant, *and then* relocated them to a facility outside of Defendant's home county, the State suggests that it is Defendant's responsibility to retrieve his unlawfully seized records. Special Agent Rossiter's testimony at the October 24 hearing reflects the State's position:

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.

(See Ex. 1, at 14:7-11.) Even if Defendant were allowed to retrieve the 27 boxes of illegally seized materials from Pontiac, Illinois, the Illinois State Police still refuses to release the thousands of additional documents in its possession that are also outside of the scope of the warrant, but happened to be housed in the same box as at least one sheet of paper that fell within the warrant's scope:

Q: So what effort have you made to segregate the documents that are outside the scope of the warrant from the documents that are inside the scope of the warrant?

A: 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 filled with those documents.

Q: You could apply for a further warrant, could you not?

A: Yes, sir.

Q: To obtain legal authority to maintain those records?

A: Yes, sir.

Q: Did you do that?

A: No, sir, I did not.

(See Ex. 1, at 15:11-16:3.) While the Illinois State Police may now be claiming a willingness to release 27 boxes of records outside the scope of the warrant, Special Agent Rossiter is insisting on maintaining control of any other record outside the scope of the warrant if it happened to be

stored in the same box as a record that fell within the scope of the warrant. Special Agent Rossiter's testimony on October 24, 2018, confirms this fact, too:

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 Ex. 1, at 17:10-16.) This is further evidence of "flagrant disregard for limitations of the search warrant," because the Illinois State Police has no legal right to seize and maintain control of records for which it has no warrant, thus depriving Defendant of records that could prove to be exculpatory or otherwise helpful to his defense. The severity of the State's disregard of the search warrant is exacerbated by its acknowledgement that it had records beyond the scope of the warrant and that it chose not to seek another warrant (which would give it the legal authority to continue possessing the documents) despite knowing it could (and likely should) do so. (See Ex. 1, at 7:1-4.) This fact demonstrates the bad faith of law enforcement and the State.

The foregoing showing of bad faith, when coupled with the demonstrated "flagrant disregard for limitations of the search warrant," requires the suppression and return of all documents seized pursuant to the ABC Storage Search Warrant.

3. The Illinois State Police are not entitled to maintain control, or make any use in any way, of any records that were obtained illegally outside the scope of the warrant.

The State argues that "parsing out individual documents out of the thousands that fell out of the relevant time frame is neither practical nor reasonable..." (See People's Response, at 5.) It

is apparent from the testimony of Special Agent Rossiter, however, that the Illinois State Police never intended from the very beginning to make any effort to separate out illegally seized records from those covered by the warrant. *See* Ex. 1, at 15:14-21.

In *Ingram*, police seized a pair of pistols found on the Defendant's premises because their search warrant allowed them to collect fingerprints, and the pistols had fingerprints on them. *Ingram*, 143 Ill. App. 3d at 1086. The *Ingram* court held that law enforcement may seize an item not described in the search warrant when it has potential evidentiary value *as a receptacle of a described item*. *Id.* By way of illustration, 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 plainly are not "a receptacle of a described item." *Id.* Thus, the State's reliance upon the analysis in *Ingram* is misplaced, for *Ingram* does not justify the Illinois State Police's conduct in maintaining control over any out-of-scope document that was housed in the same box as a within-the-scope document. Using, or refusing to return, an illegally seized, out-of-scope record because "there is value in the documents being inspected and copied as they appeared in the boxes in their entirety to show the condition and the context of the relevant documents and to show that the evidence was not modified prior to discovery" (*See* People's Response, at 5) is in no way justified by caselaw cited by the State. Again, while it is generally left to the discretion of executing officers to determine details of how best to proceed with the performance of a search when authorized by warrant, the execution of the warrant in question here is subject to general Fourth Amendment protection against unreasonable searches and seizures. *Dalia v. United States*, 441 U.S. 238 (1979). Therefore, even if Special Agent Rossiter had discretion on how to carry out a search warrant, the search warrant does not afford the Illinois State Police carte blanche authority to

violate Defendant's rights and protections against general warrants and searches that contravene the Fourth Amendment.

The above analysis also applies to the Illinois State Police's seizure of Defendant's bank accounts and banking information. The State contends that "there was no evidence obtained through the use of the seizure warrant for assets in bank accounts for CEFCU." (*See People's Response*, at 5.) Even if the State were not attempting to elicit any information from its unlawful seizure warrant, evidence was nevertheless still collected. Because the warrants (both search and/or seizure warrants) that were issued to CEFCU on September 25, 2017 and June 27, 2018 contained data, the State Police effectively collected information, such as Defendant's account numbers, the balance in the those accounts, the number of accounts in Defendant's name, whether these accounts were business or personal, and more. The general nature of the treatment of these warrants converts them into general warrants and thus makes them illegal, which in turn makes the information gathered from them subject to suppression.

4. The doctrine of inevitable discovery does not apply in this case, and all evidence obtained from the ABC Storage Search Warrant should be suppressed.

For application of the doctrine of inevitable discovery, the State must "establish by a preponderance of the evidence that the information ultimately or inevitably would have been discovered by lawful means." *Nix v. Williams*, 467 U.S. 431, 444 (1984). Aside from stating that the illegally seized evidence would have been admissible through this doctrine because "there is more than sufficient evidence from other sources to justify issuance of a search warrant" (*See People's Response*, at 6), the State provides no specific evidence and makes no showing to support this claim. 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 Illinois State Police never asked Defendant for permission to search and retain the out-of-scope documents, and the State does not suggest that police did so. There also was no exigent circumstance to justify retaining the out-of-scope records. The only applicable definition for “lawful” in this case would be if the Illinois State Police had sought and obtained a second warrant authorizing retention of the out-of-scope documents – which neither the police nor prosecutors ever did, a fact admitted by Special Agent Rossiter. (See Ex. 1, at 15:22-16:3.)

As far as the records that were within the scope of the warrant is concerned, the State has merely alleged that “the vast majority of the information that was utilized in the investigation came from the digital versions of those documents that was recovered from the various computers and hard drives that were seized.” (See People’s Response, at 6.) This blanket statement, unsupported by exhibit or other form of evidence, does not rise to the level of the preponderance of the evidence needed by the State to meet its burden of proving that the information ultimately or inevitably would have been discovered by lawful means. Moreover, only documents that the State can prove (by a preponderance of the evidence) were in their possession through other lawful, digital means would be allowed under the inevitable-discovery doctrine. This doctrine would *not* apply to any record that the State did not already possess through other means. Because the State has failed to meet its burden of proof, the doctrine of

inevitable discovery does not apply here, and the entirety of the evidence illegally seized pursuant to the general warrant should be suppressed.

5. The independent source doctrine does not apply in this case, and all evidence obtained from the ABC Storage Search Warrant should be suppressed.

Just as it does when claiming applicability of the inevitable-discovery doctrine, the State bears the same burden – establishing by a preponderance of the evidence – to show that the illegally obtained evidence would have been discovered by independent and lawful means. *Nix v. Williams*, 467 U.S. at 444. To do this, the State must show that the evidence has been discovered by means wholly independent of any constitutional violation. *Id.* The barebones assertion by the State – that is, merely alleging that there was a lot of information available to them through electronic means but not demonstrating that fact for all of the challenged records – does not meet the burden of showing that each specific record in the illegally seized boxes would have been discovered through independent means. Therefore, the State has failed to meet its burden of proof and the records must be suppressed.

Additional information may be forthcoming regarding who had access to Defendant's records, which were stored at Pontiac, by a separate motion. Defendant will seek to reopen the proofs in the suppression hearing as a result of documents provided to Defendant from the City of Bloomington on November 6, 2018 and will seek to recall Illinois State Police Special Agent Daniel Rossiter for additional questioning.

WHEREFORE the Defendant, JOHN Y. BUTLER, prays that the Court enter an order quashing the ABC Storage Search Warrant of December 22, 2016; suppressing any evidence that was seized during the execution of said warrant; ordering the return to Defendant of his records that were seized during the execution of said warrant; ordering the suppression and return of any evidence obtained pursuant to the CEFCU warrants of September 25, 2017 and June 27, 2018; and granting Defendant such other relief deemed just and appropriate.

Respectfully Submitted,

JOHN Y. BUTLER, Defendant

By: 
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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 November 15, 2018, he did cause a copy of the foregoing Defendant's *Reply to the People's Response to Defendant's Motion to Suppress* to be placed in the U.S. Mails in Urbana, Illinois in an envelope securely sealed, with postage pre-paid, and legibly addressed to the following:

State's Attorney's Office
McLean County Courthouse
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IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY, ILLINOIS

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

HEARING ON MOTIONS

REPORT OF PROCEEDINGS of portions of the hearing
before the Honorable WILLIAM YODER on the **25th day of**
October, 2018.

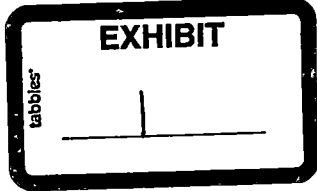
APPEARANCES:

MR. BRADLY RIGDON,
Assistant State's Attorney for McLean County,
for the People of the State of Illinois;

MR. J. STEVEN BECKETT,
MR. SCOTT KORDING,
MS. AUDREY THOMPSON,
Attorneys at Law,
for the Defendant;

Defendant also present.

Nancy L. McClarty, CSR, CP-RPR
CSR License No. 084-002264
Official Court Reporter
McLean County, IL



I N D E X

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(Recess.)

THE COURT: Let's go back on the record in 17 CF 1025. While we were off the record I asked the State about People's Exhibit Number One, an exhibit in relation to a community survey report in the Christensen case tendered by the State referenced in the venue motion but not ever admitted.

Mr. Rigdon, would you restate your position?

MR. RIGDON: Yes, Your Honor. It's just been my, I guess my general practice that when I would use an exhibit and reference it on the record, even if it was just for the purposes of impeachment and not for admission, that I would tender it to the court to incorporate as part of the record. Were the court or counsel more comfortable that it not be retained by the court, I wouldn't have objection to that. That was just done based upon my common practice.

THE COURT: Mr. Beckett?

MR. BECKETT: Well, I'm not sure if it was used for impeachment. I thought it was used to refresh recollection and then he then admitted and had his recollection refreshed and agreed with the statements that counsel was making. So I don't really think it's necessary to complete the record in this case; and as I indicated, I actually represent the

1 family of the victim in that case, and I'm a little concerned
2 about having that document in a public record other than in
3 the case that is -- that is pending if it's not necessary.

4 MR. RIGDON: If I could just indicate, I misspoke.
5 It was for purposes of refreshing recollection, not
6 impeachment.

7 THE COURT: Right, so, it was refreshing
8 recollection. It was not admitted. I don't think it needs
9 to be made a part of the court file. Everything that -- the
10 recollection was refreshed. The witness testified consistent
11 with your questions after the refreshing of the recollection.
12 Again, it wasn't admitted, and so it's going to be returned
13 to counsel.

14 Mr. Beckett, what do you want to do on the motion
15 to suppress. You've received the State's --

16 MR. BECKETT: I have and I've reviewed. I am going
17 to want to file a reply, but I would like to present the
18 evidence as long as we're in court here today that's
19 consistent with our motion.

20 THE COURT: I think that's fair. Why don't we
21 proceed with the evidentiary piece. I won't rule today.
22 I'll wait for your reply, and then we'll see where that
23 leaves us. So let's move forward with the motion.

24

1 (Witness sworn/affirmed.)

2
3 D A N I E L R O S S I T E R

4 called as a witness on behalf of the Defendant herein, being
5 first duly sworn or affirmed, was examined and testified as
6 follows:

7
8 DIRECT EXAMINATION BY MR. BECKETT:

9
10 Q Would you please state your name for the record?

11 A Special Agent Daniel Rossiter, R-O-S-S-I-T-E-R.

12 Q Agent Rossiter, you're the agent who had
13 responsibility for the investigation that led to the
14 indictment and charges in John Butler's case. Is that
15 correct?

16 A Yes, sir, I was the lead case agent.

17 Q Right. And you're with the Illinois State Police.
18 Is that correct?

19 A Yes.

20 Q As part of your investigation, you did utilize search
21 warrants. Is that correct?

22 A Yes.

23 MR. BECKETT: May I have continuing permission to
24 approach, Your Honor?

1 THE COURT: Yes, yes.

2 MR. BECKETT:

3 Q I've handed you what's been marked for identification
4 as exhibit one. Do you agree with me that exhibit one is a
5 search warrant for December 22nd, 2016, for ABC Storage,
6 2442 South Main, Bloomington, Illinois, and storage unit 14
7 leased to John Butler?

8 A Yes, sir.

9 Q Okay. I want you to look at the second page. It was
10 presented to Judge Butler at 8:57 a.m. Is that correct?

11 A Yes, sir.

12 Q And the correct date should be December 22nd, right,
13 not December 21st?

14 A Yes, that's correct.

15 Q So that's a scrivener's error, would you agree?

16 A Yes, sir.

17 Q Now, under this warrant, you were commanded to search
18 and seize documents related to Central Illinois Arena
19 Management, business documents, CIAM and BMI Concessions
20 business documents, correct?

21 A Yes, sir.

22 Q And that was for a period from January 1, 2013, to
23 March 31, 2016. Is that correct?

24 A Yes.

1 Q And so would I be correct that any document that was
2 outside the date -- those dates of the parameter would be
3 beyond the scope of the warrant?

4 A Yes, that's correct.

5 Q Did you go to ABC Storage on December 22nd, 2016, at
6 9:38 in the morning?

7 A Yes.

8 Q Did you have others with you?

9 A Yes, there were multiple agents there to assist.

10 Q Okay. How many?

11 A Approximately five to six other agents.

12 Q Okay. Describe the -- the storage facility.

13 A It's an open-air facility, meaning there is a
14 manager's office and then behind that building are storage
15 units established in rows with garage doors that are open to
16 the elements.

17 Q And did you go to unit 14?

18 A Yes.

19 Q Did you have the door opened or open it yourself?

20 A We opened it ourselves with a bolt cutter. The lock
21 on the unit was not from the storage unit.

22 Q Did you find a table inside the unit?

23 A Yes.

24 Q And so how long were you actually at the unit

1 executing the warrant?

2 A I couldn't say exactly how long, long enough to load
3 the boxes out of the unit into various vehicles to transport
4 to a secure facility.

5 Q All right. Is that what you did at the unit, load
6 boxes from the unit into vehicles to take to another
7 location?

8 A Yes.

9 Q And so am I correct that you made no effort to
10 inventory or examine the boxes at the unit?

11 A Well, at first approach of the unit once the doors
12 were open we saw the card table that was positioned directly
13 in front of the door. There were several boxes on that table
14 with various documents that were inside the boxes as well as
15 out. So we made a decision instead of sitting on site at the
16 storage unit to take them back to the secure facility,
17 state-police-secure facility, to go through and determine
18 what documents were inside the scope of the warrant and which
19 ones were not.

20 Q Okay. So the state police facility where you were
21 going to take these documents to review them, was that in
22 Pontiac, Illinois?

23 A No, it was in Bloomington.

24 Q All right. And how long were you at that location

1 with those boxes?

2 A Well, those boxes remained there for a significant
3 period of time.

4 Q What is that? What's a significant period of time?

5 A A good majority of the investigation, six months.

6 Q So, when were they moved from Bloomington to Pontiac?

7 A I don't recall a specific date. Once the -- once the
8 boxes or, excuse me, once the documents were -- the quick
9 reference of those documents were no longer needed at arm's
10 length, they were moved to the vault at Pontiac.

11 Q Are we talking months or weeks?

12 A Multiple -- I mean several months ago. At least a
13 year ago they've been in Pontiac from today's date.

14 Q At the defendant's arraignment he received some
15 discovery with a report, with a notation on the pleading that
16 he could make -- he could inspect the documents at Pontiac.
17 Do you recall that?

18 A Yes, sir.

19 Q All right. That was in September of last year.

20 A Yes, I believe that that date --

21 Q So in relation to that date, when were they taken to
22 Pontiac?

23 A Three to six months prior to that date.

24 Q All right. On December 22nd, 2016, after 9:38 a.m.

1 at the facility did you determine that any of the boxes or
2 their contents were beyond the authority of the warrant?

3 A At the storage unit?

4 Q At the facility.

5 A No, it would have been impossible for us to determine
6 that at the time.

7 Q Well, you would have had to look inside the boxes?

8 A Yes, we would have had to have looked at every single
9 file folder inside 61 plus boxes in that unit to determine
10 which were necessary to leave behind.

11 Q Okay. At some point in time you determined 27 boxes
12 were outside the scope of the warrant?

13 A Yes, that's correct.

14 Q When was that?

15 A Once the warrant was executed, we seized all those
16 boxes. We loaded them up. We took them to a secure, covert
17 facility for the Illinois State Police. We then started
18 itemizing or putting the boxes in date order, and then as we
19 went along we began to go through the boxes. Those -- many
20 of those boxes had black Sharpie marker --

21 Q That's not my question. My question is when, not how
22 you determined. When did you determine that you had 27 boxes
23 that were beyond the scope of the warrant?

24 A I couldn't tell you a specific date of exactly when.

1 I mean it was a long process going through each box and each
2 document to determine what was and what was not inside the
3 scope of the warrant.

4 Q How about a date when you first realized that you had
5 a box that was beyond the scope of the warrant?

6 A Within an hour of being at the secure facility.
7 There were boxes that were labeled 2009. We opened the box.
8 We see that the documents in there are, in fact, from 2009,
9 and that box was immediately set to the side.

10 Q But these 27 boxes, when did you first realize that
11 you had a box that eventually added up to 27 boxes that were
12 beyond the scope of the warrant?

13 A Again, I would say that the first box that we decided
14 was outside the scope of the warrant would have been the day
15 the warrant was executed.

16 Q Okay. Now, prior to your execution of this warrant,
17 you knew that Mr. Butler had a representative that you could
18 communicate with?

19 A Yes, he was represented by legal counsel. That's
20 correct.

21 Q William Mueller?

22 A Yes, sir.

23 Q When did you first contact William Mueller and tell
24 him that you had seized documents beyond the authority of the

1 warrant?

2 A I know I made notice of the warrant later that day.
3 Once we had unloaded everything at the secure facility, I
4 went to his office and gave him a copy of the warrant. I
5 know I had correspondence with him, as well as Mr. Kording,
6 that we did have boxes outside the scope and to arrange
7 return of those boxes.

8 Q Right. That was after September 2016, right, or '17?

9 A With Mr. Beckett, yes. I don't recall when I spoke
10 to Mr. Mueller about it.

11 Q So is it your testimony that you told Mr. Mueller
12 that you had -- before September 2017 that you had documents
13 outside the scope of the warrant that would be returned?

14 A Yes.

15 Q And how was it you were going to return them?

16 A That was undetermined at that time.

17 Q Okay. Did you feel you had authority to hold on to
18 those boxes?

19 A You know, once the search warrant return was
20 complete, once we identified what boxes we felt were
21 evidentiary, yes, I felt that there -- I don't have the
22 authority to return those boxes. However, based on the
23 warrant and based on the fact that we identified I believe
24 you said 24, 27 boxes, were outside the scope, I felt that I

1 did have the authority to return those boxes to Mr. Butler.

2 Q Okay, that really wasn't my question. My question
3 was that you had authority to retain them.

4 A Well, so, the -- yes, I did. I believe that I had
5 the authority to hold on to them until I could confirm that
6 every document in those boxes were, in fact, outside the of
7 scope of the warrant. Some boxes that we retrieved in fact
8 had lids on them that said 2010, and yet they were all
9 documents from 2014. So until we were able to thoroughly go
10 through every single box, I couldn't say if all of the boxes
11 that we obtained were in or outside the scope of the warrant.

12 Q But you did determine there were 27 boxes that were
13 outside the scope of the warrant?

14 A Yes.

15 Q Did you return them?

16 A I attempted to return them through Mr. Beckett.

17 Q No, Mr. Kording. I'm Beckett.

18 A Yes, I apologize.

19 Q We're fungible.

20 A There was e-mail correspondence with Mr. Kording. A
21 date was arranged for him to come get them in Pontiac. That
22 arrangement fell apart, and there has been no other
23 correspondence as far as getting those documents back to him.

24 Q In fact, the date to be arranged in Pontiac was for

1 the entire defense team and the defendant to come and examine
2 the boxes where they sat, right?

3 A Yes.

4 Q All of them?

5 A Yes, that's correct; and on top of that, those boxes
6 were set aside and were going to be returned that day.

7 Q And so the onus would be on the defendant to return
8 the boxes back to Bloomington, Illinois, from which they had
9 been taken?

10 A That was the agreement between myself and
11 Mr. Beckett, yes.

12 Q I'm Mr. Beckett.

13 A I apologize, Mr. Kording. I'm sorry. I apologize.

14 Q Well, is there -- what's the reason that you couldn't
15 have returned the boxes when you determined they were beyond
16 the scope of the warrant to the facility that you had taken
17 them from?

18 A I would say that the end date that we determined
19 these boxes are, in fact, outside the scope is relatively
20 close to the date of warrants being issued for their arrest;
21 and I spoke to Mr. Mueller about it I believe the day
22 Mr. Butler was taken into custody, and it was determined that
23 he was not going to continue representation with Mr. Butler.
24 So I was awaiting to see who his counsel would be named.

1 Q As we sit here today, you still have all of the
2 boxes. Is that correct?

3 A Yes, sir.

4 Q In the motion to suppress we filed, have you seen it?

5 A Yes, sir, I have.

6 Q All right. And the boxes that you -- that you do say
7 were within the scope of the warrant appear to have documents
8 that are outside the scope of the warrant. Would you agree
9 with that?

10 A Yes, sir.

11 Q All right. So what effort have you made to segregate
12 the documents that are outside the scope of the warrant from
13 the documents that are inside the scope of the warrant?

14 A Well, the boxes you're referring to actually contain
15 documents inside the scope of the warrant as well as outside,
16 and in order to preserve the evidence as we collected it, we
17 determined or we decided or I chose to keep those documents
18 in the exact same boxes that they were taken from to keep
19 them in their -- to keep the integrity of that piece of
20 evidence or that box, that file box filled with those
21 documents.

22 Q You could apply for a further warrant, could you not?

23 A Yes, sir.

24 Q To obtain legal authority to maintain those records?

1 A Yes, sir.

2 Q Did you do that?

3 A No, sir, I did not.

4 Q So, I'm specifically talking about -- let me hand
5 this to you. So I'm starting with this paragraph. I would
6 just like you to look at that.

7 A Okay, paragraph six here?

8 Q Yes.

9 A Okay.

10 MR. RIGDON: Your Honor, I'm not sure...

11 MR. BECKETT: Paragraph six of the motion to
12 suppress. I've handed him the motion to suppress.

13 Q Do you agree with the description of the items in
14 paragraph six and thereafter regarding documents that are
15 outside the scope of the warrant?

16 A I would agree that your recollection is probably
17 accurate. Without looking at the boxes, I couldn't say, but
18 I will say that, yes, this is probably accurate.

19 THE COURT: Can I ask, because I'm kind of lost
20 here, page six of the motion?

21 MR. BECKETT: Paragraph six, page two.

22 THE COURT: Page two.

23 MR. BECKETT: Through page eight.

24 THE COURT: Okay, thank you.

1 MR. BECKETT: All right, that's what we're talking
2 about.

3 Q And I'm correct what you have done at the direction
4 of the State's Attorney's you've been going through these
5 boxes and you've been scanning documents, correct?

6 A Yes, sir.

7 Q And then those have been provided to us so that we
8 could examine what the contents were?

9 A Yes, sir.

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

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

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

17 A Correct.

18 Q And the 27 boxes are available to Mr. Butler if he
19 makes arrangements to pick them up?

20 A Well, it doesn't have to be arrangements to pick them
21 up. It just has to be an arrangement for transfer of those
22 boxes; however that is facilitated is fine with me. I'm
23 flexible. Part of the reason why it was scheduled for them
24 to pick them up is I felt it would be more convenient since a

1 large group of attorneys would be there to copy documents to
2 begin with that while they have large vehicles it would be
3 easy to transfer or facilitate the transfer of custody of
4 those boxes that were determined outside the scope of the
5 warrant.

6 Q You -- you set the parameters, that two-year
7 parameter, that July or January 1, 2013, or three-year
8 parameter, to March 31st --

9 A Yes, sir.

10 Q -- 2016. That was your parameter, right?

11 A Yes, sir.

12 Q That's the parameter that you asked the judge to
13 approve in the search warrant?

14 A Yes, sir.

15 Q In your complaint for search warrant, you didn't
16 indicate to the judge that you were going to remove the items
17 from that storage facility in the manner you've described,
18 did you?

19 A Well, we didn't even know if the storage facility
20 would contain documents. We found documentation that
21 suggested or that gave us probable cause to believe that the
22 documents were stored there, but we had no idea what we were
23 going to find once that storage locker was open.

24 Q Right. But you did -- you agreed with me, you didn't

1 put it in the complaint, the original complaint, correct?

2 A Correct.

3 Q And you didn't seek some subsequent warrant that
4 would allow you to take all of the boxes regardless of the
5 date scope?

6 A Well, as far as the investigation was concerned, that
7 would have been unnecessary to get another warrant for those
8 documents. They weren't needed.

9 Q Well, you find a cellphone, right? You want to look
10 at the contents, you go get a warrant?

11 A Right, in most cases, yes.

12 Q Okay. So you find these boxes that appear to be
13 beyond the scope of your warrant, you could get another
14 warrant?

15 A Yes.

16 Q You didn't do that?

17 A No, it wasn't necessary.

18 MR. BECKETT: That's all the questions I have.

19 THE COURT: Mr. Rigdon?

20

21 CROSS EXAMINATION BY MR. RIGDON:

22

23 Q As it relates to the boxes that you seized from the
24 storage unit, we've just generally testified to them as being

1 boxes. Could you describe the boxes a little further as far
2 as size and volume of contents?

3 A I would say about half and half were legal boxes.
4 Maybe half of them were the small standard-size legal boxes.
5 Others were longer than this table here. You know, you're
6 talking about tens of thousands of documents contained within
7 these 61 boxes. Again, there was a table set out at the
8 front of the storage unit. It appeared somebody had been
9 going through the documents. You know, at that point, that's
10 when we decided to move the documents to a further secure
11 location to verify their -- whether they were within the
12 warrant or not at that point.

13 Q And did, as you may have touched on it during direct,
14 did all of the external labeling on the boxes match the
15 actual internal contents?

16 A No.

17 Q And so you had to actually look inside of the boxes
18 one at a time to determine what types of documents were
19 inside of them?

20 A Yes, that's correct.

21 Q And you indicated that took place over a significant
22 course of time?

23 A Yes.

24 Q Would you have been able to do that at the storage

1 unit that day?

2 A No.

3 Q Through the course of the investigation, let's start
4 with the 27 boxes that you determined could not be within the
5 scope of the warrant. Did you use any of the contents of
6 those warrants in furthering the investigation or those
7 boxes, excuse me, in furthering the investigation?

8 A No.

9 Q What did you do with them once you determined they
10 were outside the scope of the warrant?

11 A They were set aside. If they were file folders with
12 documents outside the scope inside a box that had documents
13 inside the scope of the warrant they were left in that box
14 and never used.

15 Q And then there is 34 other boxes that were determined
16 to be at least to contain information within the scope of the
17 warrant as far as time frame. Is that correct?

18 A Yes.

19 Q And you kept those together in order to maintain the
20 integrity of the entire box as you found it?

21 A Yes, that's correct.

22 Q If there were documents in those boxes that were from
23 outside the scope of the warrant that was issued, did you
24 utilize those resources or those documents?

1 A No.

2 Q Did you have access -- this warrant for the storage
3 unit was from January 1, 2013, to March 31, 2016. Is that
4 correct?

5 A Yes.

6 Q Was your investigation in its entirety limited to
7 only going back to January 1, 2013?

8 A No.

9 Q Were there other sources through which you located
10 documents and information that you did use prior to
11 January 1, 2013?

12 A Yes, several different sources.

13 Q Were those multiple computers that were searched?

14 A Yes, multiple computers, also boxes of documents left
15 inside the building of the Coliseum, as well as documents
16 provided through subpoena and, like you said, at least three
17 different computers.

18 Q As it relates to the 27 boxes that were determined to
19 be outside the scope, if arrangements were made, could those
20 be delivered somewhere to the defendant?

21 A Yes, they could.

22 Q Was it ever communicated to him that he had to come
23 pick them up in Pontiac?

24 A I don't recall if that verbiage was used. I believe

1 it was established that way because Mr. Kording and his legal
2 team were going to be coming up anyway.

3 Q Were they ever -- were they ever asked to have to
4 deliver them to Bloomington on any particular time or date?

5 A Not that I recall.

6 Q There was -- did you obtain a search warrant in June
7 of 2018 for bank records from CEFCU?

8 A Yes.

9 Q Do you have a copy of the motion in front of you
10 still?

11 A Yes, I do.

12 Q I'd ask you maybe to just refer, with Mr. Beckett's
13 consent, I would just ask him to refer to one of the exhibits
14 that was attached there, exhibit number five, which is the
15 last page of that motion.

16 MR. BECKETT: Yes.

17 MR. RIGDON:

18 Q Can you see that?

19 A Yes.

20 Q Is that a fair and accurate copy of a search warrant
21 that was obtained in June of 2018?

22 A Yes, it is.

23 Q To attempt to highlight a second scrivener's error,
24 down on the issue date does it indicate June in 2016?

1 A Yes, it does.

2 Q Was it nonetheless June of 2018 in which it was
3 issued?

4 A Yes.

5 Q Did you use any of the information from any the
6 61 boxes that was outside the scope of the search warrant in
7 making that request?

8 A No.

9 Q Was any of the -- was any of the information from the
10 boxes outside the scope of the warrants referenced in any way
11 in the complaint?

12 A No.

13 Q Was it, in fact, in part based on analysis of one of
14 the computers that was subject to search?

15 A Yes.

16 MR. RIGDON: Your Honor, I have no other questions
17 for Special Agent Rossiter.

18 THE COURT: Mr. Beckett?

19

20 REDIRECT EXAMINATION BY MR. BECKETT:

21

22 Q Agent Rossiter, you indicated that when you were at
23 the warehouse there was a table with boxes, and it looked
24 like someone was going through the boxes. Do you remember

1 that?

2 A Yes, sir.

3 Q In fact, on December 21st you had served a subpoena
4 duces tecum to Mr. Mueller, had you not?

5 A Yes, that's correct.

6 Q And that subpoena duces tecum asked for BMI
7 Concession documents from January 1, 2013, to March 31, 2016.
8 Is that correct?

9 A Yes.

10 Q And so if there were BMI records there, you would
11 expect someone to be working on compliance with that
12 subpoena, wouldn't you?

13 A Yes, sir.

14 Q Okay. So you didn't think there was anything
15 untoward about somebody being there in their own warehouse
16 looking at documents?

17 A Well, I don't want to speculate what somebody could
18 or could not have been doing there. I assumed that and, in
19 fact, one of the other agents with me recognized Mr. Butler
20 leaving the storage area as we were speaking to the
21 management to serve the warrant to them on the grounds. So
22 we had a good idea of who was there and who was sorting
23 through the documents, but the reasoning for that, that would
24 be speculation on my part.

1 Q Well, you had served the subpoena, had you not?

2 A Yes, that's correct.

3 Q I'm handing you what's marked for identification as
4 Defendant's Exhibit Six.

5 A Okay.

6 Q That's the subpoena for BMI Concession records of
7 December 21, 2016, that you had served. Is that correct?

8 A Yes, sir.

9 MR. BECKETT: I move to admit exhibit six.

10 MR. RIGDON: No objection.

11 THE COURT: Without objection, Defendant's Six is
12 admitted.

13 MR. BECKETT: I have no other questions.

14 THE COURT: Anything else, Mr. Rigdon?

15 MR. RIGDON: No thank you, Your Honor.

16 THE COURT: Thank you.

17 THE WITNESS: Thank you, Judge.

18 (Witness excused.)

19 THE COURT: Any additional evidence, Mr. Beckett?

20 MR. BECKETT: No, Your Honor.

21 THE COURT: Anything, Mr. Rigdon?

22 MR. RIGDON: No, Your Honor.

23 * * * * *

24

related matters allegedly arising out of the Defendant's actions while he was an officer of Central Illinois Arena Management ("CIAM"), which entity was previously under contract with the City of Bloomington to manage the City owned, U.S. Cellular Colosseum, until CIAM's contract ended on March 31, 2016.

4. Initially, the Subpoena Duces Tecum served on VENUWORKS OF BLOOMINGTON, LLC required the production of documents and an appearance before this Court on October 2, 2018 at 1:30 p.m.

5. On October 2, 2018, VENUWORKS OF BLOOMINGTON, LLC appeared before this Court by and through its retained counsel, Costigan & Wollrab, P.C.; and by agreement of counsel for Defendant, and this Court, the return date for the Subpoena Duces Tecum was continued to November 6, 2018 at 1:30 p.m.

6. That the Illinois Code of Civil Procedure provides that "[f]or good cause shown, the court on motion may quash or modify any subpoena or, in the case of a subpoena duces tecum, condition the denial of the motion upon payment in advance by the person in whose behalf the subpoena is issued of the reasonable expense of producing any item therein specified." 735 ILCS 5/2-1101 (West 2018).

7. That while the Sixth Amendment of the Constitution of the United States allows for the use of subpoenas to compel witnesses to appear and or produce documentary evidence deemed relevant to the issues proceeding before a court, the Illinois Supreme Court has recognized that the subpoena power of the court must be carefully applied to insure that subpoena requests are not utilized to allow parties to engage in "general fishing expeditions". The Illinois Supreme Court has further emphasized that subpoena requests that are overly broad or unreasonable or oppressive must be denied. People ex rel. Fisher v. Carey, 77 Ill.2d 259, 265, 270 (1979).

8. VENUWORKS OF BLOOMINGTON, LLC is the current management company retained by the City of Bloomington to manage the Grossinger Motors Arena (formerly the U.S. Cellular Coliseum) pursuant to a contract that began on April 1, 2016, following the expiration of the City of Bloomington's management contract with CIAM.

9. VENUWORKS OF BLOOMINGTON, LLC did not have any contractual or management role during any period of time when CIAM was managing the U.S. Cellular Coliseum; and at no time has VENUWORKS OF BLOOMINGTON, LLC had any contractual or agency relationship of any kind with Defendant.

10. Defendant has served a Subpoena Duces Tecum on VENUWORKS OF BLOOMINGTON, LLC, a non-party to these proceedings, and has requested in his document requests essentially all records of VENUWORKS OF BLOOMINGTON, LLC relating to Grossinger Motors Arena for the period beginning April 1, 2016 and continuing to the date of production. As propounded, the document requests of Defendant seek documents for the approximately two and one half year period **after** CIAM and Defendant had any management responsibilities over the City owned U.S. Cellular Coliseum. Additionally, the document requests as propounded seek the production of any document related to Grossinger Motors Arena generated by any "current or former agents or employees" of VENUWORKS OF BLOOMINGTON, LLC. Clearly, the document requests posed by Defendant to VENUWORKS OF BLOOMINGTON, LLC are nothing more than an attempt to burden the current management company with having to defend and or respond to document requests that are non-descript, absent of any defined scope, and overly broad and unduly burdensome to the Movant, VENUWORKS OF BLOOMINGTON, LLC.

11. It is the Defendant as the party serving the Subpoena Duces Tecum who is charged with the burden of establishing that a document request is relevant to the issues in the proceeding. Here, Defendant has failed to offer any factual bases to support any claim that the document requests set forth in his Subpoena Duces Tecum would lead to the discovery of any information relevant to Defendant's anticipated defense of the criminal counts alleged against him in his cause. Furthermore, the document requests set forth in the Subpoena Duces Tecum are overly broad, unduly burdensome and absent of any specificity deemed reasonable and necessary for any movant to even attempt to gather documents deemed responsive to any asserted request. Such a broad and non-specific document request would require VENUWORKS OF BLOOMINGTON, LLC, and every former or current agent and every former or current employee of VENUWORKS OF BLOOMINGTON, LLC to produce every single piece of information in their possession relating to their management of Grossinger Motors Arena for the period from April 1, 2016 to the present. It is Defendant who is required to demonstrate that any proposed document requests are sufficiently specific in their scope to avoid the imposition of an undue burden of production on a non-party in a case. Defendant has not met this burden and the Subpoena Duces Tecum served on VENUWORKS OF BLOOMINGTON, LLC must be quashed in its entirety.

12. In addition to Defendant's failure to meet his burden to establish that his document requests are relevant or properly specific and narrow in their scope, many of the documents or communications sought by the Defendant would include proprietary trade secrets and confidential information of VENUWORKS OF BLOOMINGTON, LLC not available to its competitors or others in the marketplace. As a consequence, even if VENUWORKS OF BLOOMINGTON, LLC could marshal documents potentially responsive to the document requests of Defendant, VENUWORKS OF BLOOMINGTON, LLC would have to retain counsel and or its management

personnel to review each of the documents or communications to protect any proprietary and confidential information from unfettered disclosure; and to that extent Defendant's document requests, even if narrowed in time and scope, still impose an unrealistic and unreasonable burden on VENUWORKS OF BLOOMINGTON, LLC. There is no basis whatsoever for Defendant to impose this burden on VENUWORKS OF BLOOMINGTON, LLC without a demonstrable showing by Defendant of the relevance of any documents requested for production by VENUWORKS OF BLOOMINGTON, LLC. Defendant has not and cannot make this required showing; and the Motion to Quash of VENUWORKS OF BLOOMINGTON, LLC must be granted.

13. Previously in this case, Defendant served a Subpoena Duces Tecum on the City of Bloomington, seeking documents for production in this cause. After consideration of the overly broad and unduly burdensome nature of the document requests set forth in the Subpoena Duces Tecum served on the City of Bloomington, this Court granted the City of Bloomington's Motion to Quash the Subpoena Duces Tecum served on the City of Bloomington.

14. This Court's earlier rationale offered in support of its decision on July 9, 2018 granting the Motion to Quash of the City of Bloomington is equally applicable to the issues raised in the Motion to Quash of VENUWORKS OF BLOOMINGTON, LLC; and even more persuasive in its application here as VENUWORKS OF BLOOMINGTON, LLC had no relationship of any kind with Defendant or CIAM at any period of time before the expiration of CIAM's management contract with the City of Bloomington on March 31, 2016 or since that date.

15. Defendant's document requests set forth in the Subpoena Duces Tecum served on VENUWORKS OF BLOOMINGTON, LLC must fail as a matter of law as the document requests do not conform in any respect to the requirements acknowledged by the Illinois Supreme Court or

those deemed necessary pursuant to the applicable provisions of the Illinois Code of Civil or Criminal Procedure.

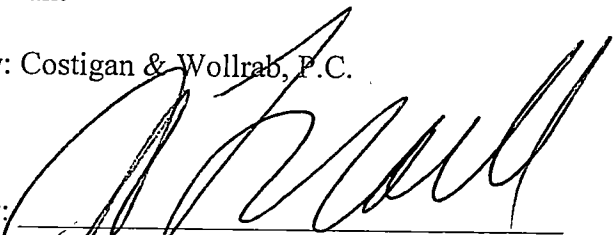
WHEREFORE, Movant, VENUWORKS OF BLOOMINGTON, LLC. prays that the Subpoena Duces Tecum served by Defendant upon VENUWORKS OF BLOOMINGTON, LLC be quashed in its entirety and further prays for such other and further relief as this Court deems equitable and proper in these proceedings.

Respectfully submitted,

VENUWORKS OF BLOOMINGTON, LLC

Movant

By: Costigan & Wollrab, P.C.

By: 
Dawn L. Wall, One of Its Attorneys

Ms. Dawn L. Wall
Costigan & Wollrab, P.C.
308 E. Washington St.
Bloomington, IL 61701
Phone: (309) 828-4310
Facsimile: (309) 828-4325
dwall@cwlawoffice.com

PROOF OF SERVICE

The undersigned hereby certifies that on this 5th day of November, 2018, a copy of the foregoing document was served upon the following attorneys of record by depositing a copy on the U.S. Mail in Bloomington, Illinois, postage pre-paid addressed to each of the following and also by electronic delivery to the following:

Attorney for State

Mr. Bradley Rigdon
McLean County State's Attorney
104 W. Front Street
Bloomington, Illinois 61702
Bradly.rigdon@mcleancountyil.gov (Sent only electronically by agreement of counsel)

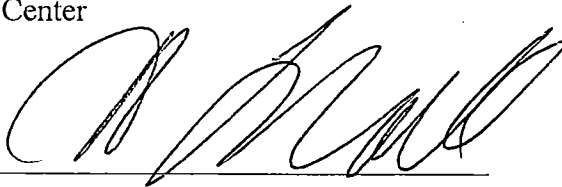
Attorneys for Defendant

Scott Kording
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J. Steven Beckett
Beckett Law Office PC
508 South Broadway Ave.
Urbana, Illinois 61801
steve@beckettlawpc.com

Courtesy Copy To:

The Honorable William A. Yoder
Judge of the McLean County Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701



Ms. Dawn L. Wall
Costigan & Wollrab, P.C.
308 E. Washington St.
Bloomington, IL 61701
Phone: (309) 828-4310
dwall@cwlawoffice.com

CLERK'S EXHIBIT RECORD

JUDGE: William Yoder

CLERK: K Whitcomb

DATE: 10/27/18

	CASE #		MARK: P O R D	OFFERED	ADMITTED	NOT ADMITTED	WITHDRAWN	RESERVED
#	EXHIBITS							
	2017 CF 001025 <u>John Y Butler</u>							
	vs <u>STATE</u>							
1	Search warrant		D		✓			
2	Summary Report		D		✓			
6	Subpoena		D		✓			
	Motion to Suppress							
	<div style="border: 1px solid black; padding: 5px; transform: rotate(-15deg); display: inline-block;"> FILED OCT 24 2018 <small>McLEAN COUNTY</small> <small>CIRCUIT CLERK</small> </div>							

MARK EXHIBITS: P - PLAINTIFF / PETITIONER; D - DEFENDANT / RESPONDENT
 WHITE (ORIGINAL) COPY MUST BE PLACED IN THE COURT 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,)
DEFENDANT)

No. 2017-CF-1025

McLEAN COUNTY
FILED
OCT 24 2018
CIRCUIT CLERK

PEOPLE'S RESPONSE TO DEFENDANT'S MOTION TO SUPPRESS

Now comes the People of the State of Illinois by Bradly Rigdon, Assistant State's Attorney, in and for the County of McLean, State of Illinois, and move that this Court deny the Defendant's Motion to Suppress, and state the following in support thereof:

I. PROCEDURAL POSTURE AND STATEMENT OF FACTS

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" (HEREINAFTER "Motion") on October 11, 2018. Within the body of that Motion, the Defendant alleges that the certain should be suppressed. As exhibits to the Motion, the Defendant has attached copies of two search warrants and one seizure warrant which were tendered through discovery.

The Illinois State Police seized approximately sixty-one boxes of documents at a storage unit rented to the Defendant. Those boxes were all taken off premises in order to sort through the boxes and ascertain which boxes contained information within the scope of the warrant. Thirty-four boxes that contained any documents within the scope were retained, kept in original condition, and stored. The other twenty-seven boxes were not subject to full search beyond

determining whether they were within the scope of the warrant and the Defendant was advised the boxes could be returned to him. Arrangements for the return of those twenty-seven boxes were made at one point in time but those plans fell through and substitute arrangements have not been made. Those twenty-seven boxes have not been subject to any further search and no information from those boxes has been used in the course of the investigation. Furthermore, only documents within the scope of the warrant have been used out of the other thirty-four boxes of documents.

Through the course of the investigation, multiple search warrants have been issued by Judges of McLean County. On December 21, 2016, a search warrant was issued directing CEFCU to provide documentation on accounts of CIAM and BMI for the time period of January 1, 2013 through March 31, 2016. See attached People's exhibit 1 for a copy of that search warrant. The seizure warrant contained within Defendant's exhibit 3 relates to potential asset forfeiture proceedings and was for the seizure of funds within three specified bank accounts, not for the return of information on the accounts. As part of that warrant process, CEFCU took it upon itself to freeze additional accounts belonging to family members of John Butler. The funds from those three identified accounts were eventually transferred to the Illinois State Police and then returned to the Defendant upon the State's election not to proceed any further with asset forfeiture.

II. STATEMENT OF LAW AND ARGUMENT

The evidence identified by the Defendant in this matter should not be suppressed as it was subject to valid seizure, would have been subject to inevitable discovery, the actions of

Special Agent Rossiter were reasonable, and the warrant from 2018 was based on evidence properly recovered through other means.

It is reasonable to seize voluminous records rather than rely on sorting through the documents while on scene at the place of initial seizure. *People v. Ingram*, 143 Ill.App.3d 1083, 1087 (3rd Dist. 1986). Even if the court believes there was a better approach to the seizure, “absent flagrant disregard for the limitations of the search warrant, unlawful seizure of items outside the warrant will not alone render the whole search warrant invalid and require suppression and return of all documents seized.” *Id.* The United States Supreme Court has previously adopted the doctrines of “inevitable discovery” and that of “independent source.” *Nix v. Williams*, 467 U.S. 431 (1984). The Inevitable Discovery doctrine provide that if evidence “would have been obtained inevitably and, therefore, would have been admitted regardless of any overreaching by the police, there is no rational basis to keep that evidence from the jury in order to ensure the fairness of the trial proceedings.” *Id.* at 447. Additionally, “the independent source doctrine allows admission of evidence that has been discovered by means wholly independent of any constitutional violation.” *Id.* The analysis encouraged by the Court in that case is to determine, in part, whether the prosecution would be put in a worse position simply because of an error or misconduct on the part of the police. If the evidence had grounds for admission that are not the product of error or misconduct, then such evidence should be allowed at trial. *Id.*

A. The Illinois State Police did not obtain any evidence through the seizure warrant to CEFCU and did not use information from it for the June 2018, warrant

There was no evidence obtained through the use of the seizure warrant for assets in bank accounts at CEFCU; therefore, there is no evidence subject to suppression.

Throughout the pendency of this case, the Defendant has misunderstood the difference between the seizure warrant issued for the purpose of the potential of asset forfeiture proceedings and the search warrants that were used to gather evidence. Contrary to the assertions of the Defendant, the Illinois State Police never requested that CEFCU freeze seventeen bank accounts; rather, the warrant cited by the Defendant was to seize the assets of three particular accounts. Subsequent to CEFCU freezing the additional accounts, the intention of the seizure warrant was stated to CEFCU and the freeze on the other accounts was lifted. Even through CEFCU froze those accounts, no evidence or other information was gathered through the use of the seizure warrant beyond the funds from the three seized accounts.

In December of 2016, months prior to the issuance of the seizure warrant in July of 2017, the Illinois State Police had received relevant documentation regarding the three bank accounts of note through the use of a search warrant. That search warrant was the mechanism by which the Illinois State Police investigated the assets of CIAM and BMI; it was not done through the use of the seizure warrant cited by the Defendant. The subsequent search warrant issued in June, 2018 was not based on the seizure warrant from 2017 but was based on information wholly independent from the seizure warrant or the contents of the boxes of materials that were retained as part of the search warrant of the storage facility.

The July of 2017 seizure warrant is not relevant to the court's considerations on this Motion as there was no evidence gathered from it and it cannot be the basis of any request for suppression. Furthermore, there is no basis of suppression of the data recovered from the June, 2018 search warrant as it was not based on the use of any illegally seized evidence.

B. The Illinois State Police did not act improperly and did not convert the search warrant into a “general warrant”

The Illinois State Police did not act improperly in conducting a seizure of boxes from the Defendant’s storage unit and did not convert the search warrant into a “general warrant.”

The volume of boxes and documents seized by the Illinois State Police was justified under the circumstances. Of note is that a review of the contents of the sixty-one seized boxes was conducted after they were taken from the storage unit and twenty-seven of those boxes was determined not to be within the scope of the warrant. This review was independent of any request by the Defendant or a court and shows that the investigating agents were not acting in bad faith and were not seeking to exceed the scope of the warrant. In line with the holding in *Ingram*, it was necessary to seize all of the boxes for the purposes of determining which ones contained documents that were within the scope of the warrant. Both through the reports and through correspondence with the Defendant’s attorneys, the fact that the twenty-seven boxes were available for return was made known from the start of the case.

As it relates to the remaining boxes, parsing out individual documents out of the thousands that fell out of the relevant time frame is neither practical nor reasonable under the circumstances. There is value in the documents being inspected and copied as they appeared in the boxes in their entirety to show the condition and the context of the relevant documents and to show that the evidence was not modified prior to discovery. Had the agents simply dumped out personnel files that had documents from before 2013 onto the floor of the storage unit, the Defendant would likely have complained that the agents ruined the character and context of the remaining documents. The Defendant seeks to have the investigating agents in a no-win situation so that no matter what occurs, there would be some ground to request suppression.


Even if the court believes that the individual pieces of paper should have been parsed out and left in the storage unit, suppression of all of the documents that are within the time frame listed on the warrant is not the proper remedy. The agents did not use the documents that were outside of the scope of the time frame to justify the charges in the case nor were they used to further the investigation of the Defendant. Furthermore, while the boxes contain printed documents, the vast majority of the information that was utilized in the investigation came from the digital versions of those documents that was recovered from the various computers and hard drives that were seized and searched pursuant to subpoenas, search warrants, and consent. Even had the Illinois State Police utilized materials from all sixty-one boxes, there is more than sufficient evidence from other sources to justify issuance of a search warrant for the contents of all of those boxes. So even though the extra contents of the boxes were not used, had they been, the materials would still not be subject to suppression.

The evidence identified by the Defendant in this matter should not be suppressed as it was subject to valid seizure, would have been subject to inevitable discovery, the actions of Special Agent Rossiter were reasonable, and the warrant from 2018 was based on evidence properly recovered through other means.

III. CONCLUSION

WHEREFORE, the People of the State of Illinois respectfully request that this Court deny the Defendant's Motion to Suppress in its 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 Hand delivery of a true and accurate copy of the same to the e the attorney of record, Steve Beckett, on the 24th day of October, 2018.

B. A. B.

Bradly Rigdon

Assistant State's Attorney

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:

CEFCU Bank located at 5401 W. Dirksen Parkway Peoria IL 61607: all accounts, believed to be the personal accounts issued to John Butler, and/or other agents or assignees.

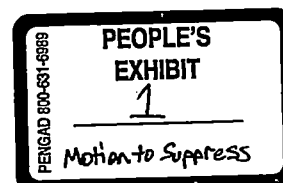
AND, IF FOUND, SEIZE THE FOLLOWING:

CEFCU Bank accounts: Any and all documents for the accounts issued to John Butler, and/or other agents or assignees for the period of January 1, 2013 to March 31, 2016 including but not limited to: signature cards; bank statements; bank checks; cancelled checks; deposit tickets; credit and debit memos; correspondence including but not limited to letters to the bank, letters from the bank, notes, memoranda, etc. to file; credit reports; financial statements; monthly statements.

CEFCU Bank accounts: business accounts issued to Central Illinois Arena Management, Inc. (hereinafter CIAM), and/or John Butler, and/or Bart Rogers, and/or other agents or assignees. for the period of January 1, 2013 to March 31, 2016 including but not limited to: signature cards; bank statements; bank checks; cancelled checks; deposit tickets; credit and debit memos; correspondence including but not limited to letters to the bank, letters from the bank, notes, memoranda, etc. to file; credit reports; financial statements; monthly statements.

CEFCU Bank accounts, believed to be business accounts issued to BMI Concessions, and/or John Butler, and/or Bart Rogers, and/or other agents or assignees for the period of January 1, 2013 to March 31, 2016 including but not limited to: signature cards; bank statements; bank checks; cancelled checks; deposit tickets; credit and debit memos; correspondence including but not limited to letters to the bank, letters from the bank, notes, memoranda, etc. to file; credit reports; financial statements; monthly statements.

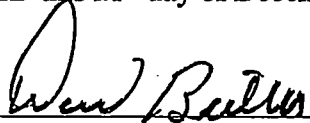
IT IS FURTHER ORDERED



2272

- 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 paragraph "D.15." of the Complaint.

ISSUED this 21st day of December of 2016 at 11:29 AM.



Associate Circuit Judge David Butler

2273



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
 OCT 16 2018
 McLEAN COUNTY
 CIRCUIT CLERK

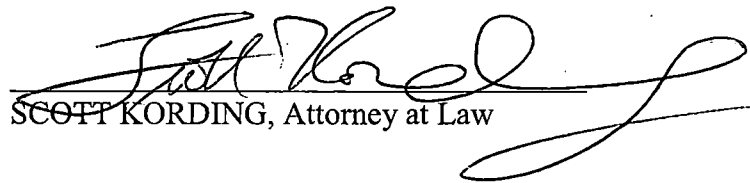
NOTICE OF HEARING

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 24th, 2018, 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 Defendant's Motion for Change of Venue and Defendant's Motion to Suppress.

Dated this 16th day of October, 2018.


 SCOTT KORDING, Attorney at Law

SCOTT KORDING
 MEYER CAPEL, P.C.
 202 North Center Street, Suite 2
 Bloomington, IL 61701
 (309) 829-9486 [Voice]
 (309) 827-8139 [Facsimile]
 SKording@MeyerCapel.com

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 10th day of October, 2018.

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

Ashley Becker

Prepared by:
SCOTT KORDING
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
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4. Upon their removal from Defendant's storage unit, the contents of each box were subsequently examined by police at another location, and 27 of the seized boxes were determined to be outside the scope of the warrant. Special Agent Rossiter indicated that these 27 – almost half of all the boxes that were seized – would be returned to Defendant. (See ABC Storage Search Warrant Illinois State Police Investigative Report, a true and accurate copy of which is attached hereto as Exhibit 2.) As of the date of filing of this motion, almost two years after the illegal seizure, these 27 boxes outside the scope of the warrant are still in the possession of the Illinois State Police and have not been returned to Defendant.
5. Additionally, in discovery, the State has turned over the inventory list of the 34 boxes seized from Defendant's storage unit that the Illinois State Police determined were *within* the scope of the ABC Storage Search Warrant. These materials provided to the defense by the State in discovery include documents outside the time-period scope of the ABC Storage Search Warrant – that is, for the period of January 1, 2013, to March 31, 2016. (See Exhibit 2.) By way of example, the content of Box Three is listed as "Event Settlements 2012," the content of Box Five is listed as "Event Settlements 2012," the content of Box Fifteen is listed as "2012-2013 Payroll/Event Folders," and the content of Box Thirty-Two is listed as "Bank Statements 2011-2013/Payroll 2010-2013/Payables 2011-2014."
6. During the week of October 1, 2018, Defendant received a CD from the State which purported to contain scanned copies of the documents that were stored in Boxes 1, 6, 19, 22, 23, 26, 27, 30, and 31 seized pursuant to the ABC Storage Search Warrant. These were all boxes that were searched by the Illinois State Police and determined to be within

the ABC Storage Search Warrant's scope. Some of the contents of the above-mentioned boxes are as follows:

a. In Box 6:

- i. June 2016 CEFCU account summary for BMI;
- ii. July 2016 CEFCU account summary for BMI;
- iii. August 2016 CEFCU account summary for BMI; and
- iv. September 2016 CEFCU account summary for BMI.

b. In Box 19:

- i. Email from Greg Shannon to paulgrazar@uscellularcoliseum.com, dated November 16, 2012;
- ii. Twisted Athletic Cheer and Dance spreadsheets, dated November 27, 2012;
- iii. IHSA Cheerleading Hospitality catering sheet, dated 2012;
- iv. IHSA Cheerleading Event schedules, dated February 5, 2011;
- v. IHSA Cheerleading Event schedules, dated February 5, 2010;
- vi. U.S. Cellular Coliseum Operations spreadsheet, dated February 3, 2012;
- vii. U.S. Cellular Coliseum Dressing Rooms spreadsheet, dated February 3, 2012;
- viii. U.S. Cellular Coliseum Box Office spreadsheet, dated February 3, 2012;
- ix. U.S. Cellular Coliseum Stagehand Call spreadsheet, dated February 3, 2012;
- x. U.S. Cellular Coliseum Front of House spreadsheet, dated February 3, 2012;

- xi. U.S. Cellular Coliseum Catering/Concessions spreadsheet, dated February 3, 2012;
 - xii. U.S. Cellular Coliseum Marketing spreadsheet, dated February 3, 2012;
 - xiii. Email from Susie Knoblauch to Paul Grazar, dated January 31, 2012;
 - xiv. Email from Susie Knoblauch to Paul Grazar, dated February 1, 2010;
 - xv. Cheerleading 2010 coversheet;
 - xvi. Email from Susie Knoblauch to Paul Grazar, dated January 20, 2011;
 - xvii. IHSA Cheerleading Hospitality 2011 coversheet;
 - xviii. Pepsi Ice Center – invoice Coliseum 2011;
 - xix. U.S. Cellular Coliseum Catering spreadsheet, dated February 5, 2011;
 - xx. U.S. Cellular Coliseum Catering spreadsheet, dated February 5, 2010;
 - xxi. ISHA Cheerleading Hospitality 2009 coversheet;
 - xxii. Email from Susie Knoblauch to Craig Anderson, dated January 22, 2009;
 - xxiii. Bloomington Schedule 3, dated June 13, 2006; and
 - xxiv. Invoice from Robert's Foods, dated June 28, 2005.
- c. In Box 22:
- i. Employee records for Benjamin Nathan, dated March 10, 2006;
 - ii. Employee records for Steven Perkins, dated January 22, 2008;
 - iii. Employee records for Jessica Plaja, dated January 25, 2008;
 - iv. Employee records for Holly Rimshas, dated September 7, 2006;
 - v. Employee records for Leslie Sale, dated March 21, 2006;
 - vi. Employee records for Jared Sale, dated March 21, 2006;
 - vii. Employee records for Samantha Selburg, dated April 18, 2008;

- viii. Employee records for Terry Shepard, dated June 2, 2005;
- ix. Employee records for Tina Smith, dated January 11, 2007; and
- x. Box 22 contained over 150 other employee records that fell outside the permissible date range scope of the ABC Storage Search Warrant, but it became infeasible for Defendant to list them all in this motion.

d. In Box 23:

- i. Employee termination form for Linda Gregory, dated November 11, 2011;
- ii. Employee Termination Form for Steven Gillespie, dated October 19, 2012;
- iii. Employee records for Jacob Gilmer, dated December 19, 2011;
- iv. Employee records for Charity Goff, dated April 29, 2006;
- v. Employee records for Dean Gestner, dated April 26, 2006;
- vi. Employee records for Kaitlyn Gemmell, dated January 26, 2008; and
- vii. Box 23 contained an estimated 100 or more other employee records that fell outside the permissible date range scope of the ABC Storage Search Warrant, but it became infeasible for Defendant to list them all in this motion.

e. In Box 26:

- i. Employee records for Jarred McCaffrey, dated September 21, 2010;
- ii. Employee records for Joseph McCaffrey, dated January 12, 2012;
- iii. Employee records for Ronald McClain, dated October 5, 2010; and
- iv. Employee records for Eric McClanahan, dated August 5, 2011.

f. In Box 27:

- i. Letter from Principal Financial Group to Andrea Hendrichs, dated July 9, 2012;
- ii. Letter from John Butler and Andrea Hendrichs to Striegel Knobloch & Company, LLC, dated October 2, 2012;
- iii. Application for Extension of Time to File Certain Employee Plan Returns, dated August 27, 2012;
- iv. Letter from Striegel Knobloch to CIAM, dated May 23, 2012;
- v. CIAM 401(k) documents, dated January 1, 2011 through December 31, 2011;
- vi. Form 5500 Data Submission form, submitted February 9, 2012;
- vii. Invoice from Clemens & Associates, Inc., dated November 22, 2011; and
- viii. There were countless other files and documents that fell outside the permissible date range scope of the ABC Storage Search Warrant contained in Box 27, but it became infeasible for Defendant to list them all in this motion.

g. In Box 30:

- i. Employee records for Daniel Crespo, dated January 16, 2008;
- ii. Employee records for Aaron Decker, dated June 9, 2006;
- iii. Employee records for Sherri Duckworth, dated March 18, 2006;
- iv. Employee records for Michael Hart, dated April 16, 2008;
- v. Employee records for Chris Heatley, dated May 1, 2006;
- vi. Employee records for Douglas W. Irwin, dated March 18, 2006; and

vii. Additionally, there were an estimated 100 more files and documents that fell outside the permissible date range scope of the ABC Storage Search Warrant contained in Box 30, but it became infeasible for Defendant to list them all in this motion.

h. In Box 31:

- i. Employer's Quarterly Federal Tax Return, dated October 25, 2012;
- ii. QuickBooks E-Filing Confirmation, dated October 25, 2012;
- iii. Letter from Principal Financial Group to CIAM, dated June 20, 2012;
- iv. Coliseum Payroll Summary, dated October 25, 2012;
- v. Form IL-941, dated October 25, 2012;
- vi. Coliseum Fund Employee State Taxes Details, dated October 25, 2012;
- vii. Illinois Employer's Report of Wages Paid to Each Worker Continuation Sheet, dated September 30, 2012;
- viii. Unemployment Insurance Tax Return Payment Receipt, dated October 25, 2012;
- ix. Illinois Employer's Report of Wages Paid to Each Worker Continuation Sheet, dated December 31, 2012;
- x. Annual Return/Report of Employee Benefit Plan, dated September 25, 2006;
- xi. Email from SUI_Rate_Change_Request@adp.com to Kelly Klein, dated May 23, 2008;
- xii. Illinois Department of Employment Security Notice of Refund, dated October 7, 2008;

- xiii. Striegel Knobloch's audit of CIAM 401(k) plan, dated December 31, 2008;
- xiv. Illinois Department of Employment Security Statement of Benefit Charges, dated January 26, 2008;
- xv. Iowa Department of Revenue Business Tax Registration Form, dated January 24, 2006;
- xvi. Illinois Department of Unemployment Security Statement of Benefit Charges, dated April 23, 2011; and
- xvii. Again, what is listed above is a mere fraction of the records contained in Box 31 that fall outside the scope of the ABC Storage Search Warrant, but it became infeasible for Defendant to list them all in this motion.
7. The above-listed records, and many more not mentioned specifically, were all found in discovery that the State turned over to Defendant. This discovery was contained in the 34 boxes that the Illinois State Police determined fell *within* the scope of the ABC Storage Search Warrant, as opposed to the 27 boxes they determined were outside the warrant's scope. As stated above, the scope of the ABC Storage Search Warrant was dictated as "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 Exhibit 1.*)
8. On September 25, 2017, Special Agent Daniel Rossiter of the Illinois State Police executed a search warrant for the seizure of assets held by Defendant at Citizens Equity First Credit Union ("CEFCU").

9. This seizure warrant issued to CEFCU on September 25, 2017 (hereinafter the “CEFCU Search Warrant”), was signed by Judge Butler and commanded the Illinois State Police to seize “CEFCU Bank Accounts including but not limited to: any and all holdings in accounts (including but not limited to checking, savings and safety deposit boxes) which authorized use/access by John Butler, and/or Central Illinois Arena Management, Inc. (CIAM), and/or BMI Concessions, Inc.” (A true and accurate copy of the Seizure Order/Warrant is attached hereto as Exhibit 3.)
10. On or about September 26, 2017, CEFCU mailed a letter to Defendant informing him that CEFCU had placed a hold on all of the accounts in his name pursuant to the CEFCU Search Warrant. (A true and accurate copy of the letter dated September 26, 2017, to John Butler is attached hereto as Exhibit 4.)
11. The Illinois State Police seized 17 of Defendant’s bank accounts pursuant to the CEFCU Search Warrant, including Defendant’s personal checking and savings accounts, his son’s checking and savings account, his health savings account, and other bank accounts that are not tied to the present case in any way.
12. On December 14, 2017, Defendant filed a Motion to Quash Seizure Warrant and Order the Release of Items Seized in relation to the CEFCU Search Warrant. This motion complained of the illegality of the manner in which Defendant’s property was seized.
13. On January 18, 2018, Defendant filed a Motion for an Order to Return Property in relation to the bank accounts seized under the CEFCU Search Warrant. This motion sought the restoration to Defendant of his property and complained of the illegality of the manner in which Defendant’s property was seized.

14. Prior to a hearing on either the Motion to Quash Seizure Warrant and Order the Release of Items Seized or the Motion for an Order to Return Property, the State returned all of Defendant's funds seized pursuant to the CEFCU Search Warrant. Through the unlawful search-and-seizure procedure used by the Illinois State Police as addressed in Defendant's motions, however, the State nevertheless obtained information regarding all of Defendant's bank accounts.
15. The 61 boxes of Defendant's records seized from his storage unit under the ABC Storage Search Warrant in December 2016 were reviewed and utilized by law enforcement officials outside the authorization and scope of the warrant, because they covered documents from before and after the authorized period of January 1, 2013, through March 31, 2016. Most notably, the CEFCU records contained in those boxes were the subject of the CEFCU Search Warrant later issued on September 25, 2017. These CEFCU account records that were seized pursuant to the CEFCU Search Warrant of September 25, 2017, constitute the fruits of prior unlawful seizures of CEFCU, BMI, and CIAM records from Defendant's storage unit.
16. Even though the warrants 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 warrants as general warrants and seize whatever evidence they wanted.
17. Due to the nature and degree of the misconduct of law enforcement in seizing items beyond the scope and authorization of the underlying search warrants, searching items not specified in the warrants, and then retaining physical control over items in excess of the warrant, there is no "good faith" defense available to law enforcement agents in this case.

Suppression Based on General Warrant

18. The Illinois State Police, and Special Agent Rossiter, treated the CEFCU Search Warrant as a general warrant when they used it as a tool to confiscate all of Defendant's bank accounts and bank account information, instead of only the records and account information that were specifically linked with the investigation. All of the monies in all of Defendant's CEFCU bank accounts were ultimately taken by the Illinois State Police and kept without lawful authority for many months.
19. The Illinois State Police also treated the ABC Storage Search Warrant as a general warrant when police exceeded its scope and used it as a tool to confiscate all the records contained in the Defendant's storage unit at ABC Storage, instead of only the records that were specifically encompassed by the search warrant.
20. 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. Siegwarth*, 285 Ill. App. 3d 739, 742, (3d Dist. 1996). Furthermore, general warrants lack judicial review and judicial scrutiny of the unlawfulness of the search and seizure involved.
21. 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).

This was the case with the Defendant's storage unit. The Illinois State Police treated the ABC Storage Search Warrant as general in nature when police conducted an unlimited and sweeping search and seizure that removed all 61 boxes of records, including at least 27 (and potentially more) illegally seized boxes of documentation that police now acknowledge were not covered by the warrant.

22. 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 invalidates the resultant seizure of evidence. *People v. Taylor*, 205 Ill. App. 3d 446, 448 (3d Dist. 1990). By exceeding the scope of the ABC Storage Search Warrant, the Illinois State Police's search and seizure of Defendant's storage unit became unlawful, and the fruits of the search should be suppressed.
23. In *People v. Kimmel*, a court issued a warrant authorizing the seizure of four specific books it deemed obscene. However, when the police executed the warrant, they seized over 1,500 books and magazines in addition to those specifically described in the warrant. *People v. Kimmel*, 34 Ill. 2d 578 (1966). The Illinois Supreme Court in *Kimmel* stated, "In the case before us, the 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." *Id.* at 582. The *Kimmel* Court noted that, while the warrant before it was specific, the search conducted by law enforcement was impermissibly general. *Id.*

24. 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.
25. A search is unconstitutional if it goes “so far astray of a search for the items mentioned in the warrant that it [becomes] a general exploratory search for any evidence of wrongdoing that might be found.” *Horton v. California*, 496 U.S. 128, 148 (1990) (quoting *United States v. Tranquillo*, 330 F. Supp. 871, 876 (M.D. Fla. 1971)). “Converting specific warrants into general warrants” is unconstitutional and emphasizes the need for scrupulous adherence to the warrant requirements. *Horton*, 496 U.S. at 148.
26. The Illinois State Police converted the CEFCU Search Warrant into a general warrant when police seized all of the bank accounts in Defendant’s name at CEFCU, including his son’s savings account and his own health savings account, regardless of whether they were involved in the instant investigation or not. The Illinois State Police further converted the ABC Storage Search Warrant into a general warrant when police seized 61 boxes of Defendant’s records without first searching them, determined that 27 boxes did not fit within the warrant but then retained exclusive possession of those boxes, and searched and indexed boxes of records that fell outside the scope of the warrant. Such conduct treating every 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). This has become a pattern and practice for the Illinois State Police in its investigation of this case.

27. On a motion to suppress evidence, the defendant bears the burden of showing the search-and-seizure procedure was unlawful. *People v. Cregan*, 2014 IL 113600, ¶ 23. A trial court's ruling on a motion to suppress presents both questions of law and fact. *People v. McCarty*, 223 Ill. 2d 109, 148 (2006).
28. Because the Illinois State Police treated the CEFCU Search Warrant of September 25, 2017, and the ABC Storage Search Warrant of December 22, 2016, as general warrants and conducted a general fishing expedition in Defendant's bank accounts and storage unit, the warrants should be quashed, and the State's use of any information or documentation obtained under either the CEFCU Search Warrant or the ABC Storage Search Warrant should be suppressed.

Suppression Based on Fruit of the Poisonous Tree Doctrine

29. On June 27, 2018, Special Agent Daniel Rossiter of the Illinois State Police executed another search warrant for the seizure of assets held by Defendant at CEFCU.
30. This search warrant was signed by Judge Butler and commanded the Illinois State Police to seize CIAM and BMI accounts "including any savings, checking, and payroll accounts, but not limited to for the period of December 1, 2009 to December 31, 2012...." (A true and accurate copy of this Seizure Order/Warrant is attached hereto as Exhibit 5.)
31. Both warrants issued to CEFCU on September 25, 2017, and June 27, 2018, were the product of the illegally obtained information from the unlawful execution of the ABC Storage Search Warrant on December 22, 2016. Defendant's storage unit contained 61

boxes of records, including the CEFCU banking information that was used to obtain the CEFCU Search Warrant on September 25, 2017, and the subsequent warrant directed to CEFCU on June 27, 2018.

32. 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. The 61 boxes of business records that were seized from Defendant pursuant to a general search were illegally seized and should be considered the “poisonous tree.” Therefore, any evidence obtained by exploiting that violation, such as using the contained banking information subsequently to search and seize Defendant’s bank accounts, should be considered the poisonous “fruit” and summarily suppressed.

33. 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 Illinois State Police has exhibited a pattern of blatantly abusing its search warrant authority to illegally obtain information in this case. The exclusionary rule was written to deter precisely this “future unlawful police conduct.”

34. A “sufficiently close relationship” between the underlying illegality and the evidence must exist for application of the poisonous-fruit doctrine. *People v. Lovejoy*, 235 Ill. 2d 97, 130 (2009); *Henderson*, 2013 IL 114040, ¶ 45. Factors relevant to an attenuation analysis include: (1) the temporal proximity of the illegal police conduct and the

discovery of the evidence; (2) the presence of any intervening circumstances; and (3) the purpose and flagrancy of the official misconduct. *Brown v. Illinois*, 422 U.S. 590, 603–04 (1975); *People v. Johnson*, 237 Ill. 2d 81, 93 (2010); *People v. Henderson*, 2013 IL 114040, ¶ 33.

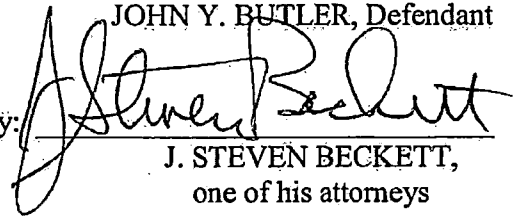
35. In Defendant's case, the flagrancy of the official misconduct was egregious. Almost half of the records that the Illinois State Police confiscated were outside the scope of the warrant that was used to procure the documents. The Illinois State Police still maintains physical control of the illegally confiscated records as of the filing of this motion with no tangible efforts made to return them. There are at least four boxes of records that are outside the scope of the warrant that are listed as discovery material by the State. The banking information that was used to obtain the CEFCU warrants of September 25, 2017, and June 27, 2018, was contained in those illegally obtained boxes of records.
36. Because the Illinois State Police used illegally obtained information from the general warrant of the ABC Storage Search Warrant to obtain a later warrant for Defendant's banking records, any banking information obtained through the CEFCU warrants of September 25, 2017, and June 27, 2018, is fruit of the poisonous tree and must be suppressed.

WHEREFORE the Defendant, JOHN Y. BUTLER, prays that the Court enter an order quashing the ABC Storage Search Warrant of December 22, 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 and return of any evidence obtained pursuant to the CEFCU warrants of September 25, 2017 and subsequent warrant issued to CEFCU on or about June 27, 2018; and for such other relief deemed just and appropriate

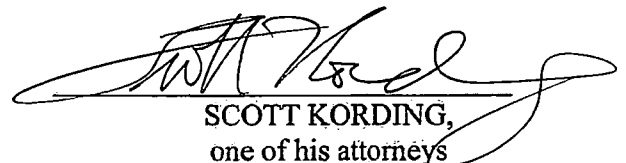
Respectfully Submitted,

JOHN Y. BUTLER, Defendant

By:



J. STEVEN BECKETT,
one of his attorneys



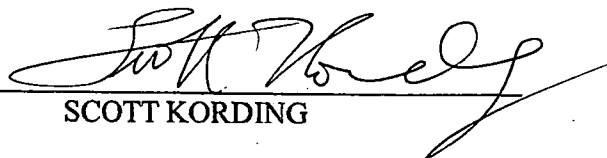
SCOTT KORDING,
one of his attorneys

J. STEVEN BECKETT
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steve@beckettlawpc.com
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 October 11th, 2018, he did cause a copy of the foregoing *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


SCOTT KORDING

SCOTT KORDING
MEYER CAPEL, A Professional Corporation
202 North Center Street,
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(309) 829-9486 [Voice]
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SKording@MeyerCapel.com
ARDC No. 6286628

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, 22, 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.

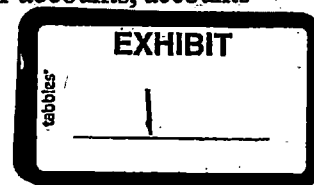
I, THEREFORE, COMMAND THAT YOU SEARCH:

ABC Storage 2442 S. Main Bloomington, IL 61704; specifically storage unit 14 leased to John Butler.

AND, IF FOUND, SEIZE THE FOLLOWING:

1. **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.;

2. **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 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

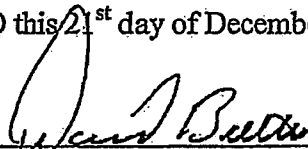


receivables, notes receivables, etc.; records pertaining to allowance for bad debts and bad expenses; records pertaining to accounts payable, notes payable, loans payable, mortgages payable, etc.; cash receipt books; bank statements, deposit slips, cancelled checks, withdrawal slips, debit memos, and 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 8:57 AM.



Associate Circuit Judge David Butler

2165

**ILLINOIS STATE POLICE
INVESTIGATIVE REPORT**

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

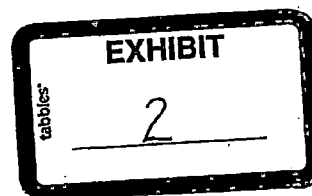
DETAILS:

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



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Dissemination:

This document contains neither recommendations nor conclusions of the Illinois State Police.
It and its contents are not to be disseminated outside your agency.

- 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

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

In the matter in the seizure of:

CERCU Bank Accounts
Of John Butler, and
Central Illinois Arena Management, Inc. (CIAM), and
BMI Concessions, LLC.

Case No. 2017-MR-

TO ALL PEACE OFFICERS OF THE STATE:

On this date being 25th day of September of 2017, I, Daniel Rossler, as
Special Agent, County of McLean, Illinois, upon examination of said Complaint, find it states
that sufficient to establish probable cause for the seizure of assets the following described assets
listed:

I, THEREFORE, COMMAND THAT YOU SEIZE:

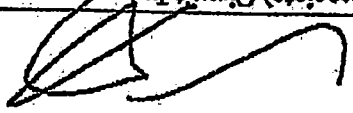
CERCU Bank Accounts including but not limited to: any and all holdings in accounts (including
but not limited to checking, savings and safety deposit boxes) which authorized use/accets by
John Butler, and/or Central Illinois Arena Management, Inc. (CIAM), and/or BMI Concessions,
LLC; including those specifically described below.

1. CERCU Bank Acct. # 636927 - believed to be a personal savings/checking account for
John Butler.

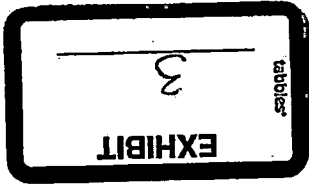
2. CERCU Bank Acct. # 803706 - believed to be a savings/checking account for Central
Illinois Arena Management (CIAM).

3. CERCU Bank Acct. #0806745 - believed to be a savings/checking accounts for BMI
Concessions, LLC.

ISSUED this 25th day of September of 2017 at 1:20 AM/PM



(Associate) Circuit Judge





P.O. Box 1715, Peoria, IL 61656-1715
309.633.7000 | 1.800.633.7077

5401 W. Dirksen Parkway, Peoria, IL 61607
cefcu.com

September 26, 2017

MR JOHN Y BUTLER
9513 N 2125 EAST RD
BLOOMINGTON IL 61705-5599

Dear Mr. Butler,

Please be advised, CEFCU has been served with a *Warrant for Seizure of Assets* from the Illinois State Police. Due to this seizure warrant, CEFCU is obligated, by law, to place a hold on your account(s) until further notice from the court.

Holds have been placed on your accounts as listed below. If you have any outstanding checks or ACH transactions, you may need to contact the payees and make arrangements to cover those obligations.

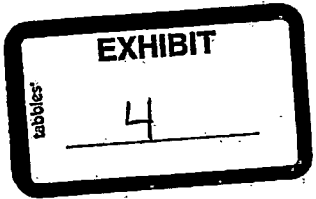
Account	Amount Held	Account	Amount Held
0636927-000	\$7,096.15	1320127-000	\$295.90
01 06369270	\$23,098.48	01 13201274	\$11,588.13
0803706-000	\$11.30	0846576-000	\$366.84
01 08037062	\$1,163.34	01 08465765	\$47.66
0622015-000	\$28.31	1238417-000	\$3,540.73
01 06220153	\$39.69	0646937-000	\$117.79
0806745-000	\$21.99	0846575-000	\$693.12
01 08067450	\$39.21		
1250086-000	\$1,403.10		
01 12500863	\$20,244.23		

For your records, a copy of the *Warrant for Seizure of Assets* is enclosed.

CEFCU regrets holding your funds in this manner. If you have any questions, please call.

Sincerely,
Ching Tunt
Compliance Manager

Telephone: 309.633.3508
Fax: 309.633.3406
Enc.



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 June, 27, 2018 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:

- 1. CEFUCU Bank located at 5401 W. Dirksen Parkway Peoria IL 61607: all accounts owned or controlled by Central Illinois Arena Management and/or BMI Concessions.

AND, IF FOUND, SEIZE THE FOLLOWING:


1. CEFUCU Bank accounts: business accounts issued to Central Illinois Arena Management, Inc. (hereinafter CIAM) including any savings, checking, and payroll accounts, but not limited to for the period of December 1, 2009 to December 31, 2012 including but not limited to: signature cards; bank statements; bank checks; cancelled checks; deposit tickets; credit and debit memos; correspondence including but not limited to letters to the bank, letters from the bank, notes, memoranda, etc. to file; credit reports; financial statements; monthly statements.

2. CEFUCU Bank accounts: business accounts issued to BMI Concessions, including, including any savings, checking, and payroll accounts for the period of December 1, 2009 to December 31, 2012 including but not limited to: signature cards; bank statements; bank checks; cancelled checks; deposit tickets; credit and debit memos; correspondence including but not limited to letters to the bank, letters from the bank, notes, memoranda, etc. to file; credit reports; financial statements; monthly statements.

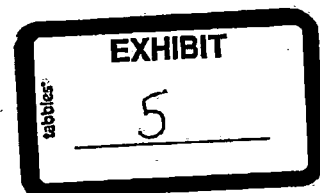
IT IS FURTHER ORDERED

- 1) that the materials be provided in in digital format on a compact disc in Excel, PDF or TXT format

ISSUED this 27th day of June of 2016 at 9:18 AM.



(Associate) Circuit Judge



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
OCT 09 2018
CIRCUIT CLERK

NOTICE OF HEARING

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

YOU ARE HEREBY NOTIFIED that at 1:30 P.M. on November 6, 2018, 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 the return of the attached Subpoena Duces Tecum issued to Sikich, LLP.

Dated this 8th day of October, 2018.


SCOTT KORDING, Attorney at Law

SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@MeyerCapel.com

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* and *Subpoena Duces Tecum* to be made upon the recipient(s) designated below by the following method(s):

- VIA U.S. POSTAL SERVICE: A true and correct copy of the foregoing document(s)/instrument(s) was served upon the following person(s) or professional office(s) on the Date of Service indicated above by placing it in an envelope bearing both full prepayment of the proper postage or delivery charge and the proper address of the following recipient(s), and then by depositing it in the United States mail at Bloomington-Normal, Illinois, at or before 7:00 P.M.

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



Prepared by:
SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@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.) No. 17-CF-1025
)
JOHN Y. BUTLER,)
)
Defendant.)

SUBPOENA DUCES TECUM

TO: Chad Lucas
Sikich, LLP
3201 W. White Oaks Drive,
Suite 102
Springfield, IL 62704

McLEAN COUNTY
FILED
OCT 09 2018
CIRCUIT CLERK

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This ***Subpoena Duces Tecum*** outlines what you are required to do.

YOU ARE COMMANDED to identify, locate, and produce the following items or evidence:

2007 to 2016, inclusive, audit reports for U. S. Cellular Arena, Bloomington, Illinois and all work papers, work programs, associated audit documents related to and in support of the U. S. Cellular Arena 2007 -2016 audits, all emails, texts, voice mails, letters, memos or other communications submitted to the officers or employees of the City of Bloomington, Illinois, all emails, texts, voice mails, letters, memos or other communications submitted to the officers or employees of Central Illinois Arena Management, Inc. or BMI LLC in connection with the acquisition and award process with the City of Bloomington, the performance of the annual audits or reporting of said annual audits.

All emails, texts, voice mails, letters, memos or other communications submitted to the officers or employees of the Illinois State Police after March 31, 2016 to the present date regarding any law enforcement investigation of the U.S. Cellular Arena, Bloomington, Illinois, Central Illinois Arena Management, Inc. or BMI LLC.

The communications or documents referenced in this request shall include, but not necessarily be limited to, communications or documents transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), communications or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic form), and communications or

documents in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, etc.), reports, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for documents encompassed by this request shall be as described above through the date of production.

Production of these documents in digital format and on digital storage devices is requested if common access programs are used such as pdf, Excel and Word.

YOU ARE FURTHER COMMANDED to produce the foregoing items or evidence by delivering them to the following judicial officer.

The Honorable William Yoder
Circuit Judge
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

YOU ARE FURTHER COMMANDED to appear before the foregoing judicial officer at 1:30 P.M. on November 6, 2018, to produce and deliver the above-identified items or evidence in Courtroom 3D, or the courtroom to which you are directed by courthouse personnel on that date. Please note, however, that your appearance in court is not required on this date if you produce and deliver the foregoing documents to the specified judicial officer on or before the date and time listed above. If you have questions or wish to make arrangements for the delivery to the foregoing judicial officer of responsive items and documents encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. You may not, however, deliver the responsive items or evidence to the undersigned attorney; instead, the responsive items or evidence must be delivered only to the foregoing judicial officer.

If the responsive items or documents are voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: Sept. 27, 2018

On behalf of the Circuit Court by


J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
E-mail: Steve@beckettlawpc.com

**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

FILED
OCT 05 2018
CIRCUIT CLERK

McLEAN
COUNTY

**DEFENDANT'S REPLY TO PEOPLE'S RESPONSE TO
MOTION FOR CHANGE OF VENUE**

NOW COMES the Defendant, JOHN Y. BUTLER, by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C., and Scott Kording of Meyer Capel, P.C., and in reply to *People's Response to Motion for Change of Venue* states as follows:

I. The State Misstates the Nature of the Survey Questions

Sound Jury Consulting conducted a survey in which it telephoned 200 members of the McLean County community and 200 members of the Champaign County community. During this survey, Sound Jury Consulting used the same set of questions for all participants. The State argues that the expert's questions were "designed to elicit answers from respondents consistent with the Defendant's desires for a change of venue." *See People's Response to Defendant's Motion for Change of Venue*, at 4. The State argues that the questions of the survey were not posed in an objective manner and points to Question No. 8 of the survey to support its assertion. The State takes Question No. 8 out of context, however, and fails to mention that the survey proceeds with Questions Nos. 9-11 which balance out any perceived question bias. Questions Nos. 8-11 serve as buffer questions and are designed to ease respondents into the survey and familiarize respondents with answering the questions. These four questions (Nos. 8-11), when examined together, are balanced. Question No. 8 is perfectly counterbalanced by Question No.

9. Two of the questions are pro-prosecution questions and two of the questions are pro-defense. Furthermore, there is no evidence to suggest that if a respondent answers the four questions all in favor of the prosecution, their answers were then discarded.

The State further asserts that “the questions were not posed in an objective manner but were clearly presented in such a way as to encourage responses that the Defendant was likely guilty.” *See* People’s Response to Defendant’s Motion for Change of Venue, at 5. The State offers no support for this assertion, and then implies that the survey should have been conducted in the same manner that *voir dire* is conducted, also without any support. The survey was designed to be balanced and the State, aside from pulling one question out of context, fails to show the opposite.

II. Defendant Need Only Demonstrate a Reasonable Apprehension that He Cannot Receive a Fair Trial

A defendant is entitled to a change of venue if he can show that there are reasonable grounds to believe that the prejudice allegedly exists and that by reason of the prejudice, there is reasonable apprehension that the accused cannot receive a fair trial. *People v. Sutherland*, 155 Ill. 2d 1, 14 (1992); *People v. Gendron*, 41 Ill.2d 351, 354 (1968). Granting a change of venue rests in the sound discretion of the trial court. *Sutherland*, 155 Ill. 2d at 14; *People v. Allen*, 413 Ill. 69, 73-74 (1952); *People v. Pryer*, 2013 IL App (4th) 111072-U, ¶ 26; *People v. Pelo*, 404 Ill.App.3d 839, 872 (4th Dist. 2010) (quoting *People v. Little*, 335 Ill.App.3d 1046, 1052 (4th Dist. 2003)). The State correctly asserts that evidence of media exposure to the potential jury pool alone is not enough to warrant a change of venue. In addition to the pervasive media exposure in McLean County, however, Defendant also will offer expert testimony detailing an analysis of the community that found that 72.5% of respondents had heard of the criminal case,

52.2% were “very” or “somewhat” familiar with the case, nearly a third (29.5%) of the McLean County respondents had talked to their friends and family about the case, and more than a quarter (53 people or 26.5%) of respondents already thought that Defendant is “definitely guilty” or “probably guilty” without having heard even a shred of admissible trial evidence.

These statistics were thoroughly researched by an expert in the field. Tom O’Toole is Defendant’s legal expert and holds a Ph.D. in Legal Communication and Psychology from one of the only universities in the country that offers a doctoral program in the study of jury behavior. Dr. O’Toole spent years mastering his field and has co-authored a book on jury selection. He has studied the link between pretrial media exposure and juror bias in the course of his 15 years of professional and academic experience. Dr. O’Toole has conducted community attitude surveys in other cases and has testified as a change-of-venue expert in several high-profile matters in both Illinois and Virginia.

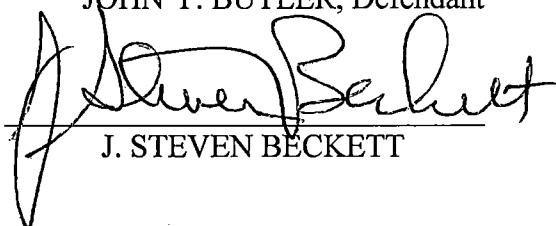
While the media coverage of Defendant has been pervasive and in itself should cause reasonable apprehension that Defendant cannot receive a fair trial, Defendant has more than just media coverage to aid in his conclusion. He has an expert witness who conducted an in-depth survey and concluded that it may be difficult for Defendant to receive a fair trial in McLean County. At the hearing on the change-of-venue motion, Defendant’s evidence will show that the history of the Bloomington-Normal U.S. Cellular Coliseum involves a series of events that have evoked wide-spread community discussion and dissension within the McLean County jury pool. This history puts the present case in a unique category where the sound exercise of discretion supports Defendant’s request for a change of venue.

WHEREFORE, for the foregoing reasons, Defendant respectfully requests that this Court enter an order changing the place of trial in the above case to a location other than McLean County, Illinois, that is convenient to the Court.

Respectfully Submitted,

JOHN Y. BUTLER, Defendant

By:



J. STEVEN BECKETT

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(217) 328-0263
(217) 328-0290 (FAX)
steve@beckettlawpc.com
ARDC # 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 October 5, 2018, he did cause a copy of the foregoing *Defendant's Reply to People's Response to Motion for Change of Venue* to be hand delivered to the following:

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


J. STEVEN BECKETT

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

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
OCT 03 2018
CIRCUIT CLERK

BILL OF PARTICULARS

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 file this Bill of Particulars as directed by the Court:

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 for Bill of Particulars" (HEREINAFTER "Motion") on December 14, 2017. On February 23, 2018, the Court heard arguments on the Motion. The Motion was granted in part and denied in part. The Court ordered that "the State provide on each count those which the State alleges are legally responsible with the Defendant for that particular conduct." *See* transcript from hearing on February 32, 2018.

II. Bill of Particulars

The State alleges that the following individuals are legally responsible with the Defendant as follows:

- **Count 1:** Kelly Klein and Bart Rogers
- **Count 2:** Kelly Klein and Bart Rogers
- **Count 3:** Kelly Klein and Bart Rogers
- **Count 4:** Kelly Klein and Bart Rogers
- **Count 5:** Bart Rogers and Jay Laesch
- **Count 6:** Bart Rogers and Jay Laesch
- **Count 7:** Bart Rogers and Jay Laesch
- **Count 8:** Bart Rogers and Jay Laesch
- **Count 9:** Bart Rogers and Jay Laesch
- **Count 10:** Bart Rogers and Jay Laesch
- **Count 11:** Kelly Klein and Bart Rogers
- **Count 12:** Kelly Klein and Bart Rogers
- **Count 13:** Jay Laesch
- **Count 14:** Jay Laesch
- **Count 15:** Jay Laesch
- **Count 16:** Jay Laesch
- **Count 17:** Jay Laesch
- **Count 18:** Jay Laesch
- **Count 19:** Kelly Klein and Jay Laesch
- **Count 20:** Kelly Klein and Jay Laesch
- **Count 21:** Jay Laesch and Paul Grazar
- **Count 22:** Jay Laesch and Paul Grazar
- **Count 23:** Jay Laesch and Paul Grazar

- **Count 24:** Jay Laesch and Paul Grazar
- **Count 25:** Jay Laesch
- **Count 26:** Jay Laesch
- **Count 27:** Jay Laesch
- **Count 28:** Jay Laesch
- **Count 29:** Jay Laesch
- **Count 30:** Jay Laesch
- **Count 31:** Jay Laesch
- **Count 32:** Jay Laesch
- **Count 33:** Jay Laesch
- **Count 34:** Jay Laesch
- **Count 35:** Jay Laesch
- **Count 36:** Jay Laesch
- **Count 37:** Jay Laesch and Paul Grazar
- **Count 38:** Jay Laesch and Paul Grazar
- **Count 39:** Jay Laesch
- **Count 40:** Jay Laesch
- **Count 41:** Kelly Klein and Jay Laesch
- **Count 42:** Kelly Klein and Jay Laesch
- **Count 43:** Kelly Klein
- **Count 44:** Kelly Klein

III. CONCLUSION

WHEREFORE, the People of the State of Illinois respectfully request that this Court accept the Bill of Particulars pursuant to prior ruling.

Respectfully Submitted,

Handwritten signature of Bradley Rigdon in black ink, consisting of stylized initials 'B.A.B.' followed by a horizontal line.

Bradly Rigdon
First Assistant State's Attorney

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney's of record of all parties to the above cause by:

Depositing a true and correct copy of the same in the U.S. Post Office or post office box in the City of Bloomington, Illinois, enclosed in an envelope with postage fully prepaid on the 3 day of October, 2018.

Hand delivering a true and correct copy of the same on the ___ day of _____, 2018.

Attorney's Signature

Subscribed to and sworn before me this 3 day of October, 2018.

Notary Signature

Notary Public



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.)

CERTIFICATE 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 *Subpoena Duces Tecum*, to be made upon the recipient(s) designated below by the following method(s):

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED: A true and correct copy of the foregoing instrument(s) was placed in an envelope bearing both full postage prepaid and the proper address of the following recipient(s), and deposited in the United States mail in Bloomington-Normal, Illinois, on this 27th day of September, 2018.

Chad Lucas
Sikich, LLP
3201 West White Oaks Drive, Suite 102
Springfield, IL 62704



SCOTT KORDING
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@MeyerCapel.com
ARDC# 6266628

McLEAN COUNTY
FILED
OCT 02 2018
CIRCUIT CLERK

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.)

McLEAN
FILED
OCT 2 2018
CIRCUIT CLERK
COUNTY

AGREED ORDER EXTENDING 2nd SUBPOENA DUCES TECUM RESPONSE

Defendant JOHN Y. BUTLER appearing by his attorney, J. STEVEN BECKETT, of Beckett Law Office, P.C., and the CITY OF BLOOMINGTON, ILLINOIS, subpoena Respondent, appearing by its attorney, GREG MOREDOCK, of Sorling Northrup, it is agreed as follows:


1. That a second subpoena duces tecum was issued and served on the City of Bloomington, Illinois, in this cause, with a responsive productions date of October 2, 2018 at 1:30 p.m. in McLean County Circuit Court.
2. That the scope of the production in said subpoena duces tecum is voluminous, complex and includes electronically stored data.
3. The parties have conferred to work to address the time needed to achieve production under the subpoena duces tecum.

4. That it is in the interest of justice to extend the responsive production date for said subpoena by at least thirty (30) days.

WHEREFORE IT IS ORDERED

The compliance and response subpoena duces tecum issued and served in this cause shall be and is extended to the 6th day of November, 2018 at 1:30 P.M. before the Honorable William Yoder, Circuit Judge.

Entered this ^{2nd} ~~5th~~ day of ^{October} ~~September~~, 2018.




William Yoder, Circuit Judge

Agreed as to substance and form:

JOHN V. BUTLER, Defendant


By:



J. Steven Beckett, His attorney

CITY OF BLOOMINGTON, ILLINOIS, Respondent

By:



Greg Moredock

Prepared by:

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
E-mail: Steve@beckettlawpc.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
AUG 31 2018
CIRCUIT CLERK

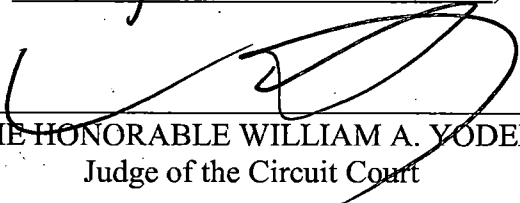
**AGREED ORDER MODIFYING DEFENDANT'S BOND CONDITIONS
TO ALLOW OUT-OF-STATE TRAVEL**

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 Bradley A. Rigdon. The Defendant, JOHN Y. BUTLER, appears by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C. and Scott Kording of Meyer Capel, A Professional Corporation. The Court, being fully advised in the premises, hereby FINDS and ORDERS as follows:

1. The parties stipulate to entry of this *Agreed Order Modifying Defendant's Bond Conditions to Allow Out-of-State Travel*.
2. The terms of the bond of the Defendant, JOHN Y. BUTLER, are hereby modified to permit Defendant to leave the State of Illinois for travel to Indianapolis, Indiana, from October 5 through October 7, 2018.

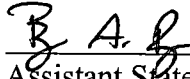
IT IS SO ORDERED.

Entered this 31 day of August, 2018.

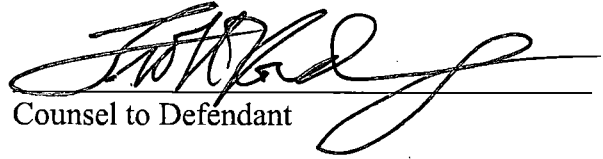


THE HONORABLE WILLIAM A. YODER
Judge of the Circuit Court

Approved as to Form and Substance:



Assistant State's Attorney


Counsel to Defendant

Prepared by:
SCOTT KORDING
MEYER CAPEL, A Professional Corporation
202 North Center Street
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
SKording@MeyerCapel.com
ARDC No. 6286628

5.5% were able to state the Defendant's name. The Defendant also included a CD containing media coverage about the case from the surrounding area.

II. ARGUMENT

This Court should deny the Defendant's Motion for Change of Venue because the Defendant has not made the requisite showing that there is a reasonable apprehension that the Defendant cannot receive a fair and impartial trial in McLean County.

Multiple courts have considered the propriety of a request for a change of venue and the standard to be applied by the court in rendering a decision is whether "it appears there are reasonable grounds to believe that the prejudice alleged actually exists and that by reason of the prejudice there is a reasonable apprehension that the accused cannot receive a fair and impartial trial." *People v. Berry*, 37 Ill.2d 329, 331 (1967). The decision on whether to grant a change of venue is within the sound discretion of the trial court and "a change of venue should be granted only when it becomes apparent that it will not be possible to find 12 jurors sufficiently unfamiliar with the case to withstand a challenge for cause." *People v. McPherson*, 306 Ill.App.3d 758, 764-765 (1999).

The Illinois Supreme Court has previously addressed the issue of potential jurors' familiarity of the case as it relates to a request for a change of venue and has further defined the rule to be applied by finding that "jurors need not be totally ignorant of the facts and issues involved. It is sufficient if the juror can lay aside his impression and render a verdict based on the evidence presented." *People v. Black*, 52 Ill.2d 544, 557 (1972). Multiple courts have affirmed the denial of a motion for change of venue even when seated jurors had previous knowledge of the case. *See, e.g., People v. Nitz*, 242 Ill.App3d 209, 223 (1993) (only 3 of the 12

jurors had not heard or read anything about the events related to the case.); *People v. Black*, 52 Ill.2d 544, 557 (1972) (Six of the twelve jurors chosen had never heard of the case.); *People v. Fort*, 248 Ill.App.3d 301, 309 (1993) (while practically all of the jurors had heard of Defendant, the 12 jurors and 2 alternates had little if any knowledge pertaining to the details of the murder).

The court's ruling should take into account the individual facts of a case. There is no blanket rule because "exposure of a crime and the background of an accused to publicity does not necessarily lead to the conclusion that all the inhabitants of a community must automatically be considered infected with prejudice toward the accused." *Berry* at 331. Multiple courts have also considered the impact of extensive pretrial publicity and have upheld denials of motions for change of venue in situations with substantially more publicity than that with which the court is currently faced. *See, e.g., People v. Fort*, 248 Ill.App.3d 301, 309 (1993) (the Defendant had been the subject of extensive publicity for the past two decades as being the leader of Chicago's most notorious street gang); *People v. Nitz*, 242 Ill.App.3d 209, 223 (1993) (more than 120 total stories had been aired on area television and more than 80 total reports in print media); *People v. McPherson*, 306 Ill.App.3d 758, 764 (1999) (local media had specifically reported that the defendant was charged with abducting and raping a local woman, admitted to the crime in a plea, and then withdrew his plea and wanted a trial); *People v. Berry*, 37 Ill.2d 329, 331 (1967) (Defendant had been referred to as "a former convict, a notorious hold-up man, a habitual criminal and a menace to society").

The Defendant in this matter is not entitled to a change of venue because there is no reasonable apprehension as to whether the Defendant will be able to receive a fair trial. As demonstrated through his own report, media coverage has not so tainted the jury pool that it would be impossible to find twelve jurors who would withstand a challenge for cause. The

evidence presented to the Court through the Defendant's expert report fails to demonstrate that a change of venue is necessary; rather, it shows that the vast majority of the populous of McLean County have not formed an opinion as to the guilt of the Defendant. By the Defendant's own survey, only 13.5% of the population of the county has established an opinion as to the guilt of the Defendant. *See* Defendant's Exhibit 2, page 10. Conversely, this means that 86.5% of the population of McLean County has not yet formed an opinion as to the proper verdict in the case.

As can be seen from the previous cases that have addressed this issue, a request for a change of venue has been denied in much more extreme circumstances and reviewing courts still affirmed the rulings. The Court in *Berry* analyzed a situation in which 102 juror were discharged for cause and another fifty-seven excused based on peremptory challenges, yet they were still able to seat a jury of twelve and conduct the trial. *Berry* at 333. Similarly, the *Fort* case looked at a circumstance in which 198 of the 335 potential jurors were excused for cause which amounts to more than 50% of the venire. *Fort* at 309. The *Aprile* case determined that a motion for a change of venue was not necessary in a case in which 54% of the people surveyed had already prejudged the matter in a manner adverse to the defendant. *People v. Aprile*, 15 Ill.App3d 327, 331 (1973)

When looking to whether it is possible to find twelve jurors who would not be subject to cause, it can hardly be said that the potential of having to excuse 13.5% of potential jurors for cause would rise to the level that requires a change of venue. It is also of note that, despite the fact this survey was designed to elicit answers from respondents consistent with the Defendant's desires for a change of venue, only 13.5% of those surveyed stated they had an opinion regarding the Defendant. The first questions asked of respondents all planted the seed of the idea that someone who is on trial must be guilty of a crime. *See* Defendant's Exhibit 2, page 12. It is from that point that the respondents were asked about the case and their opinions of the case. Even if a

respondent to the survey indicated he or she had not heard of the case, or not formed an opinion of the case, that person was still asked to answer additional questions about the Defendant and the case. The questions were not posed in an objective matter but were clearly presented in such a way as to encourage responses that the Defendant was likely guilty. Questions put to an actual venire would not be phrased in such a one-sided manner. Noticeably absent from the questions asked of the respondents was whether the respondents would be able to set opinions aside and apply the law to the facts as directed by the Court if chosen to be a member of the jury. That is the most important question when determining an individual's fitness to serve on a trial because having some knowledge of the case is not, in and of itself, a disqualifying factor for service on a trial.

The Defendant has included copies of the media coverage of the Coliseum for the Court to review including coverage from the Pantagraph, WGLT, and a private citizen that operates a blog. The timing of the publication of articles is a consideration for the Court and the Defendant's exhibit demonstrates that a large portion of the coverage which has been cited by the Defendant occurred prior to the filing of any criminal charges in the matter. *See* Defendant's Group Exhibit 1. Additionally, some of the included articles only deal with the building generally and do not involve the Defendant or CIAM. Generally, the media coverage of this case is not the type or character which is so likely as to bias the public that it would be impossible to sit a jury of twelve. The tenor of the articles is a far cry from, for example, the media coverage in the *Berry* case that included the quote of "a former convict, a notorious hold-up man, a habitual criminal and a menace to society." *Berry* at 331. While the Defendant cites this coverage as grounds that he is prejudiced, a large portion of the cited-to media coverage also portrays the named victim, the City of Bloomington, in a negative light as well.

Ultimately, the Defendant has failed to show that media coverage has so tainted the jury pool that it would be impossible to find twelve jurors who would not be subject to a challenge for cause. As such, there is no reasonable apprehension that the Defendant would be unable to receive a fair trial and the Motion should be denied.

III. CONCLUSION

WHEREFORE, the People of the State of Illinois respectfully request that this Court deny the Defendant's Motion for Change of Venue.

Respectfully Submitted,



Bradly Rigdon
First 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 28th day of September, 2018.

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 28th day of September, 2018.



Bradly Rigdon
Assistant State's Attorney

documents in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, etc.), reports, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for documents encompassed by this request shall be as described above through the date of production.

Production of these documents in digital format and on digital storage devices is requested if common access programs are used such as pdf, Excel and Word.

YOU ARE FURTHER COMMANDED to produce the foregoing items or evidence by delivering them to the following judicial officer.

The Honorable William Yoder
Circuit Judge
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

YOU ARE FURTHER COMMANDED to appear before the foregoing judicial officer at 1:30 P.M. on November 6, 2018, to produce and deliver the above-identified items or evidence in Courtroom 3D, or the courtroom to which you are directed by courthouse personnel on that date. Please note, however, that your appearance in court is not required on this date if you produce and deliver the foregoing documents to the specified judicial officer on or before the date and time listed above. If you have questions or wish to make arrangements for the delivery to the foregoing judicial officer of responsive items and documents encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. You may not, however, deliver the responsive items or evidence to the undersigned attorney; instead, the responsive items or evidence must be delivered only to the foregoing judicial officer.

If the responsive items or documents are voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: Sept. 27, 2018

On behalf of the Circuit Court by


J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
E-mail: Steve@beckettlawpc.com



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

THE PEOPLE OF THE
STATE OF ILLINOIS

VS.

JOHN BUTLER,
DEFENDANTS

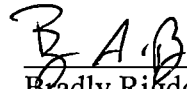
)
) **FILED**)
) **SEP 10 2018**)
) **CIRCUIT CLERK**)
)
McLEAN COUNTY No. 2017-CF-1025

FIFTH 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 SECOND discovery compliance herein the following as listed below.

1. Pursuant to Supreme Court Rule 412(a)(v), and based upon additional court order, the State discloses, based on information and belief, that Boxes 1, 6, 18, 19, 22, 23, 26, 27, 30, and 31 have been scanned into digital format. The State will promptly provide the DVD with the contents of those boxes.

Respectfully Submitted,

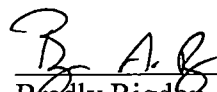


Bradly Rigdon
Assistant State's Attorney

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 U.S. Mail of a true and correct copy of the same to the attorney of record by placing said document in to the outgoing mail tray for pick-up by county employees on ~~November 3,~~ *September 7, 2018*
~~2017.~~



Bradly Rigden
Assistant State's Attorney

STATE OF ILLINOIS
COUNTY OF MC LEAN

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT

THE PEOPLE OF THE
STATE OF ILLINOIS

vs.

McLEAN
FILED
SEP 04 2018
COUNTY
CIRCUIT CLERK

No. 2017-CF-1025

JOHN BUTLER,
DEFENDANT.

FOURTH DISCOVERY COMPLIANCE PURSUANT TO RULE 412

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

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

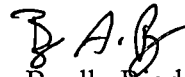
See exhibits 1 2403 for statements of witnesses.

2. Pursuant to Supreme Court Rule 412(a)(v), the People have previously disclosed physical evidence which may be used at trial.

See People's discovery exhibits 2394 through 2403 for complaint for search warrant for John Butler's cellular telephone, search warrant, return and inventory or search warrant, and search warrant return exhibit.

3. Pursuant to Supreme Court Rule 412(c), see People's discovery exhibits 1 to 2403 for known Brady material available at this time. Additional Brady materials, if any, will be tendered upon receipt.

Respectfully Submitted,



Bradly Rigdon
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 on the 31st day of August of 2018 to the office of the attorney of record, Steve Beckett, while in the McLean County Law and Justice Center.

B. A. B.

✓

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

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

No. 2017-CF-1025

McLEAN COUNTY
FILED
AUG 27 2018
CIRCUIT CLERK

NOTICE OF HEARING

TO: State's Attorney's Office
Law & Justice Center
104 W. Front Street
Bloomington, IL 61701

YOU ARE HEREBY NOTIFIED that on August 31, 2018, at 1:30 p.m., I shall appear before the **Honorable Judge Yoder** in **Courtroom 3D** of the McLean County Courthouse, 104 W. Front St., Bloomington, Illinois, and then and there proceed with a **Hearing on Defendant's Motion to Dismiss, Supplemental Motion to Dismiss, Motion to Dismiss Wire Fraud Count, Motion to Quash Indictment, and Motion for Discovery – Production of Search Warrant Documents** in the above cause.

DATED this 27th day of August, 2018.


J. STEVEN BECKETT

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway
Urbana, IL 61801
steve@beckettlawpc.com
(217) 328-0263
(217) 328-0290 FAX
ARDC #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 August 27th, 2018, he did cause a copy of the foregoing *Notice of Hearing* to be hand delivered to the following:

State's Attorney's Office
Law & Justice Center
104 W. Front Street
Bloomington, IL 61701


J. STEVEN BECKETT

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

- d. A search warrant issued by Judge David Butler, on or about July 20, 2016, to the City of Bloomington for documents from the personnel file of Kelly Klein relating to CIAM, BMI Concessions, John Butler, or Bart Rogers.
- e. A search warrant issued by Judge David Butler, on or about July 20, 2016, to the City of Bloomington for any and all business records, documents, contracts, notes and emails stored on the City of Bloomington server related to the U.S. Cellular Coliseum.
- f. A search warrant issued by Judge David Butler, on or about December 21, 2016, to Striegel, Knobloch & Company accounting firm for work space, work and personal computers, and digital media storage devices with regard to Kelly Klein for CIAM and BMI Concessions business documents for January 1, 2013, to March 31, 2016.
- g. A search warrant issued by Judge David Butler, on or about December 21, 2016, to CEFCU for all document relating to CEFCU accounts of John Butler from January 1, 2013, to March 31, 2016.
- h. A search warrant issued by Judge David Butler, on or about December 21, 2016, to O'Brien Mitsubishi auto dealership for records of the U.S. Cellular Coliseum related to contracts, invoices, and VINs from January 1, 2013, to March 31, 2016.
- i. A search warrant issued by Judge David Butler, on or about December 21, 2016, to the Suzi Davis Travel office for records relating to the U.S. Coliseum, CIAM, John Butler and family, and Bart Rogers and family from January 1, 2013, to March 31, 2016.

- j. A search warrant issued by Judge David Butler, on or about December 22, 2016, to ABC Storage for CIAM and BMI Concessions business documents from January 1, 2013, to March 31, 2016.
 - k. A search warrant issued by Judge David Butler, on or about August 14, 2017, for John Butler's cell phone.
 - l. A search warrant issued by an unknown judge, on or about June 27, 2018, to CEFCU for all accounts owned by CIAM or BMI concessions from December 1, 2009, to December 31, 2012.
2. That the above referenced search warrants were issued pursuant to Illinois criminal law under 725 ILCS 5/108-1 *et seq.*, which requires a complaint for a search warrant, an affidavit (or oral testimony in lieu of an affidavit), the issuance of the search warrant, the execution of the search warrant, and documentation of the items seized pursuant to the warrant. That Local Rule 212(B) of the 11th Judicial Circuit requires that a return of an executed warrant be provided to the issuing judge, who in turn will cause the search warrant documents to be filed with the Circuit Clerk. If there is a pending criminal case, then, according to local rule, the search warrant documents are to be filed within that defendant's case. It appears that all search warrants identified in Paragraph 1 above were executed.
3. In discovery from the State, the Defendant has received only copies of the foregoing search warrants set forth in Paragraph 1 above, except for the search warrant identified in subparagraph 1(l), which was provided by CEFCU. No complaints or affidavits in support of search warrants have been provided to defense counsel, although each search warrant states that ISP Special Agent Dan

Rossiter is the affiant. Except for subparagraph 1(f) regarding the search warrant served upon Striegel, Knobloch & Company, there have been no inventory or search warrant returns for the search warrants identified in Paragraph 1. Further defense counsel has consulted multiple times with the McLean County Circuit Clerk's Office and none of the search warrant complaints, affidavits, search warrant returns, or other documents exist in Miscellaneous Remedy files or are found within the pending case file of Defendant. Defense counsel has been told by the Clerk's staff that if any warrant returns have been filed in one or more Miscellaneous Remedies files, then they may be inspected only with a court order.

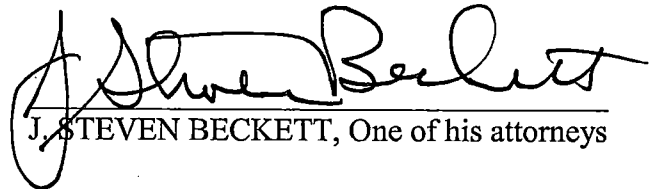
4. Defendant has made a diligent search of McLean County Circuit Court records and has been unable to locate the search warrant documents (as described in Paragraph 2) for each of the searches identified in Paragraph 1. In addition, Defendant is unaware whether other search warrants have been issued and executed and would have no way of knowing pursuant to the practice of the State's Attorney's Office to not file search warrant documents, including those returned unexecuted.
5. Defendant is entitled to all of the search warrant documents from all of the searches conducted in his case, including unexecuted warrants.
6. Defendant is prejudiced and is unable to ascertain if further pre-trial motions regarding such search warrant procedures should be filed because search warrant documents have not been provided to him, including after requests for production have been made to the State's Attorney's office.

7. Defendant is also entitled to ascertain whether law enforcement officials have complied with the requirements of Illinois law and local rules.

WHEREFORE the Defendant, JOHN Y. BUTLER, prays that this Honorable Court order the State of Illinois to produce to Defendant true and accurate copies of all complaints for search warrant, all affidavits or sworn testimony offered in support of search warrants, all executed or unexecuted search warrants, all search warrant returns or inventories, and any and all other documents associated with the search warrant processes in this case, including email transmissions between law enforcement officers, prosecutors, and other individuals, and for such other relief deemed just and proper.

Respectfully submitted,
JOHN Y. BUTLER, Defendant,

By:



J. STEVEN BECKETT, One of his attorneys

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
ARDC #0151580

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of August, 2018, a copy of the foregoing *Motion for Discovery - Production of Search Warrant Documents* was served by hand delivery to:

State's Attorney's Office
Law & Justice Center
104 W. Front Street
Bloomington, IL 61701



J. STEVEN BECKETT

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

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

THE PEOPLE OF THE)
STATE OF ILLINOIS)
)
VS.)
)
John Butler)

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT

NO. 2017 CF 1025

FILED
AUG 24 2018
CIRCUIT CLERK
MCLEAN COUNTY

THIRD DISCOVERY COMPLIANCE PURSUANT TO RULE 412

Now comes the People of the State of Illinois by Bradly Rigdon, Assistant State's Attorney in and for the County of McLean, State of Illinois, and presents as Third Discovery Compliance herein the following:

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 exhibits 1 to 2134 previously tendered as part of the First Discovery Compliance for statements or memoranda of statements of the above-listed witnesses available at this time.

See exhibits 2135 to 2188 previously tendered as part of the Second Discovery Compliance for statements or memoranda of statements of the above-listed witnesses available at this time.

2. Pursuant to Supreme Court Rule 412(a)(ii), see People's discovery exhibits 1 to 2188 for statements of the accused or codefendants. See paragraph one above for witnesses of the statements available at this time.

3. Pursuant to Supreme Court Rule 412(a)(iii), a copy of the grand jury testimony relating to this pending matter is available and has been previously tendered as part of the First Discovery Compliance as People's discovery exhibit 2134.

4. Pursuant to Supreme Court Rule 412(a)(iv), reports of experts have previously been disclosed. Additional reports, if any, will be tendered upon receipt.

Additional information relating to expert witness qualifications and background is available upon request/proper motion.

5. Pursuant to Supreme Court Rule 412(a)(v), in addition to that which has been previously disclosed, physical evidence may include any items or exhibits contained, referenced or mentioned in People's discovery exhibits 1 to 2393 including but not limited to, the following:

- Exhibits 2189 to 2393 which include Complaints for Search Warrants, Search Warrants and Search Warrant Returns. See the following for specific information regarding the included discs labeled as exhibits 2196, 2276, 2298, 2316 and 2393:

- See People's exhibit 2196 for disc labeled CEFCU Accounts Warrant.

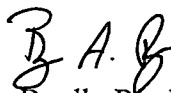
- See People's exhibit 2276 for disc labeled CEFCU Records, Ex. 5.
- See People's exhibit 2298 for disc labeled Mike Nelson Flash Drive Docs, Ex. 19 (SWR1). Exhibit 2298 is part of the search warrant return associated with exhibits 2317 to 2392.
- See People's exhibit 2316 for disc labeled CEFCU Bank Records, Ex. 1(SWR 1). Exhibit 2316 is part of the return associated with exhibits 2299 to 2315.
- See People's exhibit 2393 for disc labeled Kelly Klein Personnel Files (SWR 2). Exhibit 2393 is part of the return associated with exhibits 2299 to 2315.

6. Pursuant to Supreme Court Rule 412(a)(vi), there are no known prior impeachable convictions of the above-named witnesses. If impeachable convictions become known, they will be disclosed.

7. Pursuant to Supreme Court Rule 412(b), there has not been electronic surveillance as outlined in People's Discovery exhibits 1 to 2393.

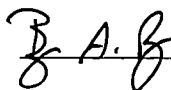
8. Pursuant to Supreme Court Rule 412(c), see People's discovery exhibits 1 to 2393 hereby tendered this date for known Brady material available at this time. Additional Brady materials, if any, will be tendered to the defense upon receipt.

Respectfully submitted,



Bradly Rigdon
Assistant State's Attorney

I, Bradley Rigdon, hereby certify that the answer to Defendant's Motion for Discovery in People v. John Butler, 17 CF 1025, is complete to the best of my knowledge, information and belief and all exhibits referenced in this Answer have been provided to the defense.



Bradly Rigdon
104 W. Front St., Room 605
PO Box 2400
Bloomington, IL 61702-2400
(309) 888-5400

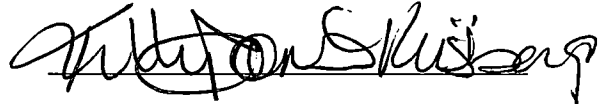
Pursuant to Supreme Court Rule 415(c) the assigned or appointed attorney is required to maintain "exclusive possession" of these materials and that the attorney(s) will provide access to the client of these materials and will not allow the client or clients to possess, maintain, remove these materials,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

PROOF OF SERVICE

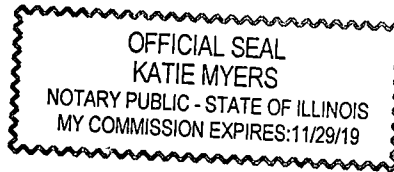
The undersigned certifies that a copy of the foregoing instrument was served upon the attorney's of record of all parties to the above cause by:

Depositing a true and correct copy of the same in the U.S. Post Office or post office box in the City of Bloomington, Illinois, enclosed in an envelope with postage fully prepaid on the 21 day of August, 2018.

Hand delivering a true and correct copy of the same on the ___ day of _____, 2018.



Subscribed to and sworn before me this 24 day of August, 2018.



Katie Myers
Notary Public

Category No. 2

Any and all documents or communications (including all attachments or enclosures) by and between Lisa Matheny or any other officials at the Illinois Department of Revenue and Tari Renner, Tom Hamilton, Paulette Hurd, Jeffrey Jurgens, Gregory Moredock, Scott Sprouls, Brendan Heffner, David Hales, Patti-Lynn Silva, Brian Barnes, Leslie Yocum, Matt Noonan, Nora Dukowitz, or Tim Ervin regarding the investigation of John Butler, CIAM, and/or BMI.

The applicable period for documents encompassed by this Category No. 2 shall be from January 1, 2016 through the date of production.

Category No. 3

Any and all documents or communications (including all attachments or enclosures) by and between Tari Renner, Tom Hamilton, Paulette Hurd, Jeffrey Jurgens, Gregory Moredock, Scott Sprouls, Brendan Heffner, David Hales, Patti-Lynn Silva, Leslie Yocum, Matt Noonan, and Nora Dukowitz, regarding the investigation of John Butler, CIAM, and/or BMI.

The applicable period for documents encompassed by this Category No. 3 shall be from January 1, 2012 through December 31, 2016.

Category No. 4

Any and all documents or communications (including all attachments or enclosures) by and between Tari Renner, Tom Hamilton, Paulette Hurd, Jeffrey Jurgens, Gregory Moredock, Scott Sprouls, Brendan Heffner, David Hales, Patti-Lynn Silva, Brian Barnes, and Tom Ervin regarding any discussion of mediation, arbitration, or settlement negotiations as set forth in Paragraph 16.2 of the Management Agreement.

The applicable period for documents encompassed by this Category No. 4 shall be from January 1, 2013 through the date of production.

Category No. 5

Any and all Quickbooks backups and reports for all accounts associated with the operation and management of U.S. Cellular Coliseum (now known as the Grossinger Motors Arena) by CIAM and BMI Concessions, or any of its current or former employees or agents, including the Coliseum Fund.

The applicable period for documents encompassed by this Category No. 5 shall be from January 1, 2012 through December 31, 2016.

Category No. 6

Any and all documents or communications (including all attachments or enclosures) initiated, sent, or received by, between, and among David Hales, Mike Nelson or Jane Everhart and transmitted to, received from, or exchanged with, between, or among:

- o Jay Laesch, John Butler, and/or Bart Rogers.

The applicable period for documents encompassed by this Category No. 6 shall be from January 1, 2015 through December 31, 2016.

Category No. 7

Any and all documents or communications (including all attachments or enclosures) initiated, sent, or received by Patti-Lynn Silva, Brian Barnes, Tim Ervin, Tom Hamilton, David Hales, Paulette Hurd, Pamela Reel, Barbara Adkins, or Scott Rathbun transmitted to, received from, or exchanged with, between, or among Kelly Klein.

The applicable period for documents encompassed by this Category No. 7 shall be from November 4, 2007 through December 31, 2016.

Category No. 8

Any and all documents or communications (including all attachments or enclosures) initiated, sent, exchanged, transmitted to, or received by and between Patti-Lynn Silva, Brian Barnes, Tim Ervin, Tom Hamilton, David Hales, Paulette Hurd, Pamela Reel, Barbara Adkins, Steve Rasmussen, or Scott Rathbun and Paul Grazar, Jay Laesch, Kelly Klein, Bart Rogers, Andrea Henrichs, and/or John Butler regarding cleaning supplies, cleaning equipment, or janitorial services.

The applicable period for documents encompassed by this Category No. 8 shall be from January 1, 2010 through December 31, 2016.

Category No. 9

Any and all documents or communications (including all attachments or enclosures) by and between Lisa Matheny or any official at the Illinois Department of Revenue and Mayor Tari Renner, Tom Hamilton, Paulette Hurd, Jeffrey Jurgens, Gregory Moredock, Scott Sprouls, Brendan Heffner, David Hales, Patti-Lynn Silva, Brian Barnes, Paulette Hurd, Leslie Yocum, Matt Noonan, Nora Dukowitz, and Tim Ervin regarding any audits conducted by the Bronner Group.

The applicable period for documents encompassed by this Category No. 9 shall be from January 1, 2015 through December 31, 2016.

Category No. 10

Any and all documents or communications (including all attachments or enclosures) initiated, sent, exchanged, transmitted to, or received by and between Leslie Yocum, David Hales, Patti-Lynn Silva, Paulette Hurd, Scott Rathbun, and Kelly Klein regarding the approximate \$152,887.29 and \$113,000 payments made between March 11, 2016 and March 28, 2016 which allegedly were “represented would be used for the payment of utilities” but “was directed into the bank accounts of John Butler”.

The applicable period for documents encompassed by this Category No. 10 shall be from January 1, 2015 through December 31, 2016.

Category No. 11

Any and all documents or communications (including all attachments or enclosures) on the City of Bloomington servers regarding the commission payments on food and beverage sales, including but not limited to combo meals, employee meals, and reduced or at-cost items.

The applicable period for documents encompassed by this Category No. 11 shall be from November 4, 2007 through the date of production

Category No. 12

Any and all staff reports to the City Council regarding the commission payments on food and beverage sales, including but not limited to combo meals, employee meals, and reduced or at-cost items.

The applicable period for documents encompassed by this Category No. 12 shall be November 4, 2007 through the date of production.

Category No. 13

Any and all Executive Session Minutes of the City of Bloomington City Council of which CIAM, BMI and Coliseum management was the subject.

The applicable period for documents encompassed by this Category No. 13 shall be January 1, 2015 through the date of production.

YOU ARE FURTHER COMMANDED to produce the foregoing items or evidence by delivering them to the following judicial officer.

The Honorable William Yoder
Circuit Judge
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

YOU ARE FURTHER COMMANDED to appear before the foregoing judicial officer at 1:30 P.M. on October 2, 2018, to produce and deliver the above-identified items or evidence in Courtroom 3D, or the courtroom to which you are directed by courthouse personnel on that date. Please note, however, that your appearance in court is not required on this date if you produce and deliver the foregoing documents to the specified judicial officer on or before the date and time listed above. If you have questions or wish to make arrangements for the delivery to the foregoing judicial officer of responsive items and documents encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. You may not, however, deliver the responsive items or evidence to the undersigned attorney; instead, the responsive items or evidence must be delivered only to the foregoing judicial officer.

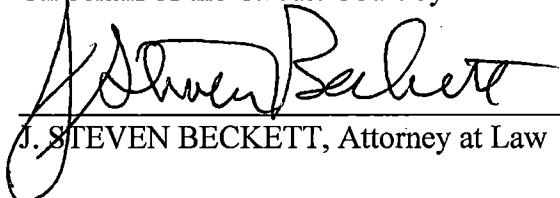
If the responsive items or documents are voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: August 14, 2018

On behalf of the Circuit Court by


J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
E-mail: Steve@beckettlawpc.com

and deliver the foregoing documents to the specified judicial officer on or before the date and time listed above. If you have questions or wish to make arrangements for the delivery to the foregoing judicial officer of responsive items and documents encompassed by this ***Subpoena Duces Tecum***, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

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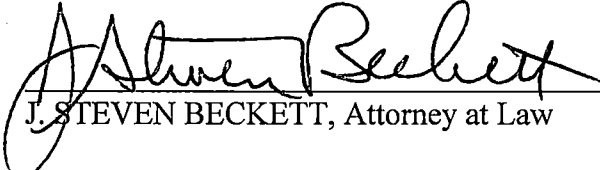
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FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this ***Subpoena Duces Tecum*** on behalf of the Circuit Court.

Dated: Aug 7, 2018

On behalf of the Circuit Court by,


J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
E-mail: Steve@beckettlawpc.com

The applicable period for documents encompassed by this Category No. 1 shall be from November 4, 2007, through the date of production.

YOU ARE FURTHER COMMANDED to produce the foregoing items or evidence by delivering them to the following judicial officer.

The Honorable William Yoder
Circuit Judge
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

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As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this ***Subpoena Duces Tecum*** on behalf of the Circuit Court.

Dated: Aug. 7, 2018

On behalf of the Circuit Court by

J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
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E-mail: Steve@beckettlawpc.com

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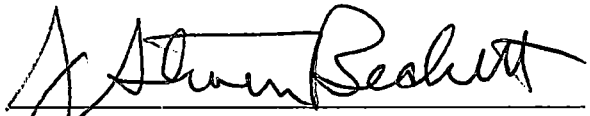
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Dated: Aug 7, 2018

On behalf of the Circuit Court by



J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
E-mail: Steve@beckettlawpc.com

TO: FILE

FROM: ACT

RE: Outstanding Motions and Issues in State v. Butler as of August 7, 2018

DATE: August 6, 2018

FILED
AUG 07 2018
MILAN COUNTY
CIRCUIT CLERK

Outstanding Motions:

- Defendant's Motion to Dismiss: Filed January 18, 2018
- Defendant's Motion to Dismiss Wire Fraud Count: Filed January 18, 2018
- Defendant's Motion to Quash Indictment: Filed January 18, 2018
- Defendant's Supplemental Motion to Dismiss: Filed February 14, 2018
- Defendant's Motion to Quash Grand Jury Subpoena: Filed March 27, 2018 - *separately resolved*
- City of Bloomington's Motion to Quash Subpoena: Filed July 17, 2018 - *addressed*
- Defendant's Motion for Change of Venue: Filed July 31, 2018 *Need date anticipated not to be filed* - *10/24/18 all day*

Outstanding Discovery Issues:

- Defendant still awaits discovery from the 70+ boxes of records in Pontiac, IL
- Subpoena Return Dates for subpoenas to be issued to VenuWorks, Illinois Department of Revenue, and CEFCU
- Defendant requests copies of all complaints for search warrant, supporting affidavits, search warrant returns and any other related documents for all search warrants in this case

Outstanding Subpoena Responses

- Subpoena to Bronner Group - *waiting for compliance*
 - Contacted our office and indicated responsive documents would be mailed to the Court
- Subpoena to David Hales *Released*
 - Contacted our office and indicated he had no responsive documents in his possession
- Subpoena to Brian Barnes *Released*
 - Contacted our office and indicated he had no responsive documents in his possession

ELEVENTH JUDICIAL CIRCUIT
McLEAN COUNTY, IL

McLEAN COUNTY
FILED
AUG 07 2018
CIRCUIT CLERK

People
Plaintiff,

v.
Butler
Respondent.

Case Number: 18 CF 1025

ORDER ON REQUEST FOR EXTENDED MEDIA COVERAGE

THIS MATTER COMING BEFORE THE COURT on a filed request for extended media coverage, the Court hereby orders the following:

Within the guidelines established by the Illinois Supreme Court Policy on extended media coverage, the Eleventh Judicial Circuit's Administrative Order on extended media coverage, extended media coverage is granted in connection with the trial or proceeding scheduled to commence on 8/7/18, 2018 at 9:00 a.m. p.m., and for all subsequent proceedings until the full conclusion of the case or as otherwise ordered by the Court, and subject to ruling on any filed objections.

The following means of extended media coverage are authorized:

- Still or Digital Photography _____
- Video Recording (with audio recording) _____
- Audio Recording _____

The following restrictions shall additionally apply: _____

Extended media coverage is hereby denied for the following reason: _____

A hearing on the request for extended media coverage is scheduled on: _____
20 _____ at _____ a.m. / p.m.

DATED: 8/7/18, 2018



Judge

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-10

MCLEAN

FILED

JUL 26 2018

CIRCUIT CLERK

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 Bradley A. Rigdon. The Defendant, JOHN Y. BUTLER, appears by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C. and Scott Kording of Meyer Capel, A Professional Corporation. The Court, being fully advised in the premises, hereby FINDS and ORDERS as follows:

1. The parties stipulate to entry of this *Agreed Order Modifying Defendant's Bond Conditions to Allow Out-of-State Travel*.
2. The terms of the bond of the Defendant, JOHN Y. BUTLER, are hereby modified to permit Defendant to leave the State of Illinois for travel to Indianapolis, Indiana from August 17 through August 19, 2018.

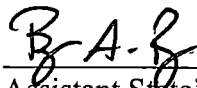
IT IS SO ORDERED.

Entered this 26 day of July, 2018.

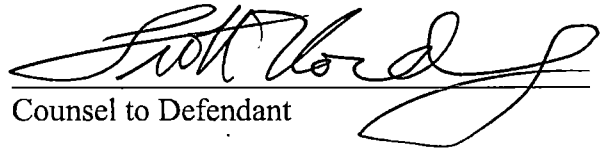


THE HONORABLE WILLIAM A. YODER
Judge of the Circuit Court

Approved as to Form and Substance:



Assistant State's Attorney



Counsel to Defendant

Prepared by:
SCOTT KORDING
MEYER CAPEL, A Professional Corporation
202 North Center Street
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Fax]
SKording@MeyerCapel.com
ARDC No. 6286628

✓

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

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

No. 2017-CF-1025

McLEAN
FILED
JUL 31 2018
CIRCUIT CLERK
COUNTY

MOTION FOR CHANGE OF VENUE

NOW COMES the Defendant, John Y. Butler, by and through his attorneys, J. STEVEN BECKETT of BECKETT LAW OFFICE, P.C., and SCOTT KORDING of MEYER CAPEL, P.C., and pursuant to 725 ILCS 5/114-6 respectfully moves for a change of place of trial. In support thereof, Defendant states as follows:

Introduction

1. John Butler brings this motion pursuant to 725 ILCS 5/114-6(a) seeking a change of venue on the grounds that his ability to receive a truly fair trial in McLean County is in serious doubt. As a lifelong Bloomington resident with a deep respect for his community, Defendant brings this motion with some reluctance, and only because a recently conducted professional survey has established that a troublingly amount of the McLean County populations has already pre-judged the facts of the case. Under those circumstances, trying the case against the backdrop of a massive flood of local pretrial publicity creates too much risk of denying Defendant his constitutional right to have his fate decided by people who will listen to the evidence presented at trial without having already made up their minds about what actually occurred.
2. Under the law, the Court has an obligation to ensure that the jury tasked with determining the State has met its burden to prove Defendant's guilt is a fair one. Where, as here, there

are insufficient guarantees that the jurors will not consider extrajudicial information in deciding whether the State has proven Defendant's guilt beyond a reasonable doubt, a change of venue is appropriate.

Background

3. Mr. Butler is a well-known member of the McLean County community. He is the president and CEO of Central Illinois Arena Management, Inc. The development, construction, and operation of the U.S. Cellular Coliseum, also known as the "Coliseum" has been the focus of governmental and public controversy from the early 2000's. The development of the Coliseum involved a public referendum where a majority of the public voted against the creation of the Coliseum, and a Bloomington City Council decision to build and operate the Coliseum on a 5-4 vote. There was extensive media coverage of each of these events, to wit:
 - a. Tari Renner, while an IWU professor, created a non-binding referendum with the question "WOULD YOU SUPPORT THE CONSTRUCTION IF CITY OF BLOOMINGTON" used tax dollars to build and pay for the operation of the Coliseum. The referendum results showed opposition to the construction of the building.
 - b. Mayor Judy Markowitz cast the deciding vote 5-4 to approve the construction of the Coliseum. The members who voted for the Coliseum lost their seats and the mayor retired. The new council members campaigned against the Coliseum.
 - c. The local Living Wage organization protested and had multiple rallies at city council meetings and at the CIAM offices. They wanted the management

company to pay a \$12/hour rate for all part time employees. The City of Bloomington council would not vote on any living wage increases.

- d. In 2005, there was a major lawsuit with the original management company, Bloomington Partners, and the City of Bloomington rescinded the original management agreement and CIAM had a first right of refusal on the contract.
 - e. In 2009, the City of Bloomington voted to increase sales tax of a quarter of 1% to pay for the annual debt service of the Coliseum in 2009, which was a controversial decision.
 - f. In 2009, Mayor Steve Stockton blamed the Coliseum for the city's poor S & P rating. He also said that he would consider selling the Coliseum at a fair price. (November 11, 2009) - WMBD/WYZZ TV, reporter Jacob Long.
 - g. The Pantagraph's regular reports on the Coliseum's quarterly losses as key to its consistent portrait of CIAM as incompetent or failing, when in fact CIAM performed as well as most comparable arenas.
 - h. The Pantagraph, WJBC, and WGLT covered Diane Benjamin's lawsuit against the City of Bloomington for the release of CIAM/BMI food and beverage financial documents. Her lawsuit added to the media's portrayal of CIAM's supposed incompetency and possible criminality.
4. Thus, even before he was charged with the crime for which he now faces trial, Mr. Butler was very prevalent in media coverage, and much of the McLean County community already knew and had formed opinions about him. His arrest in this case has only increased his visibility in the community. This case has been sensationalized in the local media and reported on in an unprecedented level of detail in print, on television, on the

radio, and on social media, to the degree that nearly every potential juror in McLean County has been exposed to considerable information – much speculative and some untrue – about him.

5. A collection of true and accurate copies of news articles, internet postings, and radio interview links are compiled and attached hereto as Group Exhibit 1. While there is even more extensive media coverage of the Coliseum, CIAM, the Defendant, and his co-defendants, Group Exhibit 1 is a general compilation of media coverage that represents the political climate and attitude of the McLean County public.
6. Mr. Butler retained an expert, Sound Jury Consulting, to conduct a community attitude survey of McLean County inhabitants. The media coverage of Defendant, as well as the other co-defendants, as well as the attitudes revealed in this survey demonstrate that McLean County is not an appropriate venue for the trial of this case.

The Pre-Trial Publicity

7. This case has been in the local media for the past year. During that time, there has been extensive coverage of the case's development in local Bloomington newspapers, television, and online media. *See* Group Exhibit 1, Collection of Media Articles Regarding the Butler Case. Mr. Butler has also had to contend with the media coverage of his co-defendants in the case, which regularly mention Mr. Butler and his case as well.
8. WJBC, a radio station which advertises itself as “the Voice of Central Illinois” hosted David Hales, the Bloomington City Manager, who announced over the radio that John and his co-defendants were part of a “complex, ongoing, thorough attempt to try to commit fraud” and that the charges against the Defendant were “like Bernie Madoff.” *See* Group Exhibit 1, Radio Interviews.

9. The mayor of Bloomington, Tari Renner, said in an interview with WGLT that the indictments against the five defendants were "not surprising" to him. At a few points in the interview, Renner described, in an exasperated tone, his long, public criticism of CIAM, saying "trying to deal with CIAM was liking trying to deal with a Soviet gulag." *See* Group Exhibit 1, Radio Interviews.
10. The local newspaper, the Bloomington Pantagraph, chose its coverage of the arraignments of John Butler and his co-defendants as the most important story of 2017. *See* Group Exhibit 1, Butler Media.
11. The December 31, 2017 Pantagraph front page featured a color photograph of the Defendant at his arraignment with the headline, "Charging of CIAM officials top local story of 2017." *See* Group Exhibit 1, Butler Media.
12. More recently, on July 24, 2018, Tari Renner gave a radio interview to GLT where he mentioned that "we had a previous management company steal from us" in reference to the Coliseum. *See* Group Exhibit 1, Radio Interviews.

Legal Standard

13. Illinois law holds that a defendant may move the court for a change of place of trial "on the ground that there exists in the county in which the charge is pending such prejudice against him on the part of the inhabitants that he cannot receive a fair trial in such county." 725 ILCS 5/114-6(a).
14. Under applicable law, this Court should grant a change of venue where "there are reasonable grounds to believe that the prejudice alleged actually exists and that by reason of the prejudice there is reasonable apprehension that the accused cannot receive a fair and impartial trial." *People v. Gendron*, 41 Ill.2d 351, 354 (1968) (quoting *People v.*

Berry, 37 Ill.2d 329, 331 (1967)). Such a motion should be granted when “it becomes apparent that it will not be possible to find 12 jurors sufficiently unfamiliar with the details of the case to withstand a challenge for cause.” *People v. Ollinger*, 112 Ill.2d 324, 343 (1986) (citing *People v. Taylor*, 101 Ill.2d 377, 387 (1984)).

The Community Attitude Survey Warrants The Relief Sought

15. To measure the effects of this pretrial publicity on the McLean County public, Defendant retained an expert, Dr. Thomas O’Toole, Ph.D., to design and conduct a community attitude survey on his behalf. This survey consisted of a random phone survey of over 200 residents of McLean County. For comparison, a similar number of Champaign County residents were also surveyed.
16. This survey was designed according to the standards set forth by the American Society of Trial Consultants, and a population sample of this size is recognized and accepted as standard for such surveys. Survey participants were randomly selected from national driver’s license and voter registration databases used by courts across the country, and screened based upon the jury criteria used by the McLean County Circuit Court; namely, that jurors must be at least 18 years of age, residents of McLean County, citizens of the United States, and able to read and speak English. Survey participants must also not have served on a jury within the preceding twelve months and must not be serving a sentence for a crime or on probation or parole. *See* the Sound Jury Consulting Report, attached hereto as Exhibit 2.
17. The results of this survey were revealing. 72.5% of respondents in McLean County have heard of the Butler case, 70% reported being familiar with the case, and 44% indicated that they have read or watched media coverage of the case. *See* Exhibit 2.

18. Additionally, 29.5% have talked about the case with their friends, family, or community members. Furthermore, when asked to state in their own words what they know about the Butler case, many survey respondents gave answers expressing clearly formed opinions of guilt, including that “he needs to be more closely watched considering what he got away with”, “that the city manager wasn’t watching closely enough & the defendant had scam going on to get a cut of concession...”, and “basically that guy and his sister ripped off the City of Bloomington.” *See Exhibit 2.*
19. As a result of this extensive pretrial publicity, a portion of survey respondents reported already having formed an opinion as to Mr. Butler’s guilt or innocence. The most telling aspect of the survey indicates that 5% of McLean County residents think that Mr. Butler is “definitely guilty”, and another 21.5% of the McLean County community think that Mr. Butler is “probably guilty”. That is over a quarter of Mr. Butler’s potential jury pool that already believes he is guilty. When asked what they knew about the Butler case, almost a hundred respondents gave answers to the effect of “he defrauded the City of Bloomington”, he “cost tax payers lots of money”, and “these guys stole the money and stole my tax dollars.” *See Exhibit 2 at 18-24.*
20. The survey sample was specifically designed to capture responses from a cross-section of the McLean County jury pool. When the results from Dr. O’Toole’s survey were extrapolated, it makes clear that a large section of potential jurors in McLean County will have preconceived opinions about Mr. Butler’s guilt, to the extent that he “may have difficulty receiving a fair and impartial trial in McLean County, Illinois.” *See Exhibit 2 at 5.*

21. The foregoing is sufficient to justify a change of venue. In *People v. Taylor*, for example, the Illinois Supreme Court found that a change of venue was necessary because of the level of pretrial publicity, the amount of publicity close in time to the trial (as opposed to earlier publicity closer to the events giving rise to charges), and the nature of the coverage providing to the public highly prejudicial and inadmissible information. 101 Ill.2d at 368. Counsel in *Taylor* also documented for the Court that the potential venire had prejudged the case, and presented evidence to the court documenting the prejudicial coverage and community attitudes. *Id.* As in *Taylor*, this is a case where publicity has been pervasive, continuous since Mr. Butler's arrest, and highly prejudicial. Mr. Butler has also documented community attitudes and prejudice, and because of these issues, a change of venue is necessary.

This Prejudice is Unique to McLean County

22. Perhaps the strongest indication that a change of trial venue would alleviate the effects of pretrial publicity lies in the survey results from Champaign County, which was chosen as a proper control due to its demographic similarities to McLean County.
23. The survey showed a remarkable difference between McLean and Champaign Counties in terms of case awareness. For instance, where 70% of McLean County respondents reported being familiar with this case, that number was less than 13% in Champaign County. Similarly, 44% of McLean County respondents have read or watched media coverage of this case, compared to the 8.5% of Champaign County respondents. Nearly a third of McLean County residents have discussed this case with friends, family, or other community members, while only 3% of Champaign County residents have done the same. *See Exhibit 2.*

24. This further emphasizes that the prejudice in McLean County is truly the result of local, rather than national, news coverage. The survey results demonstrate that the effects of pretrial publicity in this case would be practically nonexistent elsewhere in Illinois. The problems created by pretrial media coverage in McLean County are undoubtedly unique to that locality and could be cured by a change of trial venue.
25. Defendant is not suggesting that Champaign County should necessarily be chosen as an alternate venue. Champaign County was simply chosen to demonstrate that, if other factors are held equal, the pretrial publicity alone is the cause of the juror bias in McLean County. Defendant defers to the Court's discretion on this matter and will welcome a change in venue to any county in which he can receive a fair trial.

Conclusion

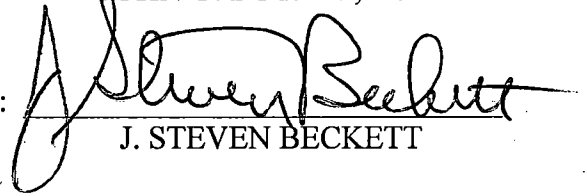
26. It is not as though there are no other options. There is absolutely no reason this case could not be tried in another county where the jurors will come to the case with an open mind and decide the issues based on the evidence presented in court. Because this is a case that deals with the City of Bloomington and the alleged misuse of taxpayer funds – of the taxes of the potential jurors – it would be difficult to envision a case that will generate more prejudgment by the McLean County venire. As the professional survey establishes convincingly, it would be difficult for Mr. Butler to receive a fair and impartial trial in McLean County, making this the exceptional case warranting relief under 725 ILCS 5/114-6.

WHEREFORE, for the foregoing reasons, Defendant respectfully requests that this Court enter an Order changing the place of trial in the above case to a location convenient to the Court outside Champaign County, Illinois.

Respectfully Submitted,

JOHN Y. BUTLER, Defendant

By:



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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 July 31, 2018, he did cause a copy of the foregoing *Motion to Change Venue* to be hand delivered to the following:

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



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SOUND JURY CONSULTING

strategy • research • graphics

Community Survey Report

The People of the State of Illinois v. John Y. Butler

Prepared for

J. Steven Beckett
Beckett Law Office PC

June 27, 2018

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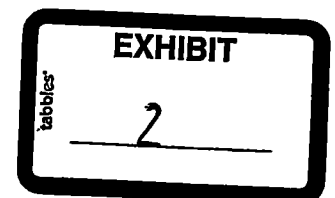


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BACKGROUND AND BASIS FOR OPINIONS

This community attitude survey was designed and conducted, and this report was written by Thomas M. O'Toole, Ph.D. of Sound Jury Consulting, located at 1200 Fifth Ave, Ste 625, Seattle, Washington, 98101.

O'Toole received his B.A. in Communication and Media Studies from Wichita State University. He received his M.A. in Communication Studies from Kansas State University and his Ph.D. in Legal Communication and Psychology from the University of Kansas, which houses one of the nation's only doctoral programs for the study of jury behavior.

O'Toole currently works as President and Consultant at Sound Jury Consulting. From 2005 to 2013, he worked for Tsongas Litigation Consulting, a national litigation consulting firm based out of Portland, Oregon and Seattle, Washington. In both settings, he was responsible for designing and implementing jury research projects across the United States.

O'Toole has extensive training and experience in social science research methods, survey design, and data analysis. His training includes formal courses in survey methodology, research design and analysis, statistics, and opinion measurement. He has conducted dozens of surveys on a variety of legal topics.

For the last fifteen years, his academic and professional experience has focused on communication, psychology, and law. Specifically, O'Toole has reviewed hundreds of academic studies on jury decision-making, conducted his own independent research on jury decision-making, and published extensively on jury decision-making and jury selection. He recently co-authored a book on jury selection through Carolina Press. As part of his research and studies, O'Toole has examined the relationship between pre-trial media publicity and juror bias.

O'Toole has designed and implemented several community attitude surveys to assist trial teams in a variety of ways. He has previously been admitted as a change of venue expert on high-profile matters in the State of Virginia and the State of Illinois.

In February of 2018, Sound Jury Consulting was contacted by counsel for the defendant to design and conduct a community attitude survey for the matter of *The People of the State of Illinois v. John Y. Butler*, and to provide an opinion regarding defendant Butler's likelihood of obtaining a fair trial in McLean County, Illinois.

In arriving at his opinion, O'Toole designed and analyzed a community attitude survey of 400 jury-eligible citizens from McLean and Champaign Counties. He also reviewed media coverage of the Butler case.

SUMMARY OF FINDINGS

The data collected in this survey demonstrates widespread knowledge of the Butler case in McLean County. The vast majority of McLean County respondents were familiar with the case and have read or watched media coverage about it. Many have gone as far as talking to family and friends about the case.

While only a small percentage of respondents were able to provide John Butler's name without prompting, a much larger percentage indicated familiarity with allegations related to the management of the coliseum.

Specifically, 70% of McLean County respondents indicated they are familiar with the case, compared to 12.5% of Champaign County respondents. 44% of respondents from McLean County have read or watched media coverage of this case, compared to 8.5% of Champaign County respondents. Describing their familiarity with the case, over half of all McLean County respondents described themselves as "very" or "somewhat" familiar with the case, compared to 10.5% of Champaign County respondents.

Nearly a third of the respondents from McLean County have actually talked with friends, family, or other community members about the case, compared to only 3% from Champaign County.

13.5% of respondents from McLean County acknowledged that they have already prejudged the case, compared to only 3.5% of Champaign County residents.

Based upon the results of this survey research, which are detailed in this report, it is my opinion that the defendant may have difficulty receiving a fair and impartial trial in McLean County, Illinois.

METHODOLOGY

This section outlines the methodology used to design and collect the data for the survey.

RECRUITMENT OF PARTICIPANTS

1. **Field Work** | K&B National Research, LLC, a national call-house based in Dallas, Texas, conducted all field work based on the survey developed and call criteria determined by Sound Jury Consulting. Sound Jury Consulting worked closely with K&B National Research throughout the process to ensure the survey was administered as designed and that no other problems arose with the administration of the survey, such as unusually low response rates. K&B National Research has ten years of experience with a variety of projects including surveys to assess support for change of venue motions, other litigation-related surveys, and many other academic, government, non-profit, and private projects. Sound Jury Consulting has previously worked with K&B National Research to conduct community attitude surveys for the purpose of a change of venue study.
2. **Venues** | McLean and Champaign Counties, Illinois.
3. **Random Selection** | Survey participants were recruited by phone. Phone numbers were randomly selected from national driver's license and voter registration databases used by courts across the country. Numbers from the database were narrowed to include only residents of the counties located within the applicable venues.
4. **Screening** | Survey participants within each county were screened based upon the jury eligibility criteria used by the county within which they resided. The jury eligibility criteria for McLean and Champaign Counties were similar.
5. **Total Participants** | 400 total (200 from McLean County and 200 from Champaign County).

PROJECT DESIGN

1. **Research Dates** | The data for this survey was collected between May 17, 2018 and June 19, 2018.
2. **Survey Design** | This survey was designed using the common methodological standards for social science research as well as the standards set forth by the American Society of Trial Consultants. A copy of the survey can be found in Appendix A.

SURVEY DATA

This section presents the data collected on relevant survey items related to case awareness and prejudgment.

Have you heard about a criminal case involving a member of the Bloomington, Illinois community who managed the city's coliseum and has been accused of defrauding the city out of large amount of money?		
	Champaign County	McLean County
Yes	15.5% (31)	72.5% (145)
No	84.5% (169)	27.5% (55)
Don't Know/Uncertain	0%(0)	0%(0)

Do you know the name of the member of the Bloomington, Illinois community who managed the city's coliseum and has been accused of defrauding the city out of large amount of money?		
	Champaign County	McLean County
Yes	0% (0)	10% (20)
No	100% (200)	90% (180)
Don't Know/Uncertain	0%(0)	0%(0)

What is the name of the accused? (RECORD ANSWER VERBATIM)		
	Champaign County	McLean County
John Butler (full name, first name, or last name)	0% (0)	5.5% (11)
Don't Know/Uncertain/Other	100% (200)	94.5% (189)

On March 11, 2016, John Butler was indicted on 44 charges alleging that he defrauded the city of Bloomington of more than \$1,000,000 during the time that his company managed the city-owned arena, then named the US Cellular Coliseum. Are you familiar with this case?		
	Champaign County	McLean County
Yes	12.5% (25)	70% (140)
No	87.5% (175)	30% (60)
Don't Know/Uncertain	0%(0)	0%(0)

How familiar would you say you are with this case?		
	Champaign County	McLean County
Very familiar	0% (0)	4.5% (9)
Somewhat familiar	10.5% (21)	48% (96)
Somewhat unfamiliar	6%(12)	18%(36)
Very unfamiliar	83.5%(167)	29.5%(59)
Not applicable	0%(0)	0%(0)

Have you read or watched media coverage of this case?		
	Champaign County	McLean County
Yes	8.5% (17)	44% (88)
No	91.5% (183)	56% (112)

How much do you follow the media coverage of this case?		
	Champaign County	McLean County
Very Closely	0% (0)	1.5% (3)
Somewhat Closely	2% (4)	16.5% (33)
Very Little	6%(12)	20.5%(41)
Not At All	0.5%(1)	5.5%(11)
Not Applicable	91.5%(183)	56%(112)

Have you seen anything about this case on television?		
	Champaign County	McLean County
Yes	9.5% (19)	28% (56)
No	90.5% (181)	72% (144)

Have you heard anything about this case on the radio?		
	Champaign County	McLean County
Yes	3% (6)	29.5% (59)
No	97% (194)	70.5% (141)

Have you read anything about this case on the internet?		
	Champaign County	McLean County
Yes	6% (12)	32.5% (65)
No	94% (188)	67.5% (135)

Have you read anything about this case in any blogs, such as BLN News?		
	Champaign County	McLean County
Yes	1.5% (3)	5.5% (11)
No	98.5% (197)	94.5% (189)

Have you talked with friends, family, or other community members about this case?		
	Champaign County	McLean County
Yes	3% (6)	29.5% (59)
No	97% (194)	70.5% (141)

Have you formed an opinion about the guilt or innocence of John Butler?		
	Champaign County	McLean County
Yes	3.5% (7)	13.5% (27)
No	96.5% (193)	86.5% (173)

How strong would you describe your opinion about the guilt or innocence of John Butler as being?		
	Champaign County	McLean County
Very strong	0.5% (1)	5% (10)
Somewhat strong	1.5% (3)	7% (14)
Somewhat weak	0% (0)	1.5% (3)
Very weak	1.5% (3)	0% (0)
Not applicable	96.5% (193)	86.5% (173)

Based on what you have read or heard, do you think that John Butler is?		
	Champaign County	McLean County
Definitely guilty	1% (2)	5% (10)
Probably guilty	8.5% (17)	21.5% (43)
Uncertain/I don't know	89.5% (179)	71.5% (143)
Probably not guilty	1% (2)	1.5% (3)
Definitely not guilty	0% (0)	0.5% (1)

APPENDIX A: THE SURVEY INSTRUMENT

Introduction

Hello, my name is _____ and I am with _____. We are conducting a brief telephone survey of McLean/Champaign County residents to obtain opinions about the criminal justice system and about a specific case. Your phone number was randomly selected. The survey should take 10 minutes or less. We will ask you some basic demographic information, but will not be asking for any identifying information such as your name, address, or anything along those lines. Would you be willing to participate?

****If respondent refuses to participate, ask why and record the response verbatim**

I want to begin by telling you that there are no right or wrong answers to any of these questions and you are free to answer “don’t know” or “no opinion” at any time.

Qualifications/Screeners

- **In order to increase the participation rate of young males, ask for the youngest male over the age of 18 first, followed by any male over the age of 18. Then ask for the youngest female over the age of 18, followed by any female over the age of 18.**
1. Are you at least 18 years of age? If “no” and no other household member is over the age of 18, terminate call.
 2. Are you currently a resident of McLean/Champaign County? If “no,” terminate call.
 3. Do you read and speak English? If “no,” terminate call.
 4. Are you a United States citizen? If “no,” terminate call.
 5. Do **any** of the following apply to you? If “no,” terminate call.
 - a. Is a registered voter?
 - b. Has an Illinois Driver’s License?
 - c. Has an Illinois State Identification Card?
 - d. Has an Illinois Disabled Person ID Card?
 - e. Currently receives unemployment compensation?
 6. Do you have a physical or mental disability that would prevent you from serving on a jury? If “yes,” terminate call.

7. Are you a member of the active military service? If "yes," terminate call.

Survey

I am going to read to you a few statements and for each statement, I would like you to tell me if you strongly agree, somewhat agree, somewhat disagree, strongly disagree, or don't know. Let's start with the first statement.

8. If a case makes it all the way to trial, the defendant must be guilty of something.
Would you say you:

- a. Strongly agree
- b. Somewhat agree
- c. Somewhat disagree
- d. Strongly disagree
- e. Don't know/uncertain

9. Prosecutors bring too many cases to trial in which the evidence does not show the defendant is guilty. Would you say you:

- a. Strongly agree
- b. Somewhat agree
- c. Somewhat disagree
- d. Strongly disagree
- e. Don't know/uncertain

10. If someone is accused of a crime, he or she must have done something wrong.
Would you say you:

- a. Strongly agree
- b. Somewhat agree
- c. Somewhat disagree
- d. Strongly disagree
- e. Don't know/uncertain

11. Too many people in our society are wrongfully accused of crimes they did not commit. Would you say you:

- a. Strongly agree
- b. Somewhat agree
- c. Somewhat disagree
- d. Strongly disagree
- e. Don't know/uncertain

12. I find news stories about crime interesting. Would you say you:

- a. Strongly agree
- b. Somewhat agree
- c. Somewhat disagree
- d. Strongly disagree
- e. Don't know/uncertain

13. Do you follow the local news?

- a. Yes
- b. No

14. How often do you read a local newspaper (in print or online), watch a local news show, or listen to local news on the radio?

- a. Daily
- b. Weekly
- c. A few times a month
- d. A few times a year
- e. Never

15. Do you read The Pantagraph, either in print or online?

- a. Yes
- b. No

16. How often do you read The Pantagraph, either in print or online?

- a. Daily
- b. Weekly
- c. A few times a month
- d. A few times a year
- e. Never

17. Do you listen to WGLT 89.1 or read its news stories online?

- a. Yes
- b. No

18. How often do you listen to WGLT 89.1 or read its news stories online?

- a. Daily
- b. Weekly
- c. A few times a month
- d. A few times a year
- e. Never

19. Do you watch local television news?

- a. Yes
- b. No

20. How often do you watch the local television news?

- a. Daily
- b. Weekly
- c. A few times a month
- d. A few times a year
- e. Never

21. Have you heard about a criminal case involving a member of the Bloomington, Illinois community who managed the city's coliseum and has been accused of defrauding the city out of large amount of money?

- a. Yes
- b. No

22. Do you know the name of the member of the Bloomington, Illinois community who managed the city's coliseum and has been accused of defrauding the city out of large amount of money?

- a. Yes
- b. No

23. What is the name of the accused? (RECORD ANSWER VERBATIM)

24. On March 11, 2016, John Butler was indicted on 44 charges alleging that he defrauded the city of Bloomington of more than \$1,000,000 during the time that his company managed the city-owned arena, then named the US Cellular Coliseum. Are you familiar with this case?

- a. Yes
- b. No

25. How familiar would you say you are with this case?

- a. Very familiar
- b. Somewhat familiar
- c. Somewhat unfamiliar
- d. Very unfamiliar

26. Have you read or watched media coverage of this case?

- a. Yes
- b. No

27. How much do you follow the media coverage of this case?

- a. Very closely
- b. Somewhat closely
- c. Very little
- d. Not at all

28. Have you seen anything about this case on television?

- a. Yes
- b. No

29. Have you heard anything about this case on the radio?

- a. Yes
- b. No

30. Have you read anything about this case on the internet?

- a. Yes
- b. No

31. Have you read anything about this case in any blogs, such as BLN News?

- a. Yes
- b. No

32. Have you talked with friends, family, or other community members about this case?

- a. Yes
- b. No

33. What have you heard about this case? (RECORD RESPONSES VERBATIM)

34. Have you formed an opinion about the guilt or innocence of John Butler?

- a. Yes
- b. No

35. How strong would you describe your opinion about the guilt of John Butler as being?

- a. Very strong
- b. Somewhat strong
- c. Somewhat weak
- d. Very weak

36. Based on what you have read or heard, do you think that John Butler is:

- a. Definitely guilty
- b. Probably guilty
- c. Probably not guilty
- d. Definitely not guilty
- e. Uncertain/I don't know

37. What is your age?

38. What is your sex?

39. What is your race?

40. What is the highest education level that you have completed? Please check the appropriate box.

- | | |
|---|---|
| <input type="checkbox"/> Less than High School | <input type="checkbox"/> Technical School/Associate's Degree |
| <input type="checkbox"/> High School Graduate/GED | <input type="checkbox"/> College Graduate (Major: _____) |
| <input type="checkbox"/> Some College | <input type="checkbox"/> Post Graduate (Area of Study: _____) |

41. What is your employment status? Please check the appropriate box.

- | | |
|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> Full-time | <input type="checkbox"/> Disabled |
| <input type="checkbox"/> Part-time | <input type="checkbox"/> Retired |
| <input type="checkbox"/> Student | <input type="checkbox"/> Unemployed |
| <input type="checkbox"/> Home-maker | |

42. What is your political party affiliation?

- Not affiliated
- Democrat
- Independent
- Republican
- Other: _____

APPENDIX B: KNOWLEDGE OF CASE

This section contains the responses by survey participants from McLean County to Question #33 on the survey, which asked them, "What have you heard about this case?"

Nothing, I've heard nothing of this.
That he was being charged with mishandling funds
A couple of people he knows worked with the men accused and they didn't have anything nice to say and it's an interesting case
Well, since the Coliseum has been in town, it's been one problem after another about management, it was voted against by the community but went up anyway, and when you see funny stuff happening around it, it's no surprise something bad was happening.
I heard a little about the case from family
I heard that just pretty much about John and that others were involved
nothing
HEARD IN BACKGROUND ON RADIO
next to nothing
SEEN IT ON TV
Just the headline that he was accused of defrauding the city
Nothing
Nothing
He heard every detail about it. He has tried to call them out because proper audits haven't been done and he reached out to the city council about audits.
Nothing
I heard that the person who managed the US Colosseum enabled a lot of money.
Just that they went out of business and there was some corruption going on.
They were taking money from the city.
That he was taking money from the coliseum for himself
Just the general overview of the case.
Nothing
Nothing
Nothing
There was fraud committed, that's about it.
Well, being it seems it's typical in Illinois for fraudulent cases to be happening, I may have heard about it brief pauses and brief readings, I don't know much about it personally.
Read one story he was being accused
That he is being charged with fraud

Just the headlines that there was an issue at the coliseum and the person that was in charge of it was accused of embezzlement
White power type crime, and they are going to try to make him pay it back, to minimize or negate the complaint.
Heard the coliseum was mismanaged and money was handled inappropriately. And cost tax payers lots of money.
Nothing.
That he stole money and coliseum poorly managed
That he was accused
That charges were filed
That the city hired firm for coliseum and that 6 more people were involved
That he & others was accused of stealing money
Just the charges filed, and money involved.
That it was 5 people involved the guy was David claim & a female & that they stole money & the charges are money laundry, theft and fraud
Nothing recent doesn't remember
A man is in trouble for supposedly taking money.
He needs to be more closely watched considering what he got away with.
Just the information that I've received and I'm aware of, it's really a shame that there are people out there defrauding the state, unfortunately Illinois seems to be rather popular for it
Nothing other than what you told me
Nothing
Money came up missing and the guy in charge is responsible for it.
That there was a problem with the management they either were not paying the bills and not making the money they thought it was going to make.
Heard that he got a lot of money that he probably shouldn't have
Just from the questions I asked
I heard that the dude from the coliseum basically committed fraud, stole a lot of money from the coliseum for his own personal use.
The company we hired had embezzled money and it's not the first time it has happened it supposed to bring money into the town but had done nothing but take money from the town.
I might have heard his name in the news
Just what you said, I just remember there was fraud involved with the coliseum
Other than what was said on call Nothing
Just that 4 people were indicted for ripping off the coliseum.
There is a new owner and that is something that is interesting because it seemed to do well with the current owner.
Have not heard anything about this case.

How local business owners were possibly defrauding people they work with closely.
I just read the initial Pantograph when he was accused.
That he has been accused of fraud.
HEARD HE WAS LAUNDERING MONEY THROUGH THE COLISEUM AND OTHER PEOPLE WERE HELPING COVER IT UP.
Just that the company that was managing the coliseum stole a bunch of money.
That the individual has defrauded the coliseum.
ABOUT THE CLEANING EQUIPMENT THE CITY BOUGHT AND HE RENTED BACK TO THE CITY, AND HE TOOK A FEW
That the former owners were stealing money from the coliseum basically.
Just, I've heard that a lot of people are upset that a lot of the cities money was stolen.
Read it in the newspaper that he has been accused of taking money for quite some time now.
Just heard about it on the news that the person managing the collision had defrauded the county.
HAS NOT HEARD ANYTHING OF THE CASE
Nothing
Basically, that they were stealing money and got caught, clearly.
Have not heard anything about this case.
Basically, just what was in the Pantograph. Just saying that he was being tried for using state funds for personal use.
I've heard that John Butler and the other were indicted, there was 100's of accounts against them. I guess was in a money laundering scheme, where they were putting money where they wasn't supposed to. Basically pocketing the money.
Heard about the state giving him back his bond money.
Has not heard about this case
Basically, you have stated that he has taken money and he was indicted and the date for the court is to set.
That the city council did a crappy job and if it's true they should be punished. Again you are going with my emotions and not facts. It will still be council's fault.
All I have heard that someone was accused of getting a lot of money and costing the city a lot of money.
Him and 4 other people are involved in this case. Two of them already plead guilty. There's like over 100 indictments including money laundering, fraud, and tax evasion.
Heard that there is a ton of money involved.
That he took a lot of money from the city of Bloomington
I haven't heard anything about it at all
I have heard nothing about it at all
I have heard that so and so embezzled money from Bloomington
I didn't even remember the name I just heard about him taking the money
Pretty much what the headline says

Nothing.
That the city manager wasn't watching closely enough & the defendant had scam going on to get a cut of confession & some charges got dropped
Nothing
Not much other than he was accused and they have enough evidence to take him to trial.
That there was somebody that worked for town & think they said someone took money from the Coliseum
That there was mismanaging that could cause tax payers money
The best I can remember. There was some money that wasn't declared as part of the receipt. It went from customer to pocket.
Just what newspaper & news say & that they schemed people out of money & they lost their jobs because of it
NOTHING
n/a
I read in the paragraph about an accusation that he defrauded those who run the coliseum, about money.
Nothing, I know John Butler's name, cause I know that the coliseum was mismanaged.
Just read the initial article, that's it.
I heard there was a guy said he was accused of stealing from the city, I just briefly heard about it.
That the main guy was acquitted, attorney Stephanie Long, and others being charged with the same thing for stealing money put couldn't prove it at one point, more ongoing of people being accused
Hmm...very little. Don't remember.
Just heard that he was taking money from the city.
Nothing.
I just heard that the man had been accused and left his job for a job up north.
Basically I have heard that there was something about them dipping into food sales and some other stuff
Just that accusations that have been made
I've only heard what's been printed in the Pantagraph.
Basically just the headlines and that it was under investigation and that's basically all that I've heard or can remember at this point.
The only thing I heard is there was a mishandling of some money in the coliseum
I knew that they were looking for what they thought was lost revenue.
I would have to say I have heard very little and I discussed it with my son
Just the fact that an individual has been accused and indicted of defrauding the city and it had to do with the coliseum.
I have heard that the arena was made faulty and he left it in disarray to say the least among other things about financial matters.

Umm..just the alleged fraud, pretty much everything that's printed in paper,
Nothing
I have heard nothing about it
Nothing
It was a long time ago, I had heard community members that were concerned that there were a lot of people they thought might be involved tangentially to that case.
I have heard exactly what you said
I heard that these guys stole the money and stole my tax dollars.
I think it was about the concessions. Someone was accused of embezzling money.
Just that he embezzled money.
That they lied and there is several people indicted
That a lot of money was taken
Nothing
He was accused of taking funds
That he mismanaged and made money doing it
Nothing.
Well, just what you originally said that he stole a lot money.
Has to do with the mismanagement of money in the coliseum, percentages of money belonging to the city were pocketed by the management of the coliseum
I don't recall anything
No reply
Just that they used to managed the coliseum and can't remember if they were fired or the contract ended and they found out that there was money missing. Think I read it on the Pantagraph.
I've heard about but haven't discussed about it.
I'm interested in the case because I don't want the city to be defrauded
I heard that there was embezzlement charges and money was being taken during the events and they were disappearing
Well you're indicating there is only one person involved. I thought there was several
JUST READ THAT THERE WAS SOME DEFRAUDING MONEY BUT KNOW NO DETAILS.
That the guys took some of the money that they were to turn over to the city.
That he was accused of embezzling a lot of money
Do not know about case.
He is accused of laundering money or taking it for his personal purposes.
Nothing
Hmm..there was four or five people being charged and one's charges were dropped. There still pursuing for the main one.
I think I may have heard something about it but I don't know any details
Just know that people coliseum were not being unlawful. They were breaking the rules.

Just heard that somebody was mismanaging funds of the coliseum
Just the headlines
I heard that this gentleman before he came to Bloomington had done the same thing with his previous clients, heard that he used his company credit card for personal charges totaling \$100,000.
Just what I read in the paper
They knew the city officials who knew about. Someone knew that it was not being collected from the city.
Just basically that he took money and covered it up, he stole money
Basically that a guy and his sister ripped off the city of Bloomington
Just what you've told me today.
Just what you've told me today, I knew there was some perceived corruption, but that's all.
I heard that he embezzled the money and is trying to get out of it and the money disappeared
What you've told me. That there's a law suit that someone is planning on bringing.
Nothing
All I know is a person who used to be in charge of the coliseum was charged with embezzlement.
Just what you've told me
Just that it existed, and John Butler was a financial planner that I knew, but he was a different person, but that's why I noticed the name.
There was a group of guys that were in charge of the arena and they were embezzling money
That he operated the coliseum and taking money
Nothing
Just that the management had done embezzlement
That he's accused of defrauding and he's in trouble in Minnesota for defrauding another company
Hmm...oh gosh! I don't know specific. The poor management about the poor managed arena. It was interesting because we feel it was managed poorly.
Very little
I heard that there were people that supposedly stole money from the coliseum.
That it happened and it was a part of the problem as to why the coliseum was losing money
n/a
That Butler shorted and didn't pay the correct amount to the city
Basically what you said about it, that's it.
More than I what read and heard in the papers.
N/A
I just know that it is ongoing. I don't really know much about it.
Just that I recognized the name was a neighbor that I knew was the manager of the coliseum.
There was a discovery that money had been missing and they tied it to John Butler and

they've brought charges against him
Nothing
Just the name you've told me, and that he may have defrauded them.
Just there were accusations that funds that belonged to the Coliseums. Basically, they were scheming funds. An audit found it when they were switching management companies allegedly.
There were 5 defendants initially and I think they dropped out one or two of them now. The number of charges are just over or under hundred. They called their fund made Kelly's Fund it had a woman's name attached to it to hide the funds. something they supposedly did to hide the money.
That they changed the name to Grossinger Motors.
Nothing
Just heard on news about the case and at the time they did not give names on anyone in particular taking money from coliseum.
I have heard only that he is being accused of stealing money from the city
That he was indicted on fraud
I just heard that it has been mismanaged and money has been embezzled.
Just what he been charged with
I read about it in the Pantagraph and read a few articles and it seems like the case is dragging on so really not really not interested in it. Lost interest in the story It is one of those white-collar crimes.
Just the allegations agent the person accused
Just that they defrauded the city of money when they were running the coliseum
nothing
It goes to show you that people are corrupt. When you have people of higher position that will take advantage of their ability to move money financially and try to cover it up. Abuse of power.
I heard that he was being accused of the defrauding the city out of money
That his name is john butler and he accused defrauding.
Just the indicted. Read and what I heard on news about it. I am a supporter for the Coliseum.
Nothing at all
Just what I have gone over with you in this conversation

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

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

No. 2017-CF-1025

MCLEAN COUNTY

FILED
JUL 27 2018
CIRCUIT CLERK

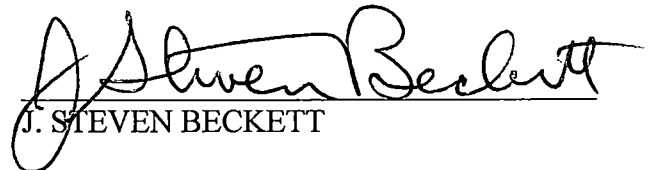
NOTICE OF HEARING

TO:

Gregory E. Moredock Sorling Northrup 1 North Old State Capitol Plaza, Suite 200 P.O. Box 5131 Springfield, IL 62705	State's Attorney's Office McLean County Courthouse 104 W. Front Street Bloomington, IL 61701
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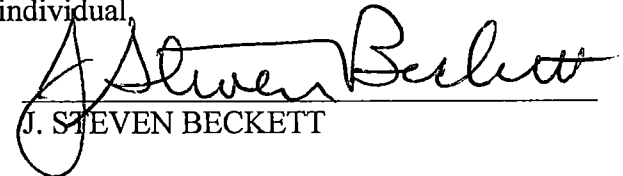
YOU ARE HEREBY NOTIFIED that on **August 7, 2018, at 9:00 a.m.**, I shall appear before the **Honorable Judge Yoder in Courtroom 3D** of the McLean County Courthouse, 104 West Front Street, Bloomington, Illinois, and then and there proceed with a **Hearing on the Motion to Quash Subpoena** in the above cause.

DATED this 25th day of July, 2018.


J. STEVEN BECKETT

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of July, 2018, a copy of the foregoing *Notice of Hearing* was served by depositing same in the U.S. Mails in an envelope securely sealed, postage prepaid and legibly addressed to the above-named individual.


J. STEVEN BECKETT

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway
Urbana IL 61801
(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.)
)
JOHN Y. BUTLER)
Defendant.)

No. 2017-CF-1025

McLEAN COUNTY
FILED
JUL 25 2018
CIRCUIT CLERK

**DEFENDANT'S RESPONSE TO THE CITY OF BLOOMINGTON'S
MOTION TO QUASH SUBPOENA**

NOW COMES the Defendant, John Y. Butler, by and through his attorneys, J. Steven Beckett, of Beckett Law Office, P.C., and Scott Kording, of Meyer Capel, P.C. and in support of his *Response to the City of Bloomington's Motion to Quash Subpoena* states as follows:

1. On September 20, 2017, the Defendant was indicted on 44 criminal charges, which ranged from, among other things, theft to money laundering to tax evasion.
2. The State alleged that the time period during which these actions occurred spanned from "the 4th day of November, 2007" through "the 4th day of April, 2016"
3. On June 7, 2018, Defendant served the City of Bloomington with two Subpoenas Duces Tecum.
4. A subpoena is a judicial compulsory process guaranteed by the Sixth Amendment to the Constitution of the United States and is applicable in "all criminal prosecutions." U.S. Const., Amend. VI; *People v. Abrams*, 2015 IL App (1st) 133746, ¶ 39; *People v. Shukovsky*, 128 Ill.2d 210, 222 (4th Dist. 1988).
5. "The trial court has broad discretion in ruling on issues of relevance and materiality and its determination will not be disturbed absent an abuse of discretion." *People v. Collins*, 2013 IL App (2d) 110915, ¶ 14.

6. The circuit court determines whether a subpoena is unreasonable or oppressive. *People v. Hanson*, 238 Ill. 2d 74, 121 (2010).
7. A subpoena is reasonable where (1) the document sought is relevant to the inquiry and (2) the specification of the document to be produced is adequate but not excessive for the purpose of the relevant inquiry. *People v. Jackson*, 116 Ill. App. 3d 430, 435–36 (1st Dist. 1983); *A.G. Edwards, Inc. v. Sec'y of State, Dep't of Sec. of State of Ill.*, 331 Ill. App. 3d 1101, 1107 (5th Dist. 2002).
8. Defendant is entitled to material which tends to negate his guilt as to the offense charged, and to evidence material to the preparation of his case not covered by the Supreme Court Rules. *People v. Cannon*, 127 Ill. App. 3d 663, 666 (1st Dist. 1984); *People v. Dunigan*, 96 Ill. App. 3d 799 (1st 1981).
9. The Defendant's Subpoenas requested information and records for relevant parties to this case from the first date listed in the indictment – November 4, 2007 – through to the date of production.
10. The Defendant narrowed down his subpoena requests to only correspondence and records that pertain to specific events that occurred over the span of those nine years, and deal directly with the 44 indictments that were brought against the Defendant. Specifically:
 - a. Any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
 - b. Any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
 - c. Any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;

- d. Any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- e. Any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Paul E. Grazar;
- f. Any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc., or of its owners, officers, managers, employees, and agents;
- g. Any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- h. The ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- i. Any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- j. Any contract negotiations or discussions related to the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena).

11. In those 44 indictments, 37 of them contain the language “or one for whose conduct the Defendant was legally responsible”, meaning that the Defendant is charged with 37 alleged crimes that he may not have even personally committed. As the State has yet to file a Bill of Particulars articulating exactly for whose conduct the Defendant is responsible – which they were ordered to do by the Court – the only way for the Defendant to figure out whose conduct he may be responsible for is to subpoena information relating to his co-defendants. This is the case for the above a-h subpoints.
12. The State defined the parameters for the date range of the Subpoenas Duces Tecum in question. The indictments lay out the dates for which the Defendant is entitled to discovery and subpoenaed records – November 4, 2007 through to the present. The Defendant had no say in determining the date range, he is merely requesting records that fall within that State’s determination of dates.
13. The State defined the parameters for the subject matter range of the Subpoenas Duces Tecum in question. The indictments cover a broad range of alleged illegal activity, from theft of City of Bloomington funds, to tax evasion, to money laundering, to wire fraud, to fraudulent filing of a sales and use tax return. These topics cover a range of discoverable material and many different financial matters under the management agreement and the custom and practice of CIAM to which the City of Bloomington was a party and possesses records on each subject.
14. It is important for the Court to note that other Illinois Courts have found that “the permissible breadth of a subpoena duces tecum is to be measured by the scope of the problem under investigation and a subpoena which is not unreasonably broad when

measured by that standard will be sustained.” *People v. Mileris*, 103 Ill. App. 3d 589, 591 (1st Dist. 1981).

15. As mentioned above, the indictments handed down from the State are fairly broad in time and subject matter. Because of the broad indictments, by necessity, the Defendant’s subpoenas must also be broad. However, the broadness of a subpoena should be measured within the scope of the broadness of the problem under investigation.
16. This is not a subpoena for witnesses, but rather a defense subpoena in aid of the Defendant’s investigation into this criminal case. It should also be noted that the Defendant’s subpoenas are no more broad than the State’s own search warrants, which had previously been issued in this case and asked to seize the following:
 - a. “Any and all documents for the accounts listed above for the period of January 1, 2015 to March 31, 2016 including by not limited to: signature cards; bank statements; bank checks; cancelled checks; deposit tickets; credit and debit memos; correspondence including but not limited to letters to the bank, letters from the bank, notes, memoranda, etc. to file; credit reports; financial statements; monthly statements.” Group Exhibit #1, page 2. A true and accurate copy of the State’s Search Warrants are attached hereto as Group Exhibit #1.
 - b. “Any and all documents abandoned by CIAM: Including but not limited to employment, personnel, payroll records or other documents located at US Cellular Coliseum located at 101 South Madison Street, Bloomington Illinois 61701.” Group Exhibit #1, page 3.
 - c. “Any and all document of any kind related to CIAM, BMI Concessions (hereinafter BMI), agents or assignees of CIAM or AMI including but not limited

to John Butler and Bart Rogers within the personnel file of Kelly Klein noted above.” Group Exhibit #1, page 4.

d. “Any and all CIAM and BMI Concessions business records, documents, contracts, notes, and emails or other data dealing with the management, marketing, or general business dealings related to the Coliseum.” Group Exhibit #1, page 5. This search warrant was issued against the City of Bloomington.

17. As far as the City of Bloomington’s complaint that the Defendant’s subpoenas are oppressive, unreasonable, or overbroad is concerned, Counsel for the Defendant has actively and diligently worked with the City of Bloomington to narrow down the requested documents to more conveniently searchable terms for the City. While the Defendant is entitled to all the records covered by the Subpoenas, his legal team is working with the City to make it easier for them to produce the required records, including providing the City with a particularized list of names to search, and agreeing to a 30 day extension on the return of the information. A true and accurate copy of the correspondence between Defendant’s Counsel and the City of Bloomington’s Counsel is attached hereto as Exhibit #2. A true and accurate copy of the list of names and search terms provided by Defendant’s Counsel to the City of Bloomington’s Counsel is attached hereto as Exhibit #3.

18. Furthermore, if the City of Bloomington can provide the State with “any and all CIAM and BMI Concessions business records, documents, contracts, notes, and emails or other data dealing with the management, marketing, or general business dealings related to the Coliseum” found on the City of Bloomington servers without finding those parameters to be oppressive, unreasonable, or overbroad, they can do the same for the Defendant.

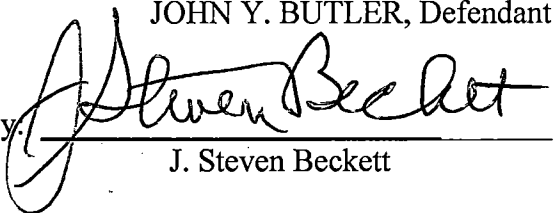
19. In the context of pre-trial subpoenas, a criminal defendant must show: (1) the requested documents are evidentiary and relevant, and are not otherwise procurable reasonably in advance of trial by exercise of due diligence, (2) he or she cannot properly prepare for trial without production and inspection of the documents in advance of trial and failure to obtain an inspection may tend to unreasonably delay trial, and (3) the application was made in good faith, and was not a general fishing expedition. *People v. Abrams*, 2015 IL App (1st) 133746; *People v. Cannon*, 127 Ill. App. 3d 663, 665 (1st Dist. 1984).
20. Any information that the City of Bloomington has regarding investigations that they conducted into the actions of the Defendant, his co-defendants, or his businesses are relevant to the Defendant's case as they will help him narrow down whose conduct he is potentially criminally liable for, the evidentiary basis for each indictment, and provide possible background information to aid in Defendant's trial strategy.
21. The City of Bloomington is the only entity in possession of the requested documents and they are not otherwise procurable through due diligence or any other means.
22. The Defendant cannot properly prepare for his trial without examining the information that the City of Bloomington – who is also the alleged victim to much of the Defendant's alleged criminal conduct – may have regarding audits that they conducted and the contract negotiations that took place which dictated the customs and practice of the Defendant's business which are now being interpreted as criminal conduct.
23. The Defendant issued these subpoenas in good faith and not as a general fishing expedition as evidenced by the fact that the Defendant's counsel has been working with the City of Bloomington to make their disclosure obligations more convenient and narrowly tailored.

24. The City of Bloomington also claims that their Motion to Quash should be granted because “many of the pages would likely include privileged communication” and “upon information and belief, many of the documents yielded by the request have no relevancy to the instant case.” However, it is not the City of Bloomington who gets to decide what is relevant to the Defendant’s criminal case. Any material sought by subpoena is sent to the court who then reviews the documents and decides whether the documents are relevant, material, or privileged and whether the request is unreasonable or oppressive, prior to allowing the moving party access to the subpoenaed material. *People v. Nohren*, 283 Ill. App. 3d 753, at 759 (4th Dist. 1996).

WHEREFORE the Defendant respectfully requests that this Honorable Court deny the City of Bloomington’s Motion to Quash Subpoena and order that they comply with the subpoenas and turn over the requested discovery material and grant such other and further relief as this court deems just and appropriate.

Respectfully Submitted,

JOHN Y. BUTLER, Defendant

By. 
J. Steven Beckett

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(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 July 24, 2018 he did cause a copy of the foregoing *Defendant's Response to the City of Bloomington's Motion to Quash Subpoena* to be delivered via the U.S. Postal Service to the following:

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

Gregory E. Moredock
Sorling Northrup
1 North Old State Capitol Plaza, Suite 200
P.O. Box 5131
Springfield, IL 62705



J. STEVEN BECKETT

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

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 Wednesday, July 20, 2016 Affiant Petitioner Special Agent Daniel Rossiter of the Illinois State Police Department 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:

CEFCU Bank accounts, with ending numbers specified below, believed to be credit accounts issued with authority to Central Illinois Arena Management, Inc (hereinafter CIAM), and/or John Butler, and/or Bart Rogers, and/or other agents or assignees.

1. Ending in 3898
2. Ending in 4535
3. Ending in 3559
4. Ending in 8583
5. Ending in 4641
6. Ending in 0258
7. Ending in 4543

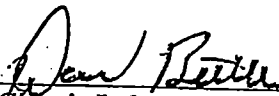
AND, IF FOUND, SEIZE THE FOLLOWING:

CEFCU Bank accounts: Any and all documents for the accounts listed above for the period of January 1, 2015 to March 31, 2016 including but not limited to: signature cards; bank statements; bank checks; cancelled checks; deposit tickets; credit and debit memos; correspondence including but not limited to letters to the bank, letters from the bank, notes, memoranda, etc. to file; credit reports; financial statements; monthly statements.

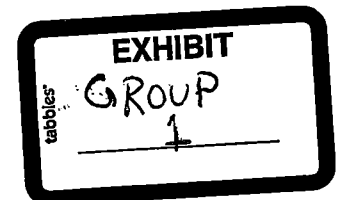
IT IS FURTHER ORDERED

- 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 named people on the account, 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, if applicable, 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."

ISSUED this 20th day of July of 2016 at 12:35 PM.



Associate Circuit Judge David Butler



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 Wednesday, July 20, 2016 Affiant Petitioner Special Agent Daniel Rossiter of the Illinois State Police Department 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:

CEFCU Bank accounts, with number specified below, believed to be accounts used in the operation and management of the U.S. Cellular Coliseum (hereinafter Coliseum) by CIAM.

1. Acct. # [REDACTED] believed to be a money market account
2. Acct. # [REDACTED] believed to be a savings account
3. Acct. # [REDACTED] believed to be a checking account
4. Acct. # [REDACTED] believed to be a money market account
5. Acct. # [REDACTED] believed to be a savings account
6. Acct. # [REDACTED] believed to be a checking account
7. Acct. # [REDACTED] believed to be a checking account

AND, IF FOUND, SEIZE THE FOLLOWING:

CEFCU Bank accounts: Any and all documents for the accounts listed above for the period of January 1, 2015 to March 31, 2016 including but not limited to: signature cards; bank statements; bank checks; cancelled checks; deposit tickets; credit and debit memos; correspondence including but not limited to letters to the bank, letters from the bank, notes, memoranda, etc. to file; credit reports; financial statements; monthly statements.

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 named account people on the account, 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, if applicable, 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."

ISSUED this 20th day of July of 2016 at 12:35 PM.

David Butler
Associate Circuit Judge David Butler

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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 Wednesday, July 20, 2016 Affiant Petitioner Special Agent Daniel Rossiter of the Illinois State Police Department 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:

US Cellular Coliseum located at 101 South Madison Street, Bloomington Illinois 61701.

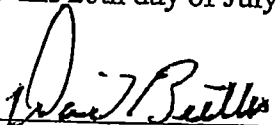
AND, IF FOUND, SEIZE THE FOLLOWING:

Any and all documents abandoned by CIAM: Including but not limited to employment, personnel, payroll records or other documents located at US Cellular Coliseum located at 101 South Madison Street, Bloomington Illinois 61701.

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, if applicable, 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."

ISSUED this 20th day of July of 2016 at 12:35 PM.



Associate Circuit Judge David Butler

590

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 Wednesday, July 20, 2016 Affiant Petitioner Special Agent Daniel Rossiter of the Illinois State Police Department 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:

Personnel file of Kelly Klein the Finance Manager of CIAM: this file is in the possession of the City of Bloomington Finance Director.


AND, IF FOUND, SEIZE THE FOLLOWING:

Any and all document of any kind related to CIAM, BMI Concessions (hereinafter BMI), agents or assignees of CIAM or BMI including but not limited to John Butler and Bart Rogers within the Personnel file of Kelly Klein noted above.

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, if applicable, 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."

ISSUED this 20th day of July of 2016 at 12:35 PM.



Associate Circuit Judge David Butler

891

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 Wednesday, July 20, 2016 Affiant Petitioner Special Agent Daniel Rossiter of the Illinois State Police Department 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:

Any and all CIAM and BMI Concessions business records, documents, contracts, notes and emails stored on the City of Bloomington server.

AND, IF FOUND, SEIZE THE FOLLOWING:

Any and all CIAM and BMI Concessions business records, documents, contracts, notes and emails or other data dealing with the management, marketing, or general business dealings related to the Coliseum.

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, if applicable, 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."

ISSUED this 20th day of July of 2016 at 12:35 PM.



Associate Circuit Judge David Butler

592

10



Fwd: City of Bloomington Subpoena Response in Case No. 17-CF-1025

Greg Moredock <gemoredock@sorlinglaw.com>

Mon, Jun 18, 2018 at 11:31 AM

To: Steve Beckett <steve@beckettlawpc.com>

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

Steve:

I have attached a signed PDF of the proposed Order you sent over this morning. I do not anticipate any person from the City appearing at tomorrow's hearing unless such appearance is needed.

I am forwarding your list of proposed individuals to our IT department for processing. In the interim, please let me know if you have any questions. Thank you.

Yours truly,

Gregory E. Moredock

Phone: 217-544-1144

Fax: 217-522-3173

gemoredock@sorlinglaw.com

**SORLING
NORTHROP**
ATTORNEYS

1 North Old State Capitol Plaza, Suite 200

P.O. Box 5131

Springfield, IL 62705

EXHIBIT**2**

CONFIDENTIALITY NOTICE: This email and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify us immediately by return email and promptly delete this message and its attachments from your computer system. We do not waive attorney-client or work product privilege by the transmission of this message.

From: Steve Beckett <steve@beckettlawpc.com>

Sent: Monday, June 18, 2018 8:50 AM

To: Greg Moredock <gemoredock@sorlinglaw.com>

Cc: Scott Kording <skording@meyercafel.com>; Audrey Thompson <audrey@beckettlawpc.com>; Sharon Rawdin <sharon@beckettlawpc.com>

[Quoted text hidden]

[Quoted text hidden]



SKMBT_65418061811300.pdf

64K



Fwd: City of Bloomington Subpoena Response in Case No. 17-CF-1025

Steve Beckett <steve@beckettlawpc.com>

Mon, Jun 18, 2018 at 8:51 AM

To: Greg Moredock <gemoredock@sorlinglaw.com>

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

Greg:

Here is a proposed order to extend the subpoena response date. Please review and suggest any changes you think appropriate. If we can get this in final form, you could sign and send me a PDF and I can create an original for presentation to the judge tomorrow.

If someone from your office wishes to appear, we can create the original at court for entry.

I have also attached a list of names to use to narrow the email search.

Thank you.

Steve

On Sat, Jun 16, 2018 at 9:59 AM, Greg Moredock <gemoredock@sorlinglaw.com> wrote:

Steve:

That works. If there are any additional positions you would like included on this initial list please let me know. I look forward to hearing from you on Monday.

From: Steve Beckett <steve@beckettlawpc.com>

Sent: Friday, June 15, 2018 4:43 PM

To: Greg Moredock <gemoredock@sorlinglaw.com>

Subject: Re: City of Bloomington Subpoena Response in Case No. 17-CF-1025

Greg:

Let me run the list of people by my client and confirm on Monday.

I can prepare an agreed order for thirty day extension and once approved, no one from the city would have to appear. Let me know if this is acceptable and I will send it on Monday for your review.

Steve

We could

Sent from my iPhone

On Jun 15, 2018, at 4:14 PM, Greg Moredock <gemoredock@sorlinglaw.com> wrote:

Dear Mr. Beckett:

We spoke earlier today regarding the subpoena to the City of Bloomington. After speaking with City department heads, I propose that our initial response relate to emails to/from the City Manager, Assistant City Manager, Finance Director, internal accountants, and contract administrators for the time period in question relating to the items listed in your subpoena. If you agree, I will have our IT department run the search so I can better grasp the volume of responsive documents we will have. I would appreciate a 30 day extension for our response.

I also do not think it will be a problem for the City to produce a document tree showing the CIAM documents housed on City servers.

Will you need someone from the City to be present at Court on the 19th or can this be done informally? Please let me know. Thank you for your attention to this matter.

Gregory E. Moredock

Phone: 217-544-1144

Fax: 217-522-3173

gemoredock@sorlinglaw.com

<image001.jpg>

1 North Old State Capitol Plaza, Suite 200
P.O. Box 5131
Springfield, IL 62705

CONFIDENTIALITY NOTICE: This email and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify us immediately by return email and promptly delete this message and its attachments from your computer system. We do not waive attorney-client or work product privilege by the transmission of this message.

--

J. Steven Beckett
Beckett Law Office PC
508 South Broadway Avenue
Urbana IL 61801
(217)328-0263
(2117)328-0290 FAX
steve@beckettlawpc.com

2 attachments**Proposed Agreed Order Extening Subpoena.doc**

33K

**Proposed List of Search Names.docx**

16K

Proposed Email Search List

Mayor

Judy Markowitz
Steve Stockton
Tari Renner

City Manager

Tom Hamilton
David Hales
Steve Rasmussen, Interim City Manager

Deputy City Manager

Steve Rasmussen
Barbara (Barb) Adkins
Brian Brakebill

Assistant to the City Manager

Alex McElroy

Executive Assistant to City Manager

Kathryn Buydos
Beth Oakley

Legal (non-privileged communications)

Todd Greenburg
Jeff Jurgens
Greg Moredock
George Boyle, assistant corporation counsel
Rosalee Dodson, assistant corporation counsel
Christopher Maurer, paralegal

Coliseum/COB Liaison

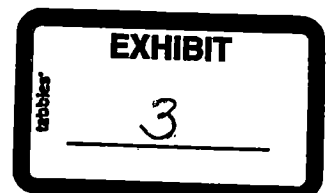
Leslie Smith-Yocum, contract administrator, since June 2017. Yocum was an hourly consultant in 2015/2016 working as the liaison between the COB and Coliseum, and we would like to see all those emails prior to her full-time employment as contract administrator

City Clerk

Tracey Covert – retired

Finance Director

Brian Barnes
Tim Ervin
Patti-Lynn Silva



Scott Rathbun, interim since April 2018

Finance Department

Paulette Hurd, chief accountant

Pamela Reel, chief accountant

Judy Whitehart, retired around 2008; involved in Coliseum finance

Scott Rathbun, senior budget manager

Carla Murillo, budget manager

Diana (or Dianne) Fazio, accountant

Laura Hughs, accountant

Jennifer Klein, accountant

Deanna Mocchi, accountant

Annemaria Cummings, accountant

Jocelyn Whitehart, box office manager

Superintendent Parks and Rec

John Kennedy

Barb Wells

Jay Tezloff – Was in meetings with CIAM and Hales in March 2016

Pepsi Ice Center Manager

Richard Beck

Mike Hernbrott

Brendan Heffner, Chief of Police

Scott Sprouls, Director of Information Services

Matt Noonan, Support Specialist for the Coliseum

Mark Huber, Director of Plan and Code Enforcement

– was involved with initial planning and construction of Coliseum (retired)

All emails in which Mike Nelson appears from June 2009 to present

All COB emails to or from persons associated with the Bronner Group.

All COB emails to or from persons associated with VenuWorks.

All COB emails to or from State Police SA Dan Rossiter, SA Rodney Slayback, and Illinois Department of Revenue agent, Lisa Matheny

All emails to or from Jane Everhart, CIAM Box Office Manager.

4. By agreement of the parties, the return date was extended to July 19, 2018, and Defendant agreed to revise its request to limit the number of individuals' emails he was seeking.

5. The two subpoenas remain overly-broad and unduly burdensome and should be quashed.

6. The use of subpoenas to have compulsory process for witnesses in his favor in criminal prosecutions is guaranteed by the Sixth Amendment and encompasses the production of documentary evidence by Subpoena duces tecum; however, subpoenas should not be "general fishing expeditions," and cannot be oppressive, unreasonable, or overbroad. People ex re. Fisher v. Carey, 77 Ill.2d 259, 265, 270 (1979).

7. A court should grant a motion to quash a subpoena if a request is oppressive, unreasonable, and overbroad. Carey, supra.

8. Category No. 1 from the Subpoenas includes "any and all documents or communications . . . initiated, sent or received by City of Bloomington, Illinois or any of its current or former officers, employees, or agents . . . transmitted to, received from, or exchanged with, between, or among any other current or former officers, employees, or agents of the City of Bloomington, Illinois; any federal state or municipal law enforcement, or agency, or any of its current or former officers, employees or agents . . ." regarding or related to a series of investigations, audits, contract negotiations and discussions. This request would literally include every single internal email sent by or received by any City of Bloomington e-mail address housed by the City over an eleven-year period relating to U.S. Cellular coliseum.

9. Category No. 2 requests a list of all CIAM documents maintained on the City's servers for an eleven-year period. This is in no way tailed toward documents relevant to these

instant proceedings, but rather seeks every piece of U.S. Cellular Coliseum information housed electronically by the City of Bloomington.

10. Defendant has provided a proposed narrowed list of individuals' emails to search. This list contained approximately fifty individuals whose emails were requested over a ten-year period.

11. Upon information and belief, there are between 10,000 and 20,000 pages of documents per month of potentially responsive emails. These results would then need to be narrowed down to those relating to investigations, audits, contract negotiations, and discussions relating to the U.S. Cellular Coliseum. The request is so broad that it is impossible to limit the search to quarrifiable terms and therefore would require personal review of over one million pages of documents.

12. Upon further information and belief, many of the documents yielded by the request have no relevancy to the instant case.

13. In addition, many of the pages would likely include privileged communication, and therefore City's counsel would have to review each of the pages yielded by the search to ascertain: (i) whether the documents produced were actually within the Defendant's request and relevant to the instant matter and (ii) whether any of the documents contain otherwise privileged or confidential material.

14. The need to review these documents is further exacerbated by the fact that Defendant has filed a civil lawsuit against the City on the same subject matter as this proceeding and the communications returned by a search pursuant to Defendant's request in this case would also reveal potential privileged communications relating to the civil matter.

15. The request is overly broad requests amount to nothing more than a general fishing expedition and that would yield information not relevant to the instant case.

16. To comply with the Subpoena and provide all of the requested documents to the Court for a review to determine their relevancy would be oppressive and unreasonable to both the City of Bloomington and this Court.

WHEREFORE, Movant, THE CITY OF BLOOMINGTON prays that the Subpoenas served by Defendant upon City be quashed, or, in the alternative, that the Subpoena be modified to include only relevant documents to the instant proceeding and the City be granted an extension to review and respond to the Subpoena and be less burdensome and for any other relief that this Court deems just.

Respectfully submitted,

THE CITY OF BLOOMINGTON,
Movant,

By: 

One of Its Attorneys

Sorling Northrup
Gregory E. Moredock, of Counsel #6313538
1 North Old State Capitol Plaza, Suite 200
P.O. Box 5131
Springfield, IL 62705
Phone: 217-544-1144
Fax: 217-522-3173
E-mail: gemoredock@sorlinglaw.com

PROOF OF SERVICE

The undersigned hereby certifies that on this 17 day of July, 2018, a copy of the foregoing document was served electronically and by placing same in a sealed envelope and placed in the United States Mail at Springfield, Illinois with postage fully prepaid, to the following:

Attorney for State
McLean County State's Attorney
104 W. Front St.
Bloomington, Illinois 61702

Attorney for Defendant
J. Steven Beckett
Beckett Law Office PC
508 South Broadway Ave.
Urbana, IL 61801
steve@beckettlawpc.com

Courtesy Copy To:
The Honorable William A. Yoder
Judge of the McLean County Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

A handwritten signature in black ink, appearing to read 'W. A. Yoder', is written over a horizontal line.



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

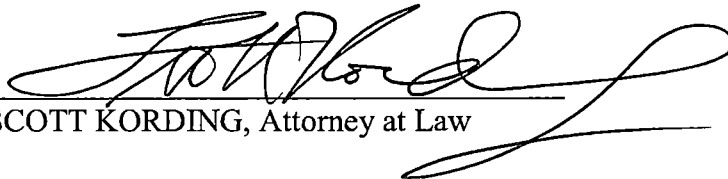
McLEAN **FILED** **COUNTY**
JUL 12 2018
CIRCUIT CLERK

NOTICE OF HEARING

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

YOU ARE HEREBY NOTIFIED that at 10:00 A.M. on July 26, 2018, 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 the return of the attached Subpoena Duces Tecum issued to the Bronner Group, LLC.

Dated this 10th day of July, 2018.


SCOTT KORDING, Attorney at Law

SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@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.) No. 17-CF-1025
)
JOHN Y. BUTLER,)
)
Defendant.)

SUBPOENA DUCES TECUM

McLEAN COUNTY
FILED
JUN 07 2018
CIRCUIT CLERK

TO: Bronner Group, LLC
C/o Gila J. Bronner, Registered Agent
120 North LaSalle Street, Suite 1300
Chicago, IL 60602

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

COMPLIANCE REQUIRED

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

RETURN DATE

YOU ARE COMMANDED to appear before the judicial officer identified below in Courtroom 3D (or the courtroom to which you are directed by courthouse personnel) at 10:00 A.M. on July 26, 2018 (hereinafter the "Return Date"), to produce and deliver the responsive items, documents, and evidence identified below.

RESPONSIVE MATERIAL TO BE PRODUCED

YOU ARE FURTHER COMMANDED to identify, locate, and produce all of the following items, documents, and evidence (hereinafter collectively the "Responsive Material") on the Return Date specified above:

For the applicable period specified below, any and all documents or communications (including all attachments or enclosures) initiated, sent, or received by the Bronner Group, LLC, or any of its current or former employees, agents, or affiliates, and transmitted to or exchanged with, between, or among

- any other current or former employees, agents, or affiliates of the Bronner Group, LLC;
- the City of Bloomington, Illinois, or any of its current or former officers, employees, or agents (including without limitation Tom Hamilton, David Hales, Barb Adkins, Steve Rasmussen, Nora Dukowitz, Patty-Lynn Silva, Brian Barnes, Tim Irvin, Scott Sprouls, Matt Noonan, any mayor, any member of the City Council, etc.);
- any federal, state, or municipal law enforcement agency, or any of its current or former officers, employees, or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue, or any of its current or former officers, employees, or agents;
- any federal or state prosecuting authority, or any of its current or former officers, employees, and agents (including without limitation the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the McLean County State's Attorney, etc.);
- VenuWorks of Bloomington, LLC, or any of its current or former employees or agents;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents (including Mike Nelson and Jane Everhart);
- BMI Concessions, LLC, or any of its current or former employees or agents;
- Attorney William A. Mueller (or any other current or former attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;
- Kelly W. Klein, or any of her agents or attorneys;
- Jay C. Laesch, or any of his agents or attorneys; and/or
- Paul E. Grazar, or any of his agents or attorneys,

regarding or related to any of the following persons, entities, or subjects:

- (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- (ii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- (iii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- (iv) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- (v) any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- (vii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- (viii) the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois; and
- (ix) any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- (x) any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum in Bloomington, Illinois (now known as the Grossinger Motors Arena).

The Responsive Material referenced in this request shall include, but not necessarily be limited to, communications or documents transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), communications or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic/digital form), and communications or documents in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.),

reports, meeting minutes, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for Responsive Material encompassed by this request shall be from November 4, 2007, through the date of production.

PRODUCTION UPON JUDICIAL OFFICER

YOU ARE FURTHER COMMANDED to produce the foregoing Responsive Material by delivering it to the following judicial officer.

The Honorable William A. Yoder
Judge of the Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

Do not deliver the Responsive Material to any other person or location. The Responsive Material must be delivered only to the foregoing judge.

METHOD AND MANNER OF PRODUCING RESPONSIVE MATERIAL

You may produce the Responsive Material by delivering it to the foregoing judge in person in open court at the Return Date.

Please note that your appearance in court is not required on the Return Date, however, if you produce and deliver the Responsive Material to the specified judicial officer on or before the Return Date listed above.

If the Responsive Material is voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

QUESTIONS ABOUT SUBPOENA

If you have questions about, or wish to make arrangements for, the delivery to the foregoing judicial officer of the Responsive Material encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. As indicated above, however, you may not deliver the Responsive Material to the undersigned attorney; instead, the Responsive Material must be delivered only to the foregoing judicial officer.

(The balance of this page is left blank intentionally.
The signature of the issuing attorney appears on the next page.)

ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by


J. STEVEN BECKETT, Attorney at Law

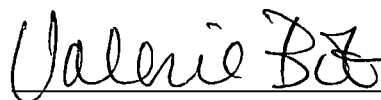
Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.com

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* and *Subpoena Duces Tecum* to be made upon the recipient(s) designated below by the following method(s):

VIA U.S. POSTAL SERVICE: A true and correct copy of the foregoing document(s)/instrument(s) was served upon the following person(s) or professional office(s) on the Date of Service indicated above by placing it in an envelope bearing both full prepayment of the proper postage or delivery charge and the proper address of the following recipient(s), and then by depositing it in the United States mail at Bloomington-Normal, Illinois, at or before 7:00 P.M.

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



Prepared by:
SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@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

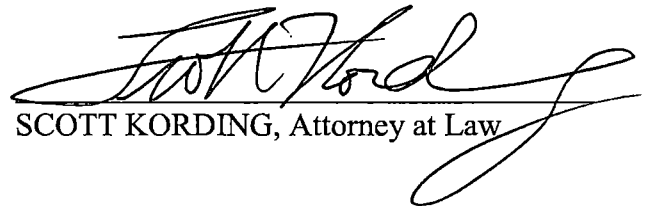
MCLEAN COUNTY
FILED
JUL 12 2018
CIRCUIT CLERK

NOTICE OF HEARING

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

YOU ARE HEREBY NOTIFIED that at 10:00 A.M. on July 26, 2018, 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 the return of the attached Subpoena Duces Tecum issued to David A. Hales.

Dated this 12th day of July, 2018.


SCOTT KORDING, Attorney at Law

SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@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
JUN 07 2018
CIRCUIT CLERK

SUBPOENA DUCES TECUM

TO: David A. Hales
C/o Office of City Manager
City of Joliet
150 West Jefferson Street
Joliet, IL 60432

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

COMPLIANCE REQUIRED

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

RETURN DATE

YOU ARE COMMANDED to appear before the judicial officer identified below in Courtroom 3D (or the courtroom to which you are directed by courthouse personnel) at 10:00 A.M. on July 26, 2018 (hereinafter the "Return Date"), to produce and deliver the responsive items, documents, and evidence identified below.

RESPONSIVE MATERIAL TO BE PRODUCED

YOU ARE FURTHER COMMANDED to identify, locate, and produce all of the following items, documents, and evidence (hereinafter collectively the "Responsive Material") on the Return Date specified above:

Category No. 1:

For the applicable period specified below, any and all documents or records created or received by you regarding or related to any of the following persons, entities, or subjects:

- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum in Bloomington, Illinois (now known as the Grossinger Motors Arena).

The documents or records referenced in this Category No. 1 shall include, but not necessarily be limited to, records or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic form), transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), and created and/or maintained or stored in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.)), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including

without limitation via Facebook, Twitter, Instagram, etc.), reports, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including notes or summaries of oral conversations).

The applicable period for documents encompassed by this Category No. 1 shall be from November 4, 2007, through the date of production.

Category No. 2

For the applicable period specified below, any and all documents or communications initiated, sent, or received by you and transmitted to or exchanged with, between, or among

- any current or former employees or agents of the City of Bloomington, Illinois, or any of its former employees or agents (including without limitation Tom Hamilton, Barb Adkins, Steve Rasmussen, Nora Dukowitz, Patty-Lynn Silva, Brian Barnes, Tim Irvin, Scott Sprouls, Matt Noonan, any mayor, any member of the City Council, etc.);
- any federal, state, or municipal law enforcement agency or any of its employees or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue and any of its employees or agents;
- any federal or state prosecuting authority and or any of its employees and agents (including without limitation the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the McLean County State's Attorney, etc.);
- VenuWorks of Bloomington, LLC, or any of its employees or agents;
- the Bronner Group, LLC, or any of its employees, agents, or affiliates;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents (including Mike Nelson and Jane Everhart);
- BMI Concessions, LLC, or any of its employees or agents;
- Attorney William A. Mueller (or any other attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;

- o Kelly W. Klein, or any of her agents or attorneys;
- o Jay C. Laesch, or any of his agents or attorneys; and/or
- o Paul E. Grazar, or any of his agents or attorneys,

regarding or related to any of the following persons, entities, or subjects:

- (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- (ii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- (iii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- (iv) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- (v) any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- (vii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- (viii) the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- (ix) any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- (x) any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum in Bloomington, Illinois (now known as the Grossinger Motors Arena).

The documents or records referenced in this Category No. 2 shall include, but not necessarily be limited to, communications or documents transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail,

other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), communications or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic/digital form), and communications or documents in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.), reports, meeting minutes, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for documents encompassed by this Category No. 2 shall be from November 4, 2007, through the date of production.

PRODUCTION UPON JUDICIAL OFFICER

YOU ARE FURTHER COMMANDED to produce the foregoing Responsive Material by delivering it to the following judicial officer.

The Honorable William A. Yoder
Judge of the Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

Do not deliver the Responsive Material to any other person or location. The Responsive Material must be delivered only to the foregoing judge.

METHOD AND MANNER OF PRODUCING RESPONSIVE MATERIAL

You may produce the Responsive Material by delivering it to the foregoing judge in person in open court at the Return Date.

Please note that your appearance in court is not required on the Return Date, however, if you produce and deliver the Responsive Material to the specified judicial officer on or before the Return Date listed above.

If the Responsive Material is voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

QUESTIONS ABOUT SUBPOENA

If you have questions about, or wish to make arrangements for, the delivery to the foregoing judicial officer of the Responsive Material encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. As indicated above, however, you may not deliver the Responsive Material to

the undersigned attorney; instead, the Responsive Material must be delivered only to the foregoing judicial officer.

(The balance of this page is left blank intentionally.
The signature of the issuing attorney appears on the next page.)

ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by



J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.com

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* and *Subpoena Duces Tecum* to be made upon the recipient(s) designated below by the following method(s):

VIA U.S. POSTAL SERVICE: A true and correct copy of the foregoing document(s)/instrument(s) was served upon the following person(s) or professional office(s) on the Date of Service indicated above by placing it in an envelope bearing both full prepayment of the proper postage or delivery charge and the proper address of the following recipient(s), and then by depositing it in the United States mail at Bloomington-Normal, Illinois, at or before 7:00 P.M.

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



Prepared by:
SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@MeyerCapel.com

McLEAN COUNTY
FILED
JUL 09 2018
CIRCUIT CLERK

State of Illinois
ELEVENTH JUDICIAL CIRCUIT COURT
McLean County, IL

State of Illinois
v
John Y. Butler

2018 CF1025
(EBL)

Media Coordinator's Notice of Request for Extended Media Coverage of Trial or Proceedings
COMES NOW the undersigned Media Coordinator, who states as follows:

1. Certain representatives of the news media want to use:
 photographic equipment; television cameras; electronic sound recording equipment
in courtroom coverage of the above proceeding. (Check the appropriate type(s) of equipment
requested.)
2. The trial or proceeding to be covered by extended media techniques is scheduled on Aug. 7, 2018. This
request includes all subsequent court proceedings in this matter.
3. This request for extended media coverage is described as follows (e.g. the number of Photographers
with still cameras):
 - 1 Photographer 1 video camera 1 sound recording equipment
4. This notice for extended media coverage is filed (check appropriate box):
 at least 14 days in advance of the proceeding for which extended media coverage is being requested:
Or
 this notice cannot be filed within 14 days of the proceedings because :
5. A copy of this notice is being provided to all counsel of record, parties appearing without
Counsel, the circuit court, the circuit court administrator for the judicial court, and the judicial officer
expected to preside at the trial or proceeding for which extended media coverage has been requested
as follows:

Attorneys:
Defendants: Carla Barnes
State: Jason Chambers
Trial Court Administrator: William Scanlon
Presiding Judge: Judge William Yoder
6. I will abide by all the provisions of the Policy for Extended Media Coverage in Circuit Courts of Illinois
and the 11th Judicial Circuit Policy for Extended Media Coverage and perform all duties as required by
me as the Media Coordinator.


Edith Brady-Lunny, Media Coordinator

✓

**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:

Daniel B. Lewin Assistant Attorney General 100 West Randolph Street 12 th Floor Chicago, IL 60601-3218	State's Attorney's Office McLean County Courthouse 104 W. Front Street Bloomington, IL 61701
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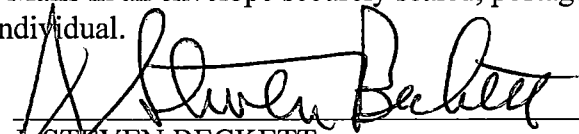
YOU ARE HEREBY NOTIFIED that on **August 31, 2018, at 1:30 p.m.**, I shall appear before the **Honorable Judge Yoder** in **Courtroom 3D** of the McLean County Courthouse, 104 West Front Street, Bloomington, Illinois, and then and there proceed with a **Hearing on the Motion to Dismiss Wire Fraud** in the above cause.

DATED this 20th day of June, 2018.


J. STEVEN BECKETT

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of June, 2018, a copy of the foregoing *Notice of Hearing* was served by depositing same in the U.S. Mails in an envelope securely sealed, postage prepaid and legibly addressed to the above-named individual.


J. STEVEN BECKETT

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway
Urbana IL 61801
(217) 328-0263; (217) 328-0290 FAX

FILED
JUN 25 2018
McLEAN COUNTY
CIRCUIT CLERK

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

FILED
JUN 18 2018
CIRCUIT CLERK

COUNTY

**PEOPLE'S RESPONSE TO DEFENDANT'S MOTION TO ALLOW UNRESTRICTED
DEFENSE INSPECTION OF DEFENDANT'S DOCUMENTS SEIZED BY ILLINOIS
STATE POLICE**

Now comes the People of the State of Illinois by Bradly Rigdon, Assistant State's Attorney, in and for the County of McLean, State of Illinois, and move that this Court deny the Defendant's Motion to Allow Unrestricted Defense Inspection of Defendant's Documents Seized by Illinois State Police, and state the following in support thereof:

1. The charges against the Defendant in this matter are but one of a total of 5 co-defendants charged with felony offenses as part of an investigation into theft from the City of Bloomington over a course of years.
2. As part of that investigation, the Illinois State Police seized more than 70 boxes of documents. Those documents are currently being stored at the headquarters of the Illinois State Police- District 6, located in Pontiac, Illinois and their existence has been properly identified through the discovery process.
 - a. More than 30 of those boxes were seized from a storage facility leased by the Defendant. The existence of that storage unit was discovered based upon the service of separate search warrant during which time lease paperwork for the storage unit was located.

3. The Defendant seeks to have unrestricted access to boxes of documentary evidence which are currently stored at the Illinois State Police- District 6 headquarters.
 - a. The Defendant seeks full access by a defense team of attorneys, staff, as well as the Defendant himself.
4. The common practice is that the maintenance and storage of physical evidence is left to the investigating agency. In this matter, the investigating agency is the Illinois State Police. District 6 serves McLean County and the headquarters is located in District 6.
 - a. The Office of the McLean County State's Attorney is not equipped, nor does it have the manpower or policies in place to effect the long-term storage of physical evidence.
 - b. With regard to the storage of the evidence in the current matter, a special request was made to have the evidence stored at District 6 headquarters. Typically, such a volume of physical evidence would be stored at a central records holding in Springfield, Illinois and access to such evidence would be regulated by administrators at the Illinois State Police rather than through local personnel.
5. Supreme Court Rule 412 generally governs practices of discovery in criminal cases.
 - a. Rule 412(e) allows the state to conduct discovery by "(i) notifying *defense counsel* that material and information, described in general terms, may be inspected, obtained, tested, copied, or photographed, during specified reasonable times; and (ii) making available to *defense counsel* at the time specified such material and information, and suitable facilities or other arrangements for inspection, testing, copying and photographing of such material and information." IL R S CT Rule 412(e)(i-ii) (emphasis added).

6. As stated within the Defense motion, the State attempted to allow access by a team from the Defense including counsel and staff. There was no time limit placed on that access and the State and the Illinois State Police were willing to provide multiple days for the access to occur.
 - a. The Rule imposes no obligation that the State provide “unrestricted” access to the evidence and imposes no requirement that a criminal defendant have personal access to evidence. The rule specifically references “defense counsel” as opposed to the “Defendant.” The Defendant is represented by counsel and counsel is more than capable of examining and copying documents without the physical presence of the Defendant. Had the legislature intended the Defendant to have personal access to the materials, they could have included such a requirement within the rule.
7. Allowing unrestricted access to evidence would create a situation in which the State has knowingly allowed the integrity of the chain of custody on the evidence to potentially be impugned at a later date. This is of particular importance because there are four other Defendants who may seek access to the records through counsel and laying the foundation for chain of custody may be required at multiple trials.
8. The State has made a good-faith effort to provide access to the documents by requesting they be stored at the more convenient location of District 6 headquarters rather than in a records facility in Springfield.
9. The State has made a good-faith effort to allow reasonable access to the records in a manner which allows defense counsel and a team of staff to inspect and copy any documents needed.

a. Said efforts have also contemplated the preservation of rights of other charged individuals and said efforts have also taken into account the need for all defendants to have a fair trial with a known chain of custody of physical evidence.

10. The State is still willing to provide access to the records, at District 6 headquarters in Pontiac, Illinois, by defense counsel and members of defense counsel's staff. Such access is subject to monitoring by the Illinois State Police and/or the Office of the McLean County State's Attorney to ensure integrity of the evidence.

a. This arrangement falls within Rule 412 and should not be found to be a deprivation of any rights of the Defendant as the Defendant has full access through his counsel of his choice.

WHEREFORE, the People of the State of Illinois respectfully request that this Court deny the Defendant's Motion to Allow Unrestricted Defense Inspection of Defendant's Documents Seized by Illinois State Police.

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's of record of all parties to the above cause by:

 / Depositing a true and correct copy of the same in the U.S. Post Office or post office box in the City of Bloomington, Illinois, enclosed in an envelope with postage fully prepaid on the 18 day of June, 2018.

 Hand delivering a true and correct copy of the same on the day of , 2018.

[Handwritten Signature]

Subscribed to and sworn before me this 18 day of June, 2018.

Katie Myers
Notary Public



FOSTER INVESTIGATIONS, LTD
AFFIDAVIT OF SERVICE OF PROCESS

Case Number: 17 CF 1025

People of the State of Illinois
Plaintiff
vs.

John Y. Butler
Defendant

McLEAN COUNTY
FILED
JUN 11 2018
CIRCUIT CLERK

Received by Foster Investigations, Ltd. to be served on VenuWorks of Bloomington, LLC
101 South Madison Street, Bloomington, IL 61701

I, Mark Foster, who, being duly sworn, depose and say that on the 7 day of June, 2018 at 4:37pm executed by delivering a true copy of the Subpoena Duces Tecum

in accordance with the state statutes in the manner marked below:
INDIVIDUAL SERVICE: Served the within-named person

SUBSTITUTE SERVICE: By leaving copies at the usual place of abode of the defendant with a person, of age 13 years or upward, informing that person of the contents.
Name: _____ Relation: _____
Date copy mailed: _____

SERVICE ON: VenuWorks of Bloomington, LLC
Left a copy of the document(s) with the following:
Name: Lynn Cannon Title: Registered Agent

OTHER SERVICE: As described in the comments below by serving _____ as _____

NON SERVICE: For the reason detailed in the Comments below.

COMMENTS:

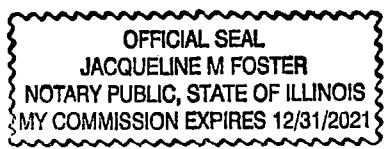
Age: 54 Sex: F Race: W

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and sworn to before me on the 8 day of June, 2018
by the affiant who is personally known to me.

[Signature]
Mark Foster
Licensed Private Detective
Illinois License #: 115-001201

[Signature]
NOTARY PUBLIC



FOSTER INVESTIGATIONS, LTD
PO BOX 863
Normal, IL 61761
(309) 862-3473

FOSTER INVESTIGATIONS, LTD
AFFIDAVIT OF SERVICE OF PROCESS

Case Number: 17 CF 1025

People of the State of Illinois
Plaintiff
vs.

John Y. Butler
Defendant

FILED
JUN 11 2018
McLEAN COUNTY
CIRCUIT CLERK

Received by Foster Investigations, Ltd. to be served on Patty-Lynn Silva
109 East Olive Street, Bloomington, IL 61701

I, Mark Foster, who, being duly sworn, depose and say that on the 7 day of
June, 2018 at 3:55pm executed by delivering a true copy of the
Subpoena Duces Tecum

in accordance with the state statutes in the manner marked below:
INDIVIDUAL SERVICE: Served the within-named person

SUBSTITUTE SERVICE: By leaving copies at the usual place of abode of the defendant
with a person, of age 13 years or upward, informing that person of the contents.
Name: _____ Relation: _____
Date copy mailed: _____

X SERVICE ON: Patty-Lynn Silva
Left a copy of the document(s) with the following:
Name: Ashley Lara Title: City Clerk Rep.

OTHER SERVICE: As described in the comments below by serving
_____ as _____

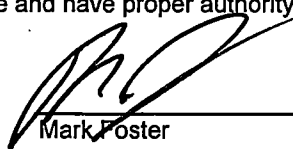
NON SERVICE: For the reason detailed in the Comments below.

COMMENTS:

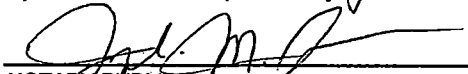
Age: 30 Sex: F Race: W

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction
in which this service was made.

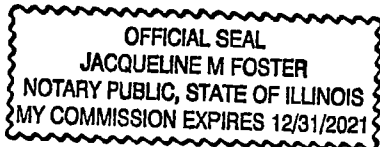
Subscribed and sworn to before me on the
8 day of June, 2018
by the affiant who is personally known to me.



Mark Foster
Licensed Private Detective
Illinois License #: 115-001201



NOTARY PUBLIC



FOSTER INVESTIGATIONS, LTD
PO BOX 863
Normal, IL 61761
(309) 862-3473

FOSTER INVESTIGATIONS, LTD
AFFIDAVIT OF SERVICE OF PROCESS

Case Number: 17 CF 1025

People of the State of Illinois

Plaintiff

vs.

John Y. Butler

Defendant

FILED
JUN 11 2018
McLEAN COUNTY
CIRCUIT CLERK

Received by Foster Investigations, Ltd. to be served on City of Bloomington, Illinois
109 East Olive Street, Bloomington, IL 61701

I, Mark Foster, who, being duly sworn, depose and say that on the 7 day of
June, 2018 at 3:55pm executed by delivering a true copy of the
Subpoena Duces Tecum

in accordance with the state statutes in the manner marked below:

INDIVIDUAL SERVICE: Served the within-named person

SUBSTITUTE SERVICE: By leaving copies at the usual place of abode of the defendant
with a person, of age 13 years or upward, informing that person of the contents.

Name: _____ Relation: _____
Date copy mailed: _____

X SERVICE ON: City of Bloomington, Illinois

Left a copy of the document(s) with the following:

Name: Ashley Lara Title: City Clerk Rep.

OTHER SERVICE: As described in the comments below by serving
_____ as _____

NON SERVICE: For the reason detailed in the Comments below.

COMMENTS:

Age: 30 Sex: F Race: W

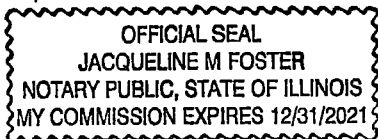
I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction
in which this service was made.

Subscribed and sworn to before me on the _____ day of _____, 2018.
by the affiant who is personally known to me.

Mark Foster
Licensed Private Detective
Illinois License #: 115-001201

NOTARY PUBLIC

FOSTER INVESTIGATIONS, LTD
PO BOX 863
Normal, IL 61761
(309) 862-3473



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

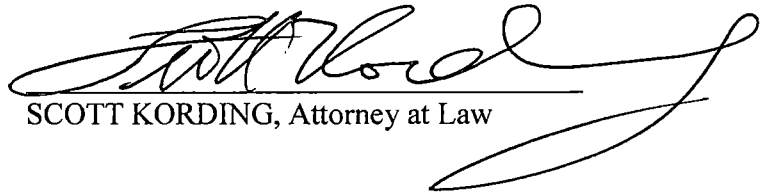
McLEAN COUNTY
FILED
JUN 11 2018
CIRCUIT CLERK

NOTICE OF HEARING

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

YOU ARE HEREBY NOTIFIED that at 1:30 P.M. on June 19, 2018, 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 3D of the McLean County Law & Justice Center, 104 West Front Street, Bloomington, Illinois, for a hearing on the return of the attached Subpoena Duces Tecum issued to Patty-Lynn Silva.

Dated this 11th day of June, 2018.


SCOTT KORDING, Attorney at Law

SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@MeyerCapel.com

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* and *Subpoena Duces Tecum* 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 11th day of June, 2018.

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

Ashley Backer

Prepared by:
SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@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

SUBPOENA DUCES TECUM

McLEAN COUNTY
FILED
JUN 07 2018
CIRCUIT CLERK

TO: Patty-Lynn Silva
C/o Attorney Jeffrey R. Jurgens, City Attorney
City of Bloomington
109 East Olive Street
Bloomington, IL 61701

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

COMPLIANCE REQUIRED

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

RETURN DATE

YOU ARE COMMANDED to appear before the judicial officer identified below in Courtroom 3D (or the courtroom to which you are directed by courthouse personnel) at 1:30 P.M. on June 19, 2018 (hereinafter the "Return Date"), to produce and deliver the responsive items, documents, and evidence identified below.

RESPONSIVE MATERIAL TO BE PRODUCED

YOU ARE FURTHER COMMANDED to identify, locate, and produce all of the following items, documents, and evidence (hereinafter collectively the "Responsive Material") on the Return Date specified above:

Category No. 1:

For the applicable period specified below, any and all documents or records created or received by you regarding or related to any of the following persons, entities, or subjects:

- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum in Bloomington, Illinois (now known as the Grossinger Motors Arena).

The Responsive Material referenced in this Category No. 1 shall include, but not necessarily be limited to, records or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic form), transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), and created and/or maintained or stored in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.), reports, summaries, photographs, drawings

or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including notes or summaries of oral conversations).

The applicable period for Responsive Material encompassed by this Category No. 1 shall be from November 4, 2007, through the date of production.

Category No. 2

For the applicable period specified below, any and all documents or communications initiated, sent, or received by you and transmitted to or exchanged with, between, or among

- any current or former employees or agents of the City of Bloomington, Illinois, or any of its former employees or agents (including without limitation Tom Hamilton, Barb Adkins, Steve Rasmussen, Nora Dukowitz, Brian Barnes, Tim Irvin, Scott Sprouls, Matt Noonan, any mayor, any member of the City Council, etc.);
- any federal, state, or municipal law enforcement agency or any of its employees or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue and any of its employees or agents;
- any federal or state prosecuting authority and or any of its employees and agents (including without limitation the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the McLean County State's Attorney, etc.);
- VenuWorks of Bloomington, LLC, or any of its employees or agents;
- the Bronner Group, LLC, or any of its employees, agents, or affiliates;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents (including Mike Nelson and Jane Everhart);
- BMI Concessions, LLC, or any of its employees or agents;
- Attorney William A. Mueller (or any other attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;
- Kelly W. Klein, or any of her agents or attorneys;

- o Jay C. Laesch, or any of his agents or attorneys; and/or
- o Paul E. Grazar, or any of his agents or attorneys,

regarding or related to any of the following persons, entities, or subjects:

- (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- (ii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- (iii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- (iv) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- (v) any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- (vii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- (viii) the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- (ix) any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- (x) any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum in Bloomington, Illinois (now known as the Grossinger Motors Arena).

The Responsive Material referenced in this Category No. 2 shall include, but not necessarily be limited to, communications or documents transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), communications or documents stored in any format (including without limitation in tangible

object form, paper form, photographic form, or electronic/digital form), and communications or documents in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.), reports, meeting minutes, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for Responsive Material encompassed by this Category No. 2 shall be from November 4, 2007, through the date of production.

PRODUCTION UPON JUDICIAL OFFICER

YOU ARE FURTHER COMMANDED to produce the foregoing Responsive Material by delivering it to the following judicial officer.

The Honorable William A. Yoder
Judge of the Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

Do not deliver the Responsive Material to any other person or location. The Responsive Material must be delivered only to the foregoing judge.

METHOD AND MANNER OF PRODUCING RESPONSIVE MATERIAL

You may produce the Responsive Material by delivering it to the foregoing judge in person in open court at the Return Date.

Please note that your appearance in court is not required on the Return Date, however, if you produce and deliver the Responsive Material to the specified judicial officer on or before the Return Date listed above.

If the Responsive Material is voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

QUESTIONS ABOUT SUBPOENA

If you have questions about, or wish to make arrangements for, the delivery to the foregoing judicial officer of the Responsive Material encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. As indicated above, however, you may not deliver the Responsive Material to the undersigned attorney; instead, the Responsive Material must be delivered only to the foregoing judicial officer.

ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by



J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.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

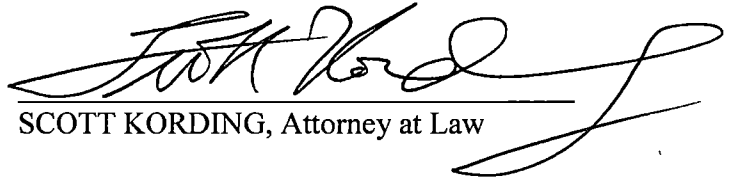
McLEAN COUNTY
FILED
JUN 11 2018
CIRCUIT CLERK

NOTICE OF HEARING

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

YOU ARE HEREBY NOTIFIED that at 1:30 P.M. on June 19, 2018, 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 3D of the McLean County Law & Justice Center, 104 West Front Street, Bloomington, Illinois, for a hearing on the return of the attached Subpoena Duces Tecum issued to Brian Barnes.

Dated this 11th day of June, 2018.


SCOTT KORDING, Attorney at Law

SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@MeyerCapel.com

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* and *Subpoena Duces Tecum* 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 11th day of June, 2018.

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



Prepared by:
SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@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.) No. 17-CF-1025
)
JOHN Y. BUTLER,)
)
Defendant.)

MCLEAN COUNTY
FILED
JUN 07 2018
CIRCUIT CLERK

SUBPOENA DUCES TECUM

TO: Brian Barnes
2719 Essington Street
Bloomington, IL 61705

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

COMPLIANCE REQUIRED

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

RETURN DATE

YOU ARE COMMANDED to appear before the judicial officer identified below in Courtroom 3D (or the courtroom to which you are directed by courthouse personnel) at 1:30 P.M. on June 19, 2018 (hereinafter the "Return Date"), to produce and deliver the responsive items, documents, and evidence identified below.

RESPONSIVE MATERIAL TO BE PRODUCED

YOU ARE FURTHER COMMANDED to identify, locate, and produce all of the following items, documents, and evidence (hereinafter collectively the "Responsive Material") on the Return Date specified above:

Category No. 1:

For the applicable period specified below, any and all documents or records created or received by you regarding or related to any of the following persons, entities, or subjects:

- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum in Bloomington, Illinois (now known as the Grossinger Motors Arena).

The Responsive Material referenced in this Category No. 1 shall include, but not necessarily be limited to, records or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic form), transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), and created and/or maintained or stored in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.), reports, summaries, photographs, drawings

or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including notes or summaries of oral conversations).

The applicable period for Responsive Material encompassed by this Category No. 1 shall be from November 4, 2007, through the date of production.

Category No. 2

For the applicable period specified below, any and all documents or communications initiated, sent, or received by you and transmitted to or exchanged with, between, or among

- any current or former employees or agents of the City of Bloomington, Illinois, or any of its former employees or agents (including without limitation Tom Hamilton, Barb Adkins, Steve Rasmussen, Nora Dukowitz, Patty-Lynn Silva, Tim Irvin, Scott Sprouls, Matt Noonan, any mayor, any member of the City Council, etc.);
- any federal, state, or municipal law enforcement agency or any of its employees or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue and any of its employees or agents;
- any federal or state prosecuting authority and or any of its employees and agents (including without limitation the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the McLean County State's Attorney, etc.);
- VenuWorks of Bloomington, LLC, or any of its employees or agents;
- the Bronner Group, LLC, or any of its employees, agents, or affiliates;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents (including Mike Nelson and Jane Everhart);
- BMI Concessions, LLC, or any of its employees or agents;
- Attorney William A. Mueller (or any other attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;
- Kelly W. Klein, or any of her agents or attorneys;

- Jay C. Laesch, or any of his agents or attorneys; and/or
- Paul E. Grazar, or any of his agents or attorneys,

regarding or related to any of the following persons, entities, or subjects:

- (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- (ii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- (iii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- (iv) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- (v) any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- (vii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- (viii) the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- (ix) any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- (x) any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum in Bloomington, Illinois (now known as the Grossinger Motors Arena).

The Responsive Material referenced in this Category No. 2 shall include, but not necessarily be limited to, communications or documents transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), communications or documents stored in any format (including without limitation in tangible

object form, paper form, photographic form, or electronic/digital form), and communications or documents in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.), reports, meeting minutes, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for Responsive Material encompassed by this Category No. 2 shall be from November 4, 2007, through the date of production.

PRODUCTION UPON JUDICIAL OFFICER

YOU ARE FURTHER COMMANDED to produce the foregoing Responsive Material by delivering it to the following judicial officer.

The Honorable William A. Yoder
Judge of the Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

Do not deliver the Responsive Material to any other person or location. The Responsive Material must be delivered only to the foregoing judge.

METHOD AND MANNER OF PRODUCING RESPONSIVE MATERIAL

You may produce the Responsive Material by delivering it to the foregoing judge in person in open court at the Return Date.

Please note that your appearance in court is not required on the Return Date, however, if you produce and deliver the Responsive Material to the specified judicial officer on or before the Return Date listed above.

If the Responsive Material is voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

QUESTIONS ABOUT SUBPOENA

If you have questions about, or wish to make arrangements for, the delivery to the foregoing judicial officer of the Responsive Material encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. As indicated above, however, you may not deliver the Responsive Material to the undersigned attorney; instead, the Responsive Material must be delivered only to the foregoing judicial officer.

ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by



J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.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
JUN 11 2018
CIRCUIT CLERK

NOTICE OF HEARING

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

YOU ARE HEREBY NOTIFIED that at 1:30 P.M. on June 19, 2018, 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 3D of the McLean County Law & Justice Center, 104 West Front Street, Bloomington, Illinois, for a hearing on the return of the attached Subpoena Duces Tecum issued to VenuWorks of Bloomington, LLC.

Dated this 11th day of June, 2018.


SCOTT KORDING, Attorney at Law

SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@MeyerCapel.com

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* and *Subpoena Duces Tecum* 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 11th day of June, 2018.

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



Prepared by:
SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@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
JUN 07 2018
CIRCUIT CLERK

SUBPOENA DUCES TECUM

TO: VenuWorks of Bloomington, LLC
C/o Lynn Cannon, Registered Agent
101 South Madison Street
Bloomington, IL 61701

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

COMPLIANCE REQUIRED

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

RETURN DATE

YOU ARE COMMANDED to appear before the judicial officer identified below in Courtroom 3D (or the courtroom to which you are directed by courthouse personnel) at 1:30 P.M. on June 19, 2018 (hereinafter the "Return Date"), to produce and deliver the responsive items, documents, and evidence identified below.

RESPONSIVE MATERIAL TO BE PRODUCED

YOU ARE FURTHER COMMANDED to identify, locate, and produce all of the following items, documents, and evidence (hereinafter collectively the "Responsive Material") on the Return Date specified above:

For the applicable period specified below, any and all documents or communications (including all attachments or enclosures) by VenuWorks of Bloomington, LLC, or any of its current or former employees or agents (including without limitation Steve Peters, Russ Ferguson, Curtis Webb, Mike Piehl, etc.), and transmitted to or exchanged with, between, or among

- any other current or former employees or agents of VenuWorks of Bloomington, LLC;
- the City of Bloomington, Illinois, or any of its current or former officers, employees, or agents (including without limitation Tom Hamilton, David Hales, Barb Adkins, Steve Rasmussen, Nora Dukowitz, Patty-Lynn Silva, Brian Barnes, Tim Irvin, Scott Sprouls, Matt Noonan, any mayor, any member of the City Council, etc.);
- any federal, state, or municipal law enforcement agency, or any of its current or former officers, employees, or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue, or any of its current and former officers, employees, or agents;
- any federal or state prosecuting authority, or any of its current or former attorneys, employees, or agents (including without limitation the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the McLean County State's Attorney, etc.);
- the Bronner Group, LLC, or any of its employees, agents, or affiliates;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents;
- BMI Concessions, LLC, or any of its current or former employees or agents;
- Attorney William A. Mueller (or any other attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;
- Kelly W. Klein, or any of her agents or attorneys;
- Jay C. Laesch, or any of his agents or attorneys; and/or
- Paul E. Grazar, or any of his agents or attorneys,

regarding or related to any of the following persons, entities, or subjects:

- (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;

- (ii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- (iii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- (iv) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- (v) any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- (vii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- (viii) the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois; and
- (ix) any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena);
- (x) any and all purchase agreements, including all attachments, between VenuWorks of Bloomington, LLC and Central Illinois Arena Management, Inc., regarding equipment or supplies in relation to the U.S. Cellular Coliseum (also known as either the Bloomington Coliseum or Grossinger Motors Arena); and
- (xi) the Coliseum Fund general ledger reflecting all entries for the U.S. Cellular Coliseum (also known as the Bloomington Coliseum or Grossinger Motors Arena) for the fiscal year 2015-2016 (from May 1, 2015, to April 30, 2016).

The Responsive Material referenced in this request shall include, but not necessarily be limited to, communications or documents transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), communications or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic/digital form), and communications or documents in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.),

reports, meeting minutes, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for Responsive Material encompassed by this subpoena shall be from November 4, 2007, through the date of production.

PRODUCTION UPON JUDICIAL OFFICER

YOU ARE FURTHER COMMANDED to produce the foregoing Responsive Material by delivering it to the following judicial officer.

The Honorable William A. Yoder
Judge of the Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

Do not deliver the Responsive Material to any other person or location. The Responsive Material must be delivered only to the foregoing judge.

METHOD AND MANNER OF PRODUCING RESPONSIVE MATERIAL

You may produce the Responsive Material by delivering it to the foregoing judge in person in open court at the Return Date.

Please note that your appearance in court is not required on the Return Date, however, if you produce and deliver the Responsive Material to the specified judicial officer on or before the Return Date listed above.

If the Responsive Material is voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

QUESTIONS ABOUT SUBPOENA

If you have questions about, or wish to make arrangements for, the delivery to the foregoing judicial officer of the Responsive Material encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. As indicated above, however, you may not deliver the Responsive Material to the undersigned attorney; instead, the Responsive Material must be delivered only to the foregoing judicial officer.

(The balance of this page is left blank intentionally.
The signature of the issuing attorney appears on the next page.)

ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by



J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.com

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.)

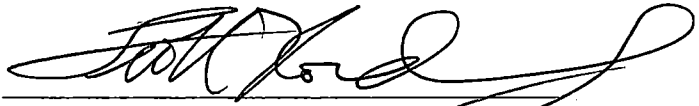
McLEAN COUNTY
FILED
JUN 11 2018
CIRCUIT CLERK

NOTICE OF HEARING

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

YOU ARE HEREBY NOTIFIED that at 1:30 P.M. on June 19, 2018, 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 3D of the McLean County Law & Justice Center, 104 West Front Street, Bloomington, Illinois, for a hearing on the return of the attached Subpoena Duces Tecum issued to the City of Bloomington.

Dated this 11th day of June, 2018.


SCOTT KORDING, Attorney at Law

SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@MeyerCapel.com

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* and *Subpoena Duces Tecum* 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 11th day of June, 2018.

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

Ashley Backer

Prepared by:
SCOTT KORDING
ARDC No. 6286628
MEYER CAPEL, P.C.
202 North Center Street, Suite 2
Bloomington, IL 61701
(309) 829-9486 [Voice]
(309) 827-8139 [Facsimile]
SKording@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.) No. 17-CF-1025
)
JOHN Y. BUTLER,)
)
Defendant.)

McLEAN COUNTY
FILED
JUN 07 2018
CIRCUIT CLERK

SUBPOENA DUCES TECUM

TO: City of Bloomington, Illinois
C/o Attorney Jeffrey R. Jurgens, City Attorney
Legal Department
109 East Olive Street
Bloomington, IL 61701

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

COMPLIANCE REQUIRED

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

RETURN DATE

YOU ARE COMMANDED to appear before the judicial officer identified below in Courtroom 3D (or the courtroom to which you are directed by courthouse personnel) at 1:30 P.M. on June 19, 2018 (hereinafter the "Return Date"), to produce and deliver the responsive items, documents, and evidence identified below.

RESPONSIVE MATERIAL TO BE PRODUCED

YOU ARE FURTHER COMMANDED to identify, locate, and produce all of the following items, documents, and evidence (hereinafter collectively the "Responsive Material") on the Return Date specified above:

Category No. 1

For the applicable period specified below, any and all documents or communications (including all attachments or enclosures) initiated, sent, or received by City of Bloomington, Illinois, or any of its current or former officers, employees, or agents (including without limitation Tom

Hamilton, David Hales, Barb Adkins, Steve Rasmussen, Nora Dukowitz, Patty-Lynn Silva, Brian Barnes, Tim Irvin, Scott Sprouls, Matt Noonan, Leslie Smith-Yocum, any mayor, any member of the City Council, etc.), and transmitted to, received from, or exchanged with, between, or among

- any other current or former officers, employees, or agents of the City of Bloomington, Illinois;
- any federal, state, or municipal law enforcement agency, or any of its current or former officers, employees, or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue, or any of its current or former officers, employees, or agents;
- any federal or state prosecuting authority, or any of its current or former attorneys, employees, and agents (including without limitation the U.S. Department of Justice, the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the State's Attorney of McLean County, Illinois, etc.);
- VenuWorks of Bloomington, LLC, or any of its current or former employees or agents;
- the Bronner Group, LLC, or any of its employees, agents, or affiliates;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents (including, but not necessarily limited to, Mike Nelson and Jane Everhart);
- BMI Concessions, LLC, or any of its current or former employees or agents;
- Attorney William A. Mueller (or any other current or former attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;
- Kelly W. Klein, or any of her agents or attorneys;
- Jay C. Laesch, or any of his agents or attorneys; and/or
- Paul E. Grazar, or any of his agents or attorneys;

regarding or related to any of the following persons, entities, or subjects:

- (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- (ii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- (iii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- (iv) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- (v) any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc., or of its owners, officers, managers, employees, and agents;
- (vii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- (viii) the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- (ix) any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- (x) any contract negotiations or discussions related to the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena).

The Responsive Material referenced in this Category No. 1 shall include, but not necessarily be limited to, communications or documents transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), communications or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic/digital form), and communications or documents in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.),

reports, meeting minutes, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for Responsive Material encompassed by this Category No. 1 shall be from November 4, 2007, through the date of production.

Category No. 2

For the applicable period specified below, any and all documents or records reflecting the contents of the network servers owned, operated, or maintained by the City of Bloomington, Illinois, or any of its current or former employees or agents, regarding or related to documents or records saved, managed, stored, or otherwise located or linked on the City's computers or servers by Central Illinois Arena Management, Inc. ("CIAM"), or any of CIAM's current or former employees or agents; or by BMI Concessions, LLC ("BMI"), or any of BMI's current or former employees or agents.

The Responsive Material referenced in this Category No. 2 shall include, but not necessarily be limited to, documents or records transmitted or stored via any method and in any format (including without limitation in tangible object form, paper form, photographic form, or electronic form), and documents or records in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, etc.), reports, meeting minutes, summaries, photographs, screenshots, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for Responsive Material encompassed by this Category No. 2 shall be from November 4, 2007, through the date of production.

PRODUCTION UPON JUDICIAL OFFICER

YOU ARE FURTHER COMMANDED to produce the foregoing Responsive Material by delivering it to the following judicial officer.

The Honorable William A. Yoder
Judge of the Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

Do not deliver the Responsive Material to any other person or location. The Responsive Material must be delivered only to the foregoing judge.

METHOD AND MANNER OF PRODUCING RESPONSIVE MATERIAL

You may produce the Responsive Material by delivering it to the foregoing judge in person in open court at the Return Date.

Please note that your appearance in court is not required on the Return Date, however, if you produce and deliver the Responsive Material to the specified judicial officer on or before the Return Date listed above.

If the Responsive Material is voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

QUESTIONS ABOUT SUBPOENA

If you have questions about, or wish to make arrangements for, the delivery to the foregoing judicial officer of the Responsive Material encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. As indicated above, however, you may not deliver the Responsive Material to the undersigned attorney; instead, the Responsive Material must be delivered only to the foregoing judicial officer.

(The balance of this page is left blank intentionally.
The signature of the issuing attorney appears on the next page.)

ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by



J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.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
JUN 07 2018
CIRCUIT CLERK

SUBPOENA DUCES TECUM

TO: City of Bloomington, Illinois
C/o Attorney Jeffrey R. Jurgens, City Attorney
Legal Department
109 East Olive Street
Bloomington, IL 61701

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

COMPLIANCE REQUIRED

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

RETURN DATE

YOU ARE COMMANDED to appear before the judicial officer identified below in Courtroom 3D (or the courtroom to which you are directed by courthouse personnel) at 1:30 P.M. on June 19, 2018 (hereinafter the "Return Date"), to produce and deliver the responsive items, documents, and evidence identified below.

RESPONSIVE MATERIAL TO BE PRODUCED

YOU ARE FURTHER COMMANDED to identify, locate, and produce all of the following items, documents, and evidence (hereinafter collectively the "Responsive Material") on the Return Date specified above:

Category No. 1

For the applicable period specified below, any and all documents or communications (including all attachments or enclosures) initiated, sent, or received by City of Bloomington, Illinois, or any of its current or former officers, employees, or agents (including without limitation Tom

Hamilton, David Hales, Barb Adkins, Steve Rasmussen, Nora Dukowitz, Patty-Lynn Silva, Brian Barnes, Tim Irvin, Scott Sprouls, Matt Noonan, Leslie Smith-Yocum, any mayor, any member of the City Council, etc.), and transmitted to, received from, or exchanged with, between, or among

- any other current or former officers, employees, or agents of the City of Bloomington, Illinois;
- any federal, state, or municipal law enforcement agency, or any of its current or former officers, employees, or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue, or any of its current or former officers, employees, or agents;
- any federal or state prosecuting authority, or any of its current or former attorneys, employees, and agents (including without limitation the U.S. Department of Justice, the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the State's Attorney of McLean County, Illinois, etc.);
- VenuWorks of Bloomington, LLC, or any of its current or former employees or agents;
- the Bronner Group, LLC, or any of its employees, agents, or affiliates;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents (including, but not necessarily limited to, Mike Nelson and Jane Everhart);
- BMI Concessions, LLC, or any of its current or former employees or agents;
- Attorney William A. Mueller (or any other current or former attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;
- Kelly W. Klein, or any of her agents or attorneys;
- Jay C. Laesch, or any of his agents or attorneys; and/or
- Paul E. Gazar, or any of his agents or attorneys;

regarding or related to any of the following persons, entities, or subjects:

- (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- (ii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- (iii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- (iv) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- (v) any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc., or of its owners, officers, managers, employees, and agents;
- (vii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- (viii) the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- (ix) any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- (x) any contract negotiations or discussions related to the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena).

The Responsive Material referenced in this Category No. 1 shall include, but not necessarily be limited to, communications or documents transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), communications or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic/digital form), and communications or documents in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.),

reports, meeting minutes, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for Responsive Material encompassed by this Category No. 1 shall be from November 4, 2007, through the date of production.

Category No. 2

For the applicable period specified below, any and all documents or records reflecting the contents of the network servers owned, operated, or maintained by the City of Bloomington, Illinois, or any of its current or former employees or agents, regarding or related to documents or records saved, managed, stored, or otherwise located or linked on the City's computers or servers by Central Illinois Arena Management, Inc. ("CIAM"), or any of CIAM's current or former employees or agents; or by BMI Concessions, LLC ("BMI"), or any of BMI's current or former employees or agents.

The Responsive Material referenced in this Category No. 2 shall include, but not necessarily be limited to, documents or records transmitted or stored via any method and in any format (including without limitation in tangible object form, paper form, photographic form, or electronic form), and documents or records in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, etc.), reports, meeting minutes, summaries, photographs, screenshots, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for Responsive Material encompassed by this Category No. 2 shall be from November 4, 2007, through the date of production.

PRODUCTION UPON JUDICIAL OFFICER

YOU ARE FURTHER COMMANDED to produce the foregoing Responsive Material by delivering it to the following judicial officer.

The Honorable William A. Yoder
Judge of the Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

Do not deliver the Responsive Material to any other person or location. The Responsive Material must be delivered only to the foregoing judge.

METHOD AND MANNER OF PRODUCING RESPONSIVE MATERIAL

You may produce the Responsive Material by delivering it to the foregoing judge in person in open court at the Return Date.

Please note that your appearance in court is not required on the Return Date, however, if you produce and deliver the Responsive Material to the specified judicial officer on or before the Return Date listed above.

If the Responsive Material is voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

QUESTIONS ABOUT SUBPOENA

If you have questions about, or wish to make arrangements for, the delivery to the foregoing judicial officer of the Responsive Material encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. As indicated above, however, you may not deliver the Responsive Material to the undersigned attorney; instead, the Responsive Material must be delivered only to the foregoing judicial officer.

(The balance of this page is left blank intentionally.
The signature of the issuing attorney appears on the next page.)

ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by


J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.com

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.)

McLEAN **FILED** **COUNTY**
JUN 07 2018
CIRCUIT CLERK

SUBPOENA DUCES TECUM

TO: VenuWorks of Bloomington, LLC
C/o Lynn Cannon, Registered Agent
101 South Madison Street
Bloomington, IL 61701

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

COMPLIANCE REQUIRED

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

RETURN DATE

YOU ARE COMMANDED to appear before the judicial officer identified below in Courtroom 3D (or the courtroom to which you are directed by courthouse personnel) at 1:30 P.M. on June 19, 2018 (hereinafter the "Return Date"), to produce and deliver the responsive items, documents, and evidence identified below.

RESPONSIVE MATERIAL TO BE PRODUCED

YOU ARE FURTHER COMMANDED to identify, locate, and produce all of the following items, documents, and evidence (hereinafter collectively the "Responsive Material") on the Return Date specified above:

For the applicable period specified below, any and all documents or communications (including all attachments or enclosures) by VenuWorks of Bloomington, LLC, or any of its current or former employees or agents (including without limitation Steve Peters, Russ Ferguson, Curtis Webb, Mike Piehl, etc.), and transmitted to or exchanged with, between, or among

- any other current or former employees or agents of VenuWorks of Bloomington, LLC;
- the City of Bloomington, Illinois, or any of its current or former officers, employees, or agents (including without limitation Tom Hamilton, David Hales, Barb Adkins, Steve Rasmussen, Nora Dukowitz, Patty-Lynn Silva, Brian Barnes, Tim Irvin, Scott Sprouls, Matt Noonan, any mayor, any member of the City Council, etc.);
- any federal, state, or municipal law enforcement agency, or any of its current or former officers, employees, or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue, or any of its current and former officers, employees, or agents;
- any federal or state prosecuting authority, or any of its current or former attorneys, employees, or agents (including without limitation the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the McLean County State's Attorney, etc.);
- the Bronner Group, LLC, or any of its employees, agents, or affiliates;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents;
- BMI Concessions, LLC, or any of its current or former employees or agents;
- Attorney William A. Mueller (or any other attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;
- Kelly W. Klein, or any of her agents or attorneys;
- Jay C. Laesch, or any of his agents or attorneys; and/or
- Paul E. Grazar, or any of his agents or attorneys,

regarding or related to any of the following persons, entities, or subjects:

- (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;

- (ii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- (iii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- (iv) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- (v) any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- (vii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- (viii) the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois; and
- (ix) any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena);
- (x) any and all purchase agreements, including all attachments, between VenuWorks of Bloomington, LLC and Central Illinois Arena Management, Inc., regarding equipment or supplies in relation to the U.S. Cellular Coliseum (also known as either the Bloomington Coliseum or Grossinger Motors Arena); and
- (xi) the Coliseum Fund general ledger reflecting all entries for the U.S. Cellular Coliseum (also known as the Bloomington Coliseum or Grossinger Motors Arena) for the fiscal year 2015-2016 (from May 1, 2015, to April 30, 2016).

The Responsive Material referenced in this request shall include, but not necessarily be limited to, communications or documents transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), communications or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic/digital form), and communications or documents in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.),

reports, meeting minutes, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for Responsive Material encompassed by this subpoena shall be from November 4, 2007, through the date of production.

PRODUCTION UPON JUDICIAL OFFICER

YOU ARE FURTHER COMMANDED to produce the foregoing Responsive Material by delivering it to the following judicial officer.

The Honorable William A. Yoder
Judge of the Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

Do not deliver the Responsive Material to any other person or location. The Responsive Material must be delivered only to the foregoing judge.

METHOD AND MANNER OF PRODUCING RESPONSIVE MATERIAL

You may produce the Responsive Material by delivering it to the foregoing judge in person in open court at the Return Date.

Please note that your appearance in court is not required on the Return Date, however, if you produce and deliver the Responsive Material to the specified judicial officer on or before the Return Date listed above.

If the Responsive Material is voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

QUESTIONS ABOUT SUBPOENA

If you have questions about, or wish to make arrangements for, the delivery to the foregoing judicial officer of the Responsive Material encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. As indicated above, however, you may not deliver the Responsive Material to the undersigned attorney; instead, the Responsive Material must be delivered only to the foregoing judicial officer.

(The balance of this page is left blank intentionally.
The signature of the issuing attorney appears on the next page.)

ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by


J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.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
JUN 07 2018
CIRCUIT CLERK

SUBPOENA DUCES TECUM

TO: David A. Hales
C/o Office of City Manager
City of Joliet
150 West Jefferson Street
Joliet, IL 60432

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

COMPLIANCE REQUIRED

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

RETURN DATE

YOU ARE COMMANDED to appear before the judicial officer identified below in Courtroom 3D (or the courtroom to which you are directed by courthouse personnel) at 10:00 A.M. on July 26, 2018 (hereinafter the "Return Date"), to produce and deliver the responsive items, documents, and evidence identified below.

RESPONSIVE MATERIAL TO BE PRODUCED

YOU ARE FURTHER COMMANDED to identify, locate, and produce all of the following items, documents, and evidence (hereinafter collectively the "Responsive Material") on the Return Date specified above:

Category No. 1:

For the applicable period specified below, any and all documents or records created or received by you regarding or related to any of the following persons, entities, or subjects:

- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum in Bloomington, Illinois (now known as the Grossinger Motors Arena).

The documents or records referenced in this Category No. 1 shall include, but not necessarily be limited to, records or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic form), transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), and created and/or maintained or stored in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including

without limitation via Facebook, Twitter, Instagram, etc.), reports, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including notes or summaries of oral conversations).

The applicable period for documents encompassed by this Category No. 1 shall be from November 4, 2007, through the date of production.

Category No. 2

For the applicable period specified below, any and all documents or communications initiated, sent, or received by you and transmitted to or exchanged with, between, or among

- any current or former employees or agents of the City of Bloomington, Illinois, or any of its former employees or agents (including without limitation Tom Hamilton, Barb Adkins, Steve Rasmussen, Nora Dukowitz, Patty-Lynn Silva, Brian Barnes, Tim Irvin, Scott Sprouls, Matt Noonan, any mayor, any member of the City Council, etc.);
- any federal, state, or municipal law enforcement agency or any of its employees or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue and any of its employees or agents;
- any federal or state prosecuting authority and or any of its employees and agents (including without limitation the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the McLean County State's Attorney, etc.);
- VenuWorks of Bloomington, LLC, or any of its employees or agents;
- the Bronner Group, LLC, or any of its employees, agents, or affiliates;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents (including Mike Nelson and Jane Everhart);
- BMI Concessions, LLC, or any of its employees or agents;
- Attorney William A. Mueller (or any other attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;

- Kelly W. Klein, or any of her agents or attorneys;
- Jay C. Laesch, or any of his agents or attorneys; and/or
- Paul E. Grazar, or any of his agents or attorneys,

regarding or related to any of the following persons, entities, or subjects:

- (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- (ii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- (iii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- (iv) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- (v) any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- (vii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- (viii) the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- (ix) any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- (x) any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum in Bloomington, Illinois (now known as the Grossinger Motors Arena).

The documents or records referenced in this Category No. 2 shall include, but not necessarily be limited to, communications or documents transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail,

other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), communications or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic/digital form), and communications or documents in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.), reports, meeting minutes, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for documents encompassed by this Category No. 2 shall be from November 4, 2007, through the date of production.

PRODUCTION UPON JUDICIAL OFFICER

YOU ARE FURTHER COMMANDED to produce the foregoing Responsive Material by delivering it to the following judicial officer.

The Honorable William A. Yoder
Judge of the Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

Do not deliver the Responsive Material to any other person or location. The Responsive Material must be delivered only to the foregoing judge.

METHOD AND MANNER OF PRODUCING RESPONSIVE MATERIAL

You may produce the Responsive Material by delivering it to the foregoing judge in person in open court at the Return Date.

Please note that your appearance in court is not required on the Return Date, however, if you produce and deliver the Responsive Material to the specified judicial officer on or before the Return Date listed above.

If the Responsive Material is voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

QUESTIONS ABOUT SUBPOENA

If you have questions about, or wish to make arrangements for, the delivery to the foregoing judicial officer of the Responsive Material encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. As indicated above, however, you may not deliver the Responsive Material to

the undersigned attorney; instead, the Responsive Material must be delivered only to the foregoing judicial officer.

(The balance of this page is left blank intentionally.
The signature of the issuing attorney appears on the next page.)

ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by


J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.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
JUN 07 2018
CIRCUIT CLERK

SUBPOENA DUCES TECUM

TO: Illinois State Police
C/o Legal Office
801 South 7th Street
Springfield, IL 61703

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

COMPLIANCE REQUIRED

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

RETURN DATE

YOU ARE COMMANDED to appear before the judicial officer identified below in Courtroom 3D (or the courtroom to which you are directed by courthouse personnel) at 10:00 A.M. on July 26, 2018 (hereinafter the "Return Date"), to produce and deliver the responsive items, documents, and evidence identified below.

RESPONSIVE MATERIAL TO BE PRODUCED

YOU ARE FURTHER COMMANDED to identify, locate, and produce all of the following items, documents, and evidence (hereinafter collectively the "Responsive Material") on the Return Date specified above:

For the applicable period specified below, any and all documents or communications (including all attachments or enclosures) by the Illinois State Police, or any of its current or former officers, employees, or agents (including without limitation Special Agent Daniel Rossiter, etc.), and transmitted to or exchanged with, between, or among

- any other current or former officers, employees, or agents of the Illinois State Police;
- any federal, state, or municipal law enforcement agency, or any of its current or former officers, employees, or agents (including without limitation, the police department of the City of Bloomington, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue, or any of its current or former officers, employees, or agents; any federal or state prosecuting authority and or any of its employees and agents (including without limitation the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the McLean County State's Attorney, etc.);
- any federal or state prosecuting authority, or any of its current or former attorneys, employees, and agents (including without limitation the U.S. Department of Justice, the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the State's Attorney of McLean County, Illinois, etc.);
- the City of Bloomington, Illinois, or any of its current or former officers, employees, or agents (including without limitation Tom Hamilton, David Hales, Barb Adkins, Steve Rasmussen, Nora Dukowitz, Patty-Lynn Silva, Brian Barnes, Tim Irvin, Scott Sprouls, Matt Noonan, any mayor, any member of the City Council, etc.);
- VenuWorks of Bloomington, LLC, or any of its current or former employees or agents;
- the Bronner Group, LLC, or any of its employees, agents, or affiliates;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents;
- BMI Concessions, LLC, or any of its current or former employees or agents;
- Attorney William A. Mueller (or any other current or former attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;
- Kelly W. Klein, or any of her agents or attorneys;
- Jay C. Laesch, or any of his agents or attorneys; and/or

- o Paul E. Grazar, or any of his agents or attorneys,

regarding or related to any of the following persons, entities, or subjects:

- (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- (ii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- (iii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- (iv) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- (v) any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- (vii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents; and/or
- (viii) the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- (ix) any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- (x) any contract negotiations or discussions related to the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena).

The Responsive Material referenced in this request shall include, but not necessarily be limited to, communications or documents transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), communications or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic/digital form), and communications or documents in any form, such as notes (including without limitation handwritten notes,

typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.), reports, meeting minutes, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for Responsive Material encompassed by this request shall be from November 4, 2007, through the date of production.

PRODUCTION UPON JUDICIAL OFFICER

YOU ARE FURTHER COMMANDED to produce the foregoing Responsive Material by delivering it to the following judicial officer.

The Honorable William A. Yoder
Judge of the Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

Do not deliver the Responsive Material to any other person or location. The Responsive Material must be delivered only to the foregoing judge.

METHOD AND MANNER OF PRODUCING RESPONSIVE MATERIAL

You may produce the Responsive Material by delivering it to the foregoing judge in person in open court at the Return Date.

Please note that your appearance in court is not required on the Return Date, however, if you produce and deliver the Responsive Material to the specified judicial officer on or before the Return Date listed above.

If the Responsive Material is voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

QUESTIONS ABOUT SUBPOENA

If you have questions about, or wish to make arrangements for, the delivery to the foregoing judicial officer of the Responsive Material encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. As indicated above, however, you may not deliver the Responsive Material to the undersigned attorney; instead, the Responsive Material must be delivered only to the foregoing judicial officer.

ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by


J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.com

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.)

SUBPOENA DUCES TECUM

McLEAN COUNTY
FILED
JUN 07 2018
CIRCUIT CLERK

TO: Bronner Group, LLC
C/o Gila J. Bronner, Registered Agent
120 North LaSalle Street, Suite 1300
Chicago, IL 60602

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

COMPLIANCE REQUIRED

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

RETURN DATE

YOU ARE COMMANDED to appear before the judicial officer identified below in Courtroom 3D (or the courtroom to which you are directed by courthouse personnel) at 10:00 A.M. on July 26, 2018 (hereinafter the "Return Date"), to produce and deliver the responsive items, documents, and evidence identified below.

RESPONSIVE MATERIAL TO BE PRODUCED

YOU ARE FURTHER COMMANDED to identify, locate, and produce all of the following items, documents, and evidence (hereinafter collectively the "Responsive Material") on the Return Date specified above:

For the applicable period specified below, any and all documents or communications (including all attachments or enclosures) initiated, sent, or received by the Bronner Group, LLC, or any of its current or former employees, agents, or affiliates, and transmitted to or exchanged with, between, or among

- any other current or former employees, agents, or affiliates of the Bronner Group, LLC;
- the City of Bloomington, Illinois, or any of its current or former officers, employees, or agents (including without limitation Tom Hamilton, David Hales, Barb Adkins, Steve Rasmussen, Nora Dukowitz, Patty-Lynn Silva, Brian Barnes, Tim Irvin, Scott Sprouls, Matt Noonan, any mayor, any member of the City Council, etc.);
- any federal, state, or municipal law enforcement agency, or any of its current or former officers, employees, or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue, or any of its current or former officers, employees, or agents;
- any federal or state prosecuting authority, or any of its current or former officers, employees, and agents (including without limitation the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the McLean County State's Attorney, etc.);
- VenuWorks of Bloomington, LLC, or any of its current or former employees or agents;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents (including Mike Nelson and Jane Everhart);
- BMI Concessions, LLC, or any of its current or former employees or agents;
- Attorney William A. Mueller (or any other current or former attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;
- Kelly W. Klein, or any of her agents or attorneys;
- Jay C. Laesch, or any of his agents or attorneys; and/or
- Paul E. Grazar, or any of his agents or attorneys,

regarding or related to any of the following persons, entities, or subjects:

- (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- (ii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- (iii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- (iv) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- (v) any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- (vii) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- (viii) the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois; and
- (ix) any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
- (x) any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum in Bloomington, Illinois (now known as the Grossinger Motors Arena).

The Responsive Material referenced in this request shall include, but not necessarily be limited to, communications or documents transmitted via any method (including without limitation transmission via oral communication or conversation, hand-delivery, postal mail, other common carrier, facsimile, electronic mail or other electronic means of delivery, etc.), communications or documents stored in any format (including without limitation in tangible object form, paper form, photographic form, or electronic/digital form), and communications or documents in any form, such as notes (including without limitation handwritten notes, typewritten notes, etc.), letters (including without limitation handwritten letters, memoranda (including without limitation file memoranda, intra-office memoranda, inter-office memoranda, etc.), facsimiles (including cover sheets), text messages, electronic mail messages, social media messages of any kind (including without limitation via Facebook, Twitter, Instagram, etc.),

reports, meeting minutes, summaries, photographs, drawings or sketches, diagrams, audio recording, video recordings, other electronic recordings of any kind, and any and all other forms of communications or documentation of communications (including summaries of oral conversations).

The applicable period for Responsive Material encompassed by this request shall be from November 4, 2007, through the date of production.

PRODUCTION UPON JUDICIAL OFFICER

YOU ARE FURTHER COMMANDED to produce the foregoing Responsive Material by delivering it to the following judicial officer.

The Honorable William A. Yoder
Judge of the Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

Do not deliver the Responsive Material to any other person or location. The Responsive Material must be delivered only to the foregoing judge.

METHOD AND MANNER OF PRODUCING RESPONSIVE MATERIAL

You may produce the Responsive Material by delivering it to the foregoing judge in person in open court at the Return Date.

Please note that your appearance in court is not required on the Return Date, however, if you produce and deliver the Responsive Material to the specified judicial officer on or before the Return Date listed above.

If the Responsive Material is voluminous, then you may elect to provide the responsive items or documents in an electronic format (i.e., on a DVD, flash drive, etc.).

QUESTIONS ABOUT SUBPOENA

If you have questions about, or wish to make arrangements for, the delivery to the foregoing judicial officer of the Responsive Material encompassed by this *Subpoena Duces Tecum*, then you may contact the Office of the Circuit Clerk of McLean County, Illinois, at (309) 888-5301.

If you have questions about the scope of this *Subpoena Duces Tecum*, then you may contact the undersigned attorney. As indicated above, however, you may not deliver the Responsive Material to the undersigned attorney; instead, the Responsive Material must be delivered only to the foregoing judicial officer.

(The balance of this page is left blank intentionally.
The signature of the issuing attorney appears on the next page.)

ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by


J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.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
JUN 07 2018
CIRCUIT CLERK

SUBPOENA DUCES TECUM

TO: Patty-Lynn Silva
C/o Attorney Jeffrey R. Jurgens, City Attorney
City of Bloomington
109 East Olive Street
Bloomington, IL 61701

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

COMPLIANCE REQUIRED

FAILURE TO COMPLY WITH THE TERMS OF THIS SUBPOENA MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

RETURN DATE

YOU ARE COMMANDED to appear before the judicial officer identified below in Courtroom 3D (or the courtroom to which you are directed by courthouse personnel) at 1:30 P.M. on June 19, 2018 (hereinafter the "Return Date"), to produce and deliver the responsive items, documents, and evidence identified below.

RESPONSIVE MATERIAL TO BE PRODUCED

YOU ARE FURTHER COMMANDED to identify, locate, and produce all of the following items, documents, and evidence (hereinafter collectively the "Responsive Material") on the Return Date specified above:

Category No. 1:

For the applicable period specified below, any and all documents or records created or received by you regarding or related to any of the following persons, entities, or subjects:

- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Bart E. Rogers;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Kelly W. Klein;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Jay C. Laesch;
- any investigation or inquiry into, or request for investigations or inquiry into, the activities or conduct of Paul E. Grazar;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
- any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of BMI Concessions, LLC, or of its owners, officers, managers, employees, and agents;
- the ongoing investigations and/or prosecutions in or associated with case numbers 17-CF-1025, 17-CF-1026, 17-CF-1027, 17-CF-1028, and 17-CF-1029 now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois;
- any and all audits or tax examinations (including without limitation annual audits and/or internal audits by the City of Bloomington or its designees, including Sikich and McGladrey; audits or examinations by the Bronner Group; Illinois Department of Revenue audits or examinations; etc.) on the operations and/or financial performance of the U.S. Cellular Coliseum (now known as the Grossinger Motors Arena); and
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Category No. 2

For the applicable period specified below, any and all documents or communications initiated, sent, or received by you and transmitted to or exchanged with, between, or among

- any current or former employees or agents of the City of Bloomington, Illinois, or any of its former employees or agents (including without limitation Tom Hamilton, Barb Adkins, Steve Rasmussen, Nora Dukowitz, Brian Barnes, Tim Irvin, Scott Sprouls, Matt Noonan, any mayor, any member of the City Council, etc.);
- any federal, state, or municipal law enforcement agency or any of its employees or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
- the Illinois Department of Revenue and any of its employees or agents;
- any federal or state prosecuting authority and or any of its employees and agents (including without limitation the Office of the U.S. Attorney, the Office of the Illinois Attorney General, the Office of the McLean County State's Attorney, etc.);
- VenuWorks of Bloomington, LLC, or any of its employees or agents;
- the Bronner Group, LLC, or any of its employees, agents, or affiliates;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents (including Mike Nelson and Jane Everhart);
- BMI Concessions, LLC, or any of its employees or agents;
- Attorney William A. Mueller (or any other attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;
- Kelly W. Klein, or any of her agents or attorneys;

- Jay C. Laesch, or any of his agents or attorneys; and/or
- Paul E. Grazar, or any of his agents or attorneys,

regarding or related to any of the following persons, entities, or subjects:

- (i) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of John Y. Butler;
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- (vi) any investigation or inquiry into, or request for investigation or inquiry into, the activities or conduct of Central Illinois Arena Management, Inc. or of its owners, officers, managers, employees, and agents;
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- (x) any and all audits on or contract negotiations related to the operations and/or financial performance of the U.S. Cellular Coliseum in Bloomington, Illinois (now known as the Grossinger Motors Arena).

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PRODUCTION UPON JUDICIAL OFFICER

YOU ARE FURTHER COMMANDED to produce the foregoing Responsive Material by delivering it to the following judicial officer.

The Honorable William A. Yoder
Judge of the Circuit Court
McLean County Law & Justice Center
104 West Front Street
Bloomington, IL 61701

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QUESTIONS ABOUT SUBPOENA

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ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by


J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.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
JUN 07 2018
CIRCUIT CLERK

SUBPOENA DUCES TECUM

TO: Brian Barnes
2719 Essington Street
Bloomington, IL 61705

YOU ARE COMMANDED to produce certain items or evidence for examination by the parties or the Court to be considered as evidence in the above-captioned proceedings now pending before the Circuit Court for the Eleventh Judicial Circuit, County of McLean, State of Illinois. This *Subpoena Duces Tecum* outlines what you are required to do. Please review the entire document.

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- any federal, state, or municipal law enforcement agency or any of its employees or agents (including without limitation the Illinois State Police, the Bloomington Police Department, the McLean County Sheriff's Department, the Federal Bureau of Investigation, etc.);
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- VenuWorks of Bloomington, LLC, or any of its employees or agents;
- the Bronner Group, LLC, or any of its employees, agents, or affiliates;
- Central Illinois Arena Management, Inc., or any of its current or former employees or agents (including Mike Nelson and Jane Everhart);
- BMI Concessions, LLC, or any of its employees or agents;
- Attorney William A. Mueller (or any other attorney of the Mueller, Reece & Hinch law firm in Bloomington, Illinois);
- Mike Nelson, or any of his agents or attorneys;
- Diane Benjamin, or any of her agents or attorneys;
- John Y. Butler, or any of his agents or attorneys;
- Bart E. Rogers, or any of his agents or attorneys;
- Kelly W. Klein, or any of her agents or attorneys;

- Jay C. Laesch, or any of his agents or attorneys; and/or
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ISSUANCE BY ATTORNEY AS OFFICER OF COURT

As an officer of the Court, the undersigned attorney at law, who is admitted to practice in the State of Illinois, hereby issues this *Subpoena Duces Tecum* on behalf of the Circuit Court.

Dated: June 7, 2018

On behalf of the Circuit Court by


J. STEVEN BECKETT, Attorney at Law

Prepared by:
J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Avenue
Urbana, IL 61801
Office: (217) 328-0263
Fax: (217) 328-0290
E-mail: Steve@BeckettWebber.com

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

McLEAN COUNTY
FILED
MAY 16 2018
CIRCUIT CLERK

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

**MOTION TO COMPEL STATE TO ALLOW UNRESTRICTED DEFENSE
INSPECTION OF DEFENDANT'S DOCUMENTS
SEIZED BY ILLINOIS STATE POLICE**

NOW COMES the Defendant, JOHN Y. BUTLER, by his attorneys, J. STEVEN BECKETT of BECKETT LAW OFFICES, P.C. and SCOTT KORDING of MEYER CAPEL, P.C., and for his *Motion to Compel State to Allow Unrestricted Defense Inspection of Defendant's Documents Seized by Illinois State Police* states as follows:

1. That in December of 2016, the Illinois State Police obtained search warrants and executed them, seizing documents that were the business records of Central Illinois Arena Management, Inc. ("CIAM") and BMI Concessions, LLC ("BMI") and other documents related to the business operations of CIAM and BMI. The Defendant, JOHN Y. BUTLER, was and is the sole shareholder, director, and president of CIAM and BMI. Said seized business records and other documents were removed from locations in McLean County and taken to Illinois State Police District 6 Headquarters in Pontiac, Illinois, which is in Livingston County.
2. That on September 20, 2017, Defendant was indicted with 44 Counts alleging felony criminal offenses in relation to his actions under the auspices of CIAM and BMI.

3. That on September 29, 2017, the State, through the McLean County States Attorney's Office, filed and served upon Defendant its First Discovery Compliance Pursuant to Supreme Court Rule 412, which stated as follows, that the Illinois State Police seized the following in December 2016:

- 73 boxes of *original documents* which are currently stored in a secured room in the Illinois State Police District 6 Headquarters in Pontiac, Illinois.
- Those documents are available for inspection at the Illinois State Police District 6 headquarters in Pontiac, Illinois upon reasonable request.

4. That on January 19, 2018, one of Defendant's counsel requested in writing that the documents and records being stored at State Police District 6 Headquarters in Pontiac, Illinois, be made available to the Defendant, stating:

“We also need to inspect the documents that are in boxes or otherwise in storage by the Illinois State Police. Apparently those are in Pontiac, in Livingston County. It is not reasonable to expect my office to go to Pontiac and have my client present to review those documents. We ask that those be returned and stored in a facility in Bloomington-Normal so that all defendants and their attorneys may have access to them. In the event we cannot reach an agreement on this matter, we will seek relief from the Court on the defendant's opportunity to inspect, review and copy records that may be in custody of the State Police.”

5. That on January 27, 2017, the McLean County States Attorney's Office declined to provide inspection access in Bloomington-Normal but held open the possibility of further

agreement on the issue. Further discussion did not lead to an agreement, so Defendant's counsel was advised to make arrangements to go to Pontiac, Illinois, with the Special Agent in charge of investigation in this case.

6. That on February 28, 2018, one of Defendant's counsel personally visited the premises of State Police District 6 Headquarters in Pontiac, Illinois, and subsequently submitted a written request to the Special Agent in charge of the investigation have access to the documents and business records. Through written exchanges, Defendant's counsel and the Special Agent in charge agreed that the evidence inspection would occur at State Police District 6 Headquarters on May 9 and 10, 2018, in Pontiac, Illinois.
7. That as the date of the May 9-10 evidence review approached, one of Defendant's counsel corresponded further with the Special Agent in charge to confirm the logistics of the evidence review. On the evening of May 8, 2018, Defendant's counsel and the Special Agent in charge of the investigation spoke multiple times by telephone to confirm logistics for the inspection of documents and business records on May 9 and May 10, 2018. During their May 8 conversations, Defendant's counsel explained that multiple attorneys and non-attorney staff members from Defendant's defense team would be present to examine the documents, and that the attorneys would be bringing a portable scanner to scan documents identified as necessary after Defendant's counsel's review of documents and records with Defendant. As previously indicated in Defendant's counsel's January 19 letter, Defendant's counsel reiterated to the Special Agent in charge that Defendant would be present personally to assist his attorneys in reviewing, identifying, and discussing his documents and records during the review.

8. That during their May 8 evening phone calls, the Special Agent in charge advised Defendant's counsel that Defendant would not be allowed to be present personally to inspect the "original documents" that were seized from Defendant's businesses and that were in the exclusive possession and control of the Illinois State Police at its District 6 Headquarters in Pontiac, Illinois. Defendant's counsel immediately objected to Defendant being barred from attending the evidence review, but the Special Agent told Defendant's counsel that the Illinois State Police would not permit Defendant to be present with his attorneys to inspect his original documents.
9. That, based on the refusal of the Illinois State Police to allow the Defendant to personally review the original documents seized from his companies and from others, Defendant was forced to cancel the scheduled inspection and advised the Special Agent that a motion seeking court relief would be filed.
10. That the Defendant has the right to a fair trial, to effective assistance of counsel, and to due process of law under the Sixth and Fourteenth Amendments to the Constitution of the United States and to corollary provisions of the Illinois State Constitution of 1970. These rights include pre-trial access to documentary evidence seized during the investigation of his case, personal review such documentary evidence against him, and personal review of documentary evidence that may be favorable to him. Ill. Sup. Ct. R. 412(a). Defendant has the right to reasonable access to inspect records seized from him.
11. That the State has discovery obligations under Illinois Supreme Court Rule 412(e) to perform discovery in a manner that is mutually agreeable to itself and defense counsel, or by "making available to defense counsel . . . such material and information, and suitable facilities . . . for inspection, testing, copying, and photographing of such material and

information.” Ill. Sup. Ct. R. 412(e). Compliance with the discovery provisions is mandatory. *People v. Williams*, 96 Ill. App. 3d 250, 252 (1981).

12. That in violation of Defendant's rights and the Illinois Supreme Court discovery rules as set forth in Paragraph 10 and 11 above, the Illinois State Police have seized items from Defendant's home county and removed it to a remote location some 40 miles away, thus constituting an unsuitable and inconvenient facility for inspection outside the county in which this prosecution is proceeding, in which Defendant resides and conducted business, and in which the seized records were kept and stored.

13. That in violation of Defendant's rights as set forth in Paragraphs 10 and 11 above, the Illinois State Police have barred the Defendant from personally inspecting and reviewing the original documents that have been seized during the investigation, a significant portion of which were his own companies' records. “Where it appears that there is evidence in the possession and control of the prosecution favorable to the defendant, ‘a right sense of justice demands that it should be available, unless there are strong reasons otherwise.’” *People v. Moses*, 11 Ill. 2d 84, 89 (1957).

14. That this Court has jurisdiction of this matter. Further, “if the State’s efforts [to cause such materials to be made available to defense counsel] are unsuccessful,” this court has discretion to enter such orders as may be necessary to regulate the discovery process to protect Defendant's right to a fair trial. Ill. Sup. Ct. R. 412(g).

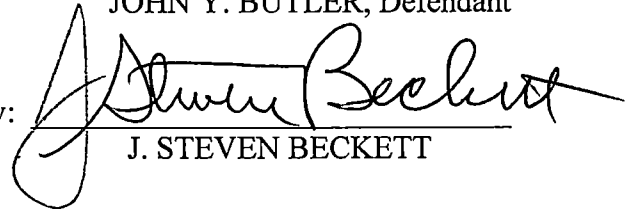
WHEREFORE the Defendant, JOHN Y. BUTLER, prays that the Court will enter an order regulating discovery in this cause to (1) require that the items seized by Illinois State Police be returned to McLean County, Illinois, to provide reasonable access, and (2) require that the Illinois State Police permit Defendant to be present personally with his attorneys to inspect and

review the documentary evidence within the possession and control of the Illinois State Police,
and (3) for such other relief deemed just and appropriate.

Respectfully Submitted,

JOHN Y. BUTLER, Defendant

By:



J. STEVEN BECKETT

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(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 May 16, 2018, he did cause a copy of the foregoing Motion to Compel State to Allow Unrestricted Defense Inspection of Defendant's Documents Seized by Illinois State Police to be hand delivered to the following:

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



J. STEVEN BECKETT

J. STEVEN BECKETT
BECKETT LAW OFFICE, P.C.
508 South Broadway Ave.
Urbana, IL 61801
(217) 328-0263
(217) 328-0290 (FAX)
steve@beckettlawpc.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
MAY 09 2018
CIRCUIT CLERK

**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 Attorneys Adam W. Ghrist and Bradly A. Rigdon. The Defendant, JOHN Y. BUTLER, appears by and through his attorneys, J. Steven Beckett of Beckett Law Office, P.C. and Scott Kording of Meyer Capel, P.C. The Court, being fully advised in the premises, hereby FINDS and ORDERS as follows:

1. The parties stipulate to entry of this *Agreed Order Modifying Defendant's Bond Conditions to Allow Out-of-State Travel*.

2. The terms of the bond of the Defendant, JOHN Y. BUTLER, are hereby modified to permit Defendant to leave the State of Illinois for travel to and from the following locations for the specified dates:

A. For the period of May 22-28, 2018, Defendant may travel to and from Dallas, Texas. Defendant represents that he will be traveling by automobile and staying at the Hampton Inn & Suites in Downtown Dallas.

B. For the period of June 7-10, 2018, Defendant may travel to and from Muskegon, Michigan. Defendant represents that he will be traveling by automobile and staying at the Holiday Inn—Harbor.

C. For the period of June 20-24, Defendant may travel to and from Lexington, Kentucky. Defendant represents that he will be traveling by automobile and staying at the Hyatt Regency—Lexington.

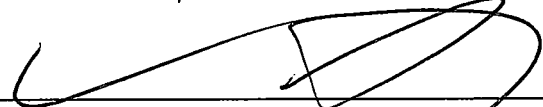
D. For the period June 30-July 1, 2018, Defendant may travel to and from Muskegon, Michigan. Defendant represents that he will be traveling by automobile and staying at the Holiday Inn—Harbor.

E. For the period July 12-15, 2018, Defendant may travel to and from Indianapolis, Indiana. Defendant represents that he will be traveling by automobile and staying at the Courtyard by Marriott (Indianapolis Castleton).

F. For the period July 27-29, 2018, Defendant may travel to and from Muskegon, Michigan. Defendant represents that he will traveling by automobile and staying at the Holiday Inn—Harbor.


IT IS SO ORDERED.

Entered this 9 day of May, 2018.

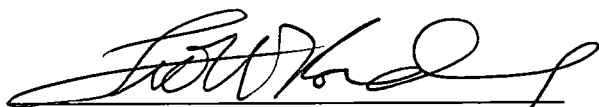


THE HONORABLE WILLIAM A. YODER
Judge of the Circuit Court

Approved as to Form and Substance:



Assistant State's Attorney



Counsel to Defendant

Prepared by:
SCOTT KORDING
MEYER CAPEL, A Professional Corporation
202 North Center Street
Bloomington, IL 61701
(309) 829-9486 [Voice]
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SKording@MeyerCapel.com
ARDC No. 6286628

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
MAY 04 2018
CIRCUIT CLERK

PEOPLE'S RESPONSE TO DEFENDANT'S MOTION TO QUASH INDICTMENT

Now comes the People of the State of Illinois by Adam W. Ghrist and Bradly Rigdon, 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 Quash Indictment, and state the following in support thereof:

I. PROCEDURAL POSTURE AND STATEMENT OF FACTS

Prior to the filing of criminal charges in the above-entitled case, the Illinois State Police and the Illinois Department of Revenue conducted an investigation into operations at the U.S. Cellular Coliseum. This involved an investigation into the actions of Central Illinois Arena Management (CIAM), BMI Concessions (BMI), and the actions of the individuals working within the Coliseum. The investigation involved the utilization of numerous investigative techniques, including, but not limited to, search warrants, grand jury subpoenas duces tecum, and, interviews. In particular, on December 21, 2016, Special Agent Daniel Rossiter appeared before the McLean County grand jury and requested that the grand jury authorize the issuance of two subpoenas duces tecum. The issuance of those subpoenas was authorized by the grand jury and the documents themselves were prepared by the State's Attorney's Office. Specifically, the

grand jury authorized the issuance of two subpoenas duces tecum: one directed to Central Illinois Arena Management (CIAM) and one directed to BMI Concessions (BMI). A copy of those subpoenas was attached with the Defendant's Motion and identified as exhibit 2.

On September 20, 2017, the Grand Jury of McLean County heard testimony from Special Agent Daniel Rossiter of the Illinois State Police and Special Agent Lisa Matheny of the Illinois Department of Revenue. Through the testimony of Special Agent Rossiter, the grand jury was made aware of the existence of the Management Agreement and portions of the Management Agreement were discussed as it related to the criminal conduct of this Defendant. In total, the transcript of those proceedings is 58 pages in length and the entirety of that transcript was tendered to the Defendant in the People's First Discovery Compliance as People's discovery exhibit 2134. After considering the evidence, the grand jury 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 Quash Indictment" (HEREINAFTER "Motion") on January 18, 2018. While the Motion asks that the Indictment be "quashed," the Defendant is effectively asking that the Bill of Indictment be dismissed and cites to 725 ILCS 5/114-1, which governs the grounds under which a court may dismiss a Bill of Indictment. Within the body of that Motion, the Defendant alleges multiple bases under which the Bill of Indictment should be dismissed.

II. ALLEGATIONS OF PROSECUTORIAL MISCONDUCT AT THE GRAND JURY PROCEEDINGS ON SEPTEMBER 20, 2017

The representative from the State's Attorney's Office did not engage in prosecutorial misconduct, did not misstate the law to the Grand Jury, did not mislead the Grand Jury, and did not abuse his authority over the Grand Jury.

In the State of Illinois, an Indictment returned by a grand jury is afforded great deference and "an indictment returned by a legally constituted grand jury is presumed valid and is sufficient to justify trial of the charges on the merits." *People v. Torres*, 245 Ill.App.3d 297, 300, 613 N.E.2d 338, 340 (2nd Dist. 1993). Furthermore, aside from the factors enumerated in section 114-1, "a court has authority to dismiss an indictment procured through prosecutorial misconduct only when the accused can show that such misconduct results in actual and substantial prejudice." *People v. Fassler*, 153 Ill.2d 49, 58, 605 N.E.2d 576, 580 (1992). Along those lines, the standard to determine whether the due process rights of an individual may have been violated is "if the prosecutor deliberately or intentionally misleads the grand jury, uses known perjured or false testimony, or presents other deceptive or inaccurate information." *People v. DiVincenzo*, 183 Ill.2d 239, 257, 700 N.E.2d 981, 991 (1998) (abrogated on other grounds).

When presenting evidence to the grand jury, "the prosecutor is under no duty to present all the incriminating evidence he has, nor to inform the grand jurors of the existence of additional or more direct evidence." *People v. Creque*, 72 Ill.2d 515, 525, 382 N.E.2d 793, 797 (1978). In addition to the question of whether a prosecutor must present all available evidence, the United States Supreme Court has gone further and held that a prosecutor is not even under a duty to present exculpatory evidence because "requiring the prosecutor to present exculpatory as well as inculpatory evidence would alter the grand jury's historical role, transforming it from an

accusatory to an adjudicatory body.” *U.S. v. Williams*, 504 U.S. 36, 51, 112 S.Ct. 1735, 1744 (1992).

In his motion, the Defendant makes multiple claims that the grand jury should have been provided a copy of the Management Agreement for their consideration. As a threshold matter, the Defendant has made no claim that there was any perjured testimony or that there was any inaccurate information presented to the grand jury. The Defendant, instead, alleges in paragraphs 8(a) and 8(b) of the Motion that the law was misstated and the Grand Jury was misled because the entirety of the Management Agreement was not presented to the Grand Jury. This argument fails for multiple reasons.

The Defendant was indicted on multiple felony criminal offenses. The law that controls is contained within the Illinois Compiled Statutes; not a contract entered into between the Defendant and the City of Bloomington. The Defendant has, in multiple motions, averred that this entire occurrence is nothing more than a contractual dispute and that there should be no criminal charges against the Defendant. Aside from alleging that he has a defense to the charges, the Defendant now goes a step further and argues that the contract somehow acts as greater controlling authority than the Illinois Criminal Code and the Illinois Code of Criminal Procedure. The Defendant cites to no statute, case law, or any other authority to support this proposition. Additionally, the Defendant cites to no section of the contract which would somehow allow for the Defendant to engage in a systematic and comprehensive fraudulent scheme against the City of Bloomington. The contract is not the “law” that must be considered by the grand jury and the failure to present the entirety of the contract to the grand jury does not equate to a misstatement of the law. The grand jury was properly advised of the law as it related to the proceedings of the grand jury and to the specifics of the criminal charges which were filed against the Defendant.

There has been no claim that the grand jury was improperly instructed as to the elements of the charges, the burden of proof, or to any other substantive issue pertaining to the charges themselves. Because the existence of a contract is not the “law,” but merely a fact in the case, the Court should find that the grand jury was properly instructed and that there was no misstatement of the applicable law.

The Defendant next argues that the Grand Jury was misled by the failure to include the entirety of the Management Agreement in evidence. This argument must fail because there is no requirement, and the Defendant has provided no legal support for the proposition, that certain evidence of the Defendant’s choosing must be presented when the State seeks an indictment. The Defendant’s desire for the grand jury to review a contract is nothing more than the Defendant’s attempt to pick and choose what evidence the grand jury considers. During the proceedings, the grand jury was made aware of the existence of the Management Agreement through the testimony of Special Agent Daniel Rossiter. That contract itself was referenced multiple times during the testimony of Special Agent Rossiter and; had the grand jury determined that having the entirety of the contract was necessary for their considerations, they could have asked to review it. The Defendant has no authority to choose what evidence must be presented to the grand jury and the Court should find that the grand jury was not misled when the entirety of the Management Agreement was not entered as evidence.

The final argument advanced by the Defendant regarding prosecutorial misconduct occurs within paragraph 8(c) of the Motion and alleges that “[t]he State’s Attorney abused his authority over the grand jury when he told a grand juror, ‘I don’t know if it’s relevant for our consideration here today.’” This argument is meritless on its face because the entirety of the interaction between the State and the grand juror paints a much different picture. The Defendant,

in an attempt to color the actions of the State as improper, fails to cite the entirety of the statement made by the State and, specifically, fails to cite to the very next statement in the transcript in which that same grand juror responds. The context of the interaction between the State and the grand juror involved the type of access the City of Bloomington had to the bank accounts related to the Coliseum. The actual exchange between the State and the grand juror was:

Grand Juror: Who in the city would agree to that?

Mr. Ghrist: Well, that's – I'm not—I don't know if that special agent here can answer that question or not, but I don't know if it's relevant for our consideration here today.”

Grand Juror: *Well, I know it's not relevant.* (emphasis added)

Mr. Ghrist: I understand, and I appreciate your indulgence in letting me jump in there. Yes, sir.”

On its face, the question posed asking who agreed to the set level of access to the bank accounts is not relevant to the underlying charges against the Defendant. While it may be indicative of short-sighted practices on the part of the city, the fact is that the particular terms regarding access was agreed to was presented to the grand jury. Which particular city official(s) agreed to that provision has no impact on the scheme to defraud in which the Defendant engaged over a course of years. The limited access to the bank account information just made it easier for the Defendant to carry out that scheme. Furthermore, the fact that there was no abuse of authority is patently obvious in the fact that statement from the representative from the State's Attorney's Office did not actually state whether the questions was relevant. It simply stated “I don't know if

it's relevant...." The grand juror, in fact, was the person who affirmatively stated that the question had no relevance to the proceedings.

After that exchange, the grand jury asks an additional question which is answered by Special Agent Rossiter. The exchange, when viewed in its entirety, shows that the State was not engaging in any improper exercise of authority because the grand juror immediately acknowledged that the question had no relevance to the consideration of criminal charges against the Defendant. Furthermore, the statement by the State did not deter the grand jury from asking additional, relevant, questions both during the testimony of Special Agent Rossiter and later in the proceedings during the testimony of Special Agent Matheny. The argument by the Defendant that the State abused its authority over the grand jury is meritless and the Court should find that the exchange between the grand juror and the State was proper.

III. ALLEGATION OF IMPROPER PROCEDURE RELATING TO SUBPOENAS DUCES TECUM

The Court should not quash the indictment as the subpoenas duces tecum were procured pursuant to the authority of the grand jury and the Defendant has failed to demonstrate any prejudice against him in the procedure utilized for the return of the materials.

Under Illinois law, the grand jury is afforded broad authority "to subpoena and question any person against whom the State's Attorney is seeking an indictment, or any other person, and to obtain and examine any documents or transcripts relevant to the matter being prosecuted by the State's Attorney." 725 Ill. Comp. Stat. Ann. 5/112-4(b). The Fourth District has reaffirmed the broad investigative powers of the grand jury.

The grand jury occupies a unique role in our criminal justice system. It is an investigatory body charged with the responsibility of determining whether probable cause that a crime has occurred exists. The grand jury can investigate merely on a suspicion that the law is being violated or even just because it wants assurance that it is not. * * * The State is not required to justify the issuance of a subpoena by establishing probable cause because the very purpose of the request is to ascertain whether probable cause exists. *January 1996 Grand Jury Term*, 283 Ill.App.3d 883, 892 (1996). (citing *People v. DeLaire*, 240 Ill.App.3d 1020, 1021 (1993)).

Similarly, the Supreme Court of Illinois has acknowledged the broad authority and purpose of the Grand Jury in holding that “the grand jury’s power to conduct criminal investigations should be accorded the broadest possible scope consistent with constitutional limitations.” *People v. Fassler*, 153 Ill.2d 49, 59 (1992). “In determining what matters to investigate, members of the grand jury may act on tips, rumors, evidence offered by the prosecution, or their own personal knowledge.” *Id.* When contemplating the utilization of the grand jury subpoena power the Illinois Supreme Court has reiterated that “the reasonableness of a seizure is determined by balancing the need for official intrusion against the constitutionally protected interest of the private citizen.” *In re May 1991 Will Cty. Grand Jury*, 152 Ill. 2d 381, 392 (1992). “The purpose of a grand jury investigation is both to exonerate individuals under suspicion of having committed a crime (*People v. Rodgers* (1982), 92 Ill.2d 283, 289, 65 Ill.Dec.

929, 442 N.E.2d 240) and to establish the probable cause necessary for the arrest of suspected felons (*Phillips v. Graham* (1981), 86 Ill.2d 274, 284, 56 Ill.Dec. 355, 427 N.E.2d 550)." *Id.*

The Fourth District has also addressed the close working relationship between the grand jury, the State's Attorney's Office, and police investigators when it said "...the grand jury works in concert with the police to investigate alleged criminal behavior and to bring charges based thereon when probable cause exists to do so. Further, the State's Attorney, who is the county's chief law enforcement officer, coordinates the work of the grand jury and the police." *January 1996 Term Grand Jury* at 891. The law permits the appointment of an investigator for the grand jury when good cause is shown. 725 Ill. Comp. Stat. Ann. 5/112-5(b). When challenging the procedure in the utilization of a Grand Jury subpoena, the Defendant needs to show that he was prejudiced by the process used to obtain records. *People v. Wilson*, 164 Ill.2d 436, 458 (1994).

The investigators who appear in front of the grand jury and request subpoenas duces tecum are a necessary part of the system. The grand jury is not equipped, nor does it have the time and knowledge to personally review and analyze complex and voluminous records. The grand jury necessarily relies on the police to conduct that analysis and then present facts gathered from that analysis during testimony when seeking an indictment. The discovery (pages 679-687) in this matter shows that Special Agent Rossiter appeared before the grand jury on December 21, 2016 and obtained the subpoenas duces tecum based upon his application to the grand jury. He then received the materials requested by effecting service on the Defendant through one of his attorneys, William Mueller. While Special Agent Rossiter was not formally appointed by the Court as an investigator for the grand jury, he is nonetheless a sworn peace officer who assisted the grand jury in conducting the investigation into the wrongdoing of the Defendant.

The Defendant cited to no authority, and no authority exists requiring the only individuals who can assist the grand jury are the court-appointed investigators. Such a requirement would lead to an absurd result. An investigator for the grand jury can only be appointed based on “good cause” and when the local, county, and state investigative agencies are able and willing to work with the grand jury, it can hardly be said that there is “good cause” for the appointment of an investigator. Such a need would more appropriately arise if the police were unwilling or unable to conduct a particular investigation. Additionally, Special Agent Rossiter did not act independently of the grand jury because his actions began with appearing before the grand jury and requesting the issuance of a subpoena and concluded when he reported his findings and the evidentiary results of the subpoenas to the grand jury during testimony which sought Bills of Indictment against the multiple co-defendants. Special Agent Rossiter did not substitute his authority for that of the grand jury because the subpoenas were authorized by the grand jury.

Additionally, the Defendant relies on citations to *Wilson*, *Hathaway*, and *Feldmeier* in his contention that the results of the subpoenas should have been returned to the court. That reliance is misplaced because the specific holdings which were cited dealt with subpoenas issued by a State’s Attorney’s Office without the authority of the grand jury. As noted above, it is the duty of the State’s Attorney to coordinate the work of the grand jury and the police. When a subpoena is ordered to be issued by the grand jury, it has to be prepared. That duty to prepare the written document falls on the State’s Attorney in its “coordinator” role.

Furthermore, there is no authority for the Defendant’s contention that the Court should have had the opportunity to review the subpoenas in question at all. The grand jury is its own body and functions separately from the Court. There is no requirement under the law that the

Court review or consider subpoenas issued by the grand jury before the contents of the responses are utilized by law enforcement.

Finally, the only allegation of prejudice made by the Defendant is the conclusory statement that the materials which were acquired through the subpoenas were prejudicial to the Defendant. Such could be said of every criminal cases in which the police gather evidence against a defendant. The Defendant has not asserted any facts which show the materials obtained were exempt from seizure under the subpoenas or that the subpoenas were somehow invalid. He merely challenges the process used on the return of the documents. Beyond the fact that he does not believe the grand jury should have been able to consider the incriminating evidence, the Defendant has failed to show how the procedure utilized caused any prejudice to him. The subpoenas were issued by the grand jury upon application by a sworn peace officer who petitioned the grand jury for the issuance of such, and through the investigation and ultimate testimony of that officer, the results of those subpoenas were communicated to the grand jury.

The indictment against the Defendant should not be quashed as Special Agent Rossiter appropriately obtained subpoenas under the authority and issuance of the grand jury and, even if the court finds that the procedure utilized in the return of the materials was improper, the subpoenas themselves were validly issued and there was no prejudice to the Defendant.

WHEREFORE, the People of the State of Illinois respectfully request that this Court deny the Defendant's Motion to Quash Indictment in its entirety.

Respectfully Submitted,



Adam W. Ghrist
First Assistant State's Attorney



Bradley Rigdon
Assistant State's Attorney

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney's of record of all parties to the above cause by:

Depositing a true and correct copy of the same in the U.S. Post Office or post office box in the City of Bloomington, Illinois, enclosed in an envelope with postage fully prepaid on the 4 day of May, 2018.

Hand delivering a true and correct copy of the same on the ___ day of _____, 2018.



Subscribed to and sworn before
me this 4 day of May, 2018.

Tami E Buckles
Notary Public



The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 22 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 4th day of January, 2013 through the 29th day of
March, 2016 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY, AND BY DECEPTION, OBTAINED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$10,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT CASH SALES
REPORTING ON CONCESSIONS WAS MANIPULATED, THEREBY REDUCING COMMISSIONS PAID TO THE
CITY OF BLOOMINGTON IN THE AMOUNT \$14,005, SAID ACTS WERE IN FURTHERANCE OF A SINGLE
INTENTION OR DESIGN AND THE LAST ACT OF THE THEFT OCCURRED ON OR ABOUT MARCH 31, 2016,

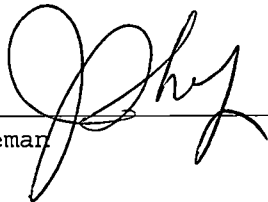
COUNT 22 ALLEGES THE SAME CONDUCT ALLEGED IN COUNT 21

in violation of 720 ILCS 5/16-1(a)(2)(A)

A Class 1 Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown


Foreman

Additional ID
Hgt: 6'03" Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

McLEAN COUNTY
FILED
NOV 07 2018
CIRCUIT CLERK

The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 21 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 4th day of January, 2013 through the 29th day of
March, 2016 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

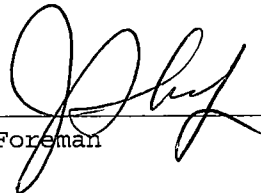
IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY OBTAINED UNAUTHORIZED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$10,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT CASH SALES
REPORTING ON CONCESSIONS WAS MANIPULATED, THEREBY REDUCING COMMISSIONS PAID TO THE
CITY OF BLOOMINGTON IN THE AMOUNT \$14,005, SAID ACTS WERE IN FURTHERANCE OF A SINGLE
INTENTION OR DESIGN AND THE LAST ACT OF THE THEFT OCCURRED ON OR ABOUT MARCH 31, 2016,

in violation of 720 ILCS 5/16-1(a)(1)(A)

A Class 1 Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown


Foreman

Additional ID
Hgt: 6'03" Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

McLEAN COUNTY
FILED
NOV 07 2018
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The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 20 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 18th day of January, 2013 through the 20th day of
March, 2015 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY, AND BY DECEPTION, OBTAINED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$10,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT
COMMISSIONS ON SALES OWED TO THE CITY OF BLOOMINGTON WERE REDUCED BY \$34,761.17
THROUGH THE USE OF THE "KELLY DISCOUNT", SAID ACTS WERE IN FURTHERANCE OF A SINGLE
INTENTION OR DESIGN AND THE LAST ACT OF THE THEFT OCCURRED ON OR ABOUT MARCH 20, 2015
AND THERE HAS BEEN AN ACTION PENDING FOR THE SAME CONDUCT SINCE SEPTEMBER 20, 2017 AS
DESCRIBED IN 720 ILCS 5/3-7(A) (3),

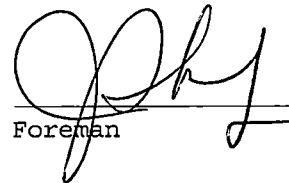
COUNT 20 ALLEGES THE SAME CONDUCT ALLEGED IN COUNT 19

in violation of 720 ILCS 5/16-1(a) (2) (A)

A Class 1 Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown


Foreman

Additional ID
Hgt: 6 '03 " Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

FILED
NOV 07 2018
CIRCUIT CLERK
McLEAN COUNTY

The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 19 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 18th day of January, 2013 through the 20th day of
March, 2015 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY OBTAINED UNAUTHORIZED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$10,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT
COMMISSIONS ON SALES OWED TO THE CITY OF BLOOMINGTON WERE REDUCED BY \$34,761.17
THROUGH THE USE OF THE "KELLY DISCOUNT", SAID ACTS WERE IN FURTHERANCE OF A SINGLE
INTENTION OR DESIGN AND THE LAST ACT OF THE THEFT OCCURRED ON OR ABOUT MARCH 20, 2015
AND THERE HAS BEEN AN ACTION PENDING FOR THE SAME CONDUCT SINCE SEPTEMBER 20, 2017 AS
DESCRIBED IN 720 ILCS 5/3-7(A)(3),

in violation of 720 ILCS 5/16-1(a)(1)(A)

A Class 1 Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown

Foreman

Additional ID
Hgt: 6 '03 " Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

McLEAN COUNTY
FILED
NOV 07 2018
CIRCUIT CLERK

The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 18 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 4th day of November, 2007 through the 27th day of
March, 2016 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY, AND BY DECEPTION, OBTAINED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$100,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT
\$151,404.50 IN COMMISSIONS ON SALES OF IMPROPERLY DISCOUNTED CONCESSIONS ITEMS WAS NOT
PAID TO THE CITY OF BLOOMINGTON, SAID ACTS WERE IN FURTHERANCE OF A SINGLE INTENTION
OR DESIGN AND THE LAST ACT OF THE THEFT OCCURRED ON OR ABOUT MARCH 31, 2016,

COUNT 18 ALLEGES THE SAME CONDUCT ALLEGED IN COUNT 17

in violation of 720 ILCS 5/16-1(a)(2)(A)

A Class X Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown

Foreman

Additional ID
Hgt: 6'03" Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

McLEAN COUNTY
FILED
NOV 07 2018
CIRCUIT CLERK

STATE OF ILLINOIS
COUNTY OF MCLEAN

IN CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT

The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 17 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 4th day of November, 2007 through the 27th day of
March, 2016 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY OBTAINED UNAUTHORIZED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$100,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT
\$151,404.50 IN COMMISSIONS ON SALES OF IMPROPERLY DISCOUNTED CONCESSIONS ITEMS WAS NOT
PAID TO THE CITY OF BLOOMINGTON, SAID ACTS WERE IN FURTHERANCE OF A SINGLE INTENTION
OR DESIGN AND THE LAST ACT OF THE THEFT OCCURRED ON OR ABOUT MARCH 31, 2016,

in violation of 720 ILCS 5/16-1(a)(1)(A)

A Class X Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown

[Handwritten Signature]
Foreman

Additional ID
Hgt: 6'03" Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

FILED
NOV 07 2018
McLEAN COUNTY
CIRCUIT CLERK

The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 16 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 4th day of November, 2007 through the 27th day of
March, 2016 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY, AND BY DECEPTION, OBTAINED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$100,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT
\$186,165.67 IN COMMISSIONS ON SALES OF IMPROPERLY DISCOUNTED ITEMS, INCLUDING
DISCOUNTED CONCESSIONS ITEMS AND THE "KELLY DISCOUNT", WAS NOT PAID TO THE CITY OF
BLOOMINGTON, SAID ACTS WERE IN FURTHERANCE OF A SINGLE INTENTION OR DESIGN AND THE
LAST ACT OF THE THEFT OCCURRED ON OR ABOUT MARCH 31, 2016,

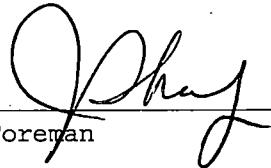
COUNT 16 ALLEGES THE SAME CONDUCT ALLEGED IN COUNT 15
COUNT 16 ALLEGES CONDUCT WHICH AGGREGATES COUNTS 18 AND 20

in violation of 720 ILCS 5/16-1(a)(2)(A)

A Class X Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown


Foreman

Additional ID
Hgt: 6'03" Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

McLEAN COUNTY
FILED
NOV 07 2018
CIRCUIT CLERK

The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 15 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 4th day of November, 2007 through the 27th day of
March, 2016 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY OBTAINED UNAUTHORIZED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$100,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT
\$186,165.67 IN COMMISSIONS ON SALES OF IMPROPERLY DISCOUNTED ITEMS, INCLUDING
DISCOUNTED CONCESSIONS ITEMS AND THE "KELLY DISCOUNT", WAS NOT PAID TO THE CITY OF
BLOOMINGTON, SAID ACTS WERE IN FURTHERANCE OF A SINGLE INTENTION OR DESIGN AND THE
LAST ACT OF THE THEFT OCCURRED ON OR ABOUT MARCH 31, 2016,

COUNT 15 ALLEGES CONDUCT WHICH AGGREGATES COUNTS 17 AND 19

in violation of 720 ILCS 5/16-1(a) (1) (A)

A Class X Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown

Foreman

Additional ID
Hgt: 6'03" Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

McLEAN COUNTY
FILED
NOV 07 2018
CIRCUIT CLERK

The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 14 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 4th day of January, 2008 through the 27th day of
March, 2016 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY, AND BY DECEPTION, OBTAINED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$100,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT
\$229,389.72 IN COMMISSIONS ON SALES OF THIRD PARTY CONCESSIONS ITEMS WAS NOT PAID TO
THE CITY OF BLOOMINGTON, SAID ACTS WERE IN FURTHERANCE OF A SINGLE INTENTION OR DESIGN
AND THE LAST ACT OF THE THEFT OCCURRED ON OR ABOUT MARCH 31, 2016,

COUNT 14 ALLEGES THE SAME CONDUCT ALLEGED IN COUNT 13

in violation of 720 ILCS 5/16-1(a)(2)(A)

A Class X Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown

[Signature]
Foreman

Additional ID
Hgt: 6'03" Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

McLEAN COUNTY
FILED
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CIRCUIT CLERK

The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 13 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 4th day of January, 2008 through the 27th day of
March, 2016 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY OBTAINED UNAUTHORIZED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$100,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT
\$229,389.72 IN COMMISSIONS ON SALES OF THIRD PARTY CONCESSIONS ITEMS WAS NOT PAID TO
THE CITY OF BLOOMINGTON, SAID ACTS WERE IN FURTHERANCE OF A SINGLE INTENTION OR DESIGN
AND THE LAST ACT OF THE THEFT OCCURRED ON OR ABOUT MARCH 31, 2016,

in violation of 720 ILCS 5/16-1(a)(1)(A)

A Class X Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown

Foreman

Additional ID
Hgt: 6 '03 " Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

McLEAN COUNTY
FILED
NOV 07 2018
CIRCUIT CLERK

The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 12 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 1st day of August, 2008 through the 29th day of
February, 2016 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY, AND BY DECEPTION, OBTAINED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$100,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT THE CITY
OF BLOOMINGTON PAID \$140,098.05 FOR LEGAL FEES WHICH WERE DISGUISED AS "EXTRAORDINARY
EXPENSES" OF THE COLISEUM, SAID ACTS WERE IN FURTHERANCE OF A SINGLE INTENTION OR
DESIGN AND THE LAST ACT OF THE THEFT OCCURRED ON OR ABOUT FEBRUARY 29, 2016,

COUNT 12 ALLEGES THE SAME CONDUCT ALLEGED IN COUNT 11

in violation of 720 ILCS 5/16-1(a)(2)(A)

A Class X Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown

Foreman

Additional ID
Hgt: 6'03" Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

McLEAN COUNTY
FILED
NOV 07 2018
CIRCUIT CLERK

The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 11 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 1st day of August, 2008 through the 29th day of
February, 2016 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY OBTAINED UNAUTHORIZED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$100,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT THE CITY
OF BLOOMINGTON PAID \$140,098.05 FOR LEGAL FEES WHICH WERE DISGUISED AS "EXTRAORDINARY
EXPENSES" OF THE COLISEUM, SAID ACTS WERE IN FURTHERANCE OF A SINGLE INTENTION OR
DESIGN AND THE LAST ACT OF THE THEFT OCCURRED ON OR ABOUT FEBRUARY 29, 2016,

in violation of 720 ILCS 5/16-1(a)(1)(A)

A Class X Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown

Foreman

Additional ID
Hgt: 6 '03 " Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES.

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

McLEAN COUNTY
FILED
NOV 07 2018
CIRCUIT CLERK

The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 6 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 5th day of May, 2010 through the 4th day of April,
2016 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY, AND BY DECEPTION, OBTAINED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$10,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT THE CITY
OF BLOOMINGTON PAID, FOR REIMBURSEMENT AND FINAL PURCHASE, \$44,148.35 OVER THE COST OF
CLEANING SUPPLIES AND EQUIPMENT UTILIZED IN OPERATION OF THE COLISEUM, SAID ACTS WERE
IN FURTHERANCE OF A SINGLE INTENTION OR DESIGN AND THE LAST ACT OF THE THEFT OCCURRED
ON OR ABOUT APRIL 4, 2016,

COUNT 6 ALLEGES THE SAME CONDUCT ALLEGED IN COUNT 5

in violation of 720 ILCS 5/16-1(a)(2)(A)

A Class 1 Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown

J. Ph...
Foreman

Additional ID
Hgt: 6'03" Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

McLEAN COUNTY
FILED
NOV 07 2018
CIRCUIT CLERK

The People of the State of Illinois
VS.

DEFENDANT:
JOHN YALE BUTLER
9513 N 2125 EAST
BLOOMINGTON, IL 61705

Case#: 2017CF001025



BILL OF INDICTMENT

COUNT 5 :The GRAND JURY of McLean County, Illinois, charges that
JOHN YALE BUTLER on or about the 5th day of May, 2010 through the 4th day of April,
2016 at
BLOOMINGTON,
in the County of McLean, State of Illinois, committed the offense of
THEFT

IN THAT THE DEFENDANT, OR ONE FOR WHOSE CONDUCT THE DEFENDANT WAS LEGALLY RESPONSIBLE,
KNOWINGLY OBTAINED UNAUTHORIZED CONTROL OVER PROPERTY, WITH VALUE IN EXCESS OF
\$10,000, BELONGING TO THE CITY OF BLOOMINGTON, A GOVERNMENTAL ENTITY, AND INTENDED TO
PERMANENTLY DEPRIVE THE OWNER OF THE USE OF BENEFIT OF THE PROPERTY IN THAT THE CITY
OF BLOOMINGTON PAID, FOR REIMBURSEMENT AND FINAL PURCHASE, \$44,148.35 OVER THE COST OF
CLEANING SUPPLIES AND EQUIPMENT UTILIZED IN OPERATION OF THE COLISEUM, SAID ACTS WERE
IN FURTHERANCE OF A SINGLE INTENTION OR DESIGN AND THE LAST ACT OF THE THEFT OCCURRED
ON OR ABOUT APRIL 4, 2016,

in violation of 720 ILCS 5/16-1(a)(1)(A)

A Class 1 Felony

A TRUE BILL

DESCRIPTION		
D.O.B.	SEX	RACE
08/28/1959	Male	Unknown

[Signature]
Foreman

Additional ID
Hgt: 6'03" Wgt: 250 Hair: GRY Eyes: HAZ

LIST OF WITNESSES

Rossiter, ISP Matheny, IDOR

Intake Report#: 20174314



Report Number: 1613024

Agency: Illinois State Police

McLEAN COUNTY
FILED
NOV 07 2018
CIRCUIT CLERK