



Mary Kay O'Brien – Research Report
August 16, 2022

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Top Hits

Judicial

Murders

In 2022, The Appellate Court Threw Out A Conviction Of A Man Accused Of Beating His Infant Daughter. (Andy Kravetz, "Pekin man's conviction for beating infant daughter reversed by appellate court. Here's why," Peoria Journal Star, 6/10/22)

- **The 7-Month-Old Had Skull Fracture, Bleeding In The Brain And Retinal Hemorrhaging, Injuries Experts Said Were Too Severe To Be An Accident.** (Andy Kravetz, "Pekin man's conviction for beating infant daughter reversed by appellate court. Here's why," Peoria Journal Star, 6/10/22)

In 2016, O'Brien And The Court Overturned A Murder Conviction. (Appellate Court Of Illinois, Third District, State Of Illinois v. Zambrano, 3-14-0178, Decided 7/20/16)

- **The Man Was Later Found Not Guilty Of The Murder Charge.** (John Ferak, "Jesus Zambrano, Ex-Murder Defendant, Shoots Man In Groin: Police," [Joliet Patch](#), 6/16/21)
- **The Man Would Go On To Be Arrested For Aggravated Battery After Shooting Someone In The Leg.** (John Ferak, "Jesus Zambrano, Ex-Murder Defendant, Shoots Man In Groin: Police," [Joliet Patch](#), 6/16/21)

In 2016, O'Brien And The Court Threw Out A Conviction Of A Woman For Murdering Her Own Mother. (Michael Smothers, "Gonzalez murder conviction overturned," Pekin Daily Times, 9/10/16)

- **The Woman Was Originally Sentenced To 50 Years But After Her Appeal The Sentence Was Reduced To 25 Years.** (Michael Smothers, "Gonzalez murder conviction overturned," Pekin Daily Times, 9/10/16; [Illinois Department Of Corrections](#), Accessed 8/9/22)

In 2016, The Court Ordered A Resentencing For A Murder That Reduced His Sentence From 95 Years To 70 Years. (Andy Kravetz, "Resentencing ordered in murder case," Peoria Journal Star, 9/28/16; [Illinois Department Of Corrections](#), Accessed 8/9/22)

In 2021, The Court Threw Out A Conviction Of A Woman Who Played A Role In A Murder And Sentenced To 20 Years. (Andy Kravetz, "New hearing ordered for Peoria woman in 2001 murder case," Peoria Journal Star, 3/23/21)

- **The Woman And Her Husband Robbed A Man, Stabbed Him, Stuck Him In A Freezer And When She Realized He Wasn't Dead Had Her 14 Year Old Son Hold Open The Door While She Bashed Him Over The Head With A Sledgehammer And Stabbed Him Some More.** (Andy Kravetz, "New hearing ordered for Peoria woman in 2001 murder case," Peoria Journal Star, 3/23/21)

In 2021, The Court Threw Out A Murder Conviction Of A Man Who Pulled The Trigger Of A Gun Aimed At His Brothers Head Saying The Prosecutors Didn't Prove Intent To Kill Or Do Harm. (Andy Kravetz, "Fulton murder conviction erased, replaced with lesser charge," Peoria Journal Star, 8/13/21)

- **The Man Would Be Resentenced To A Lesser Charge With A Maximum Of 14 Years, Much Less Than The 34 Year Sentence For Murder.** (Andy Kravetz, "Fulton murder conviction erased, replaced with lesser charge," Peoria Journal Star, 8/13/21)

In 2020, The Court Overturned A Murder Conviction Of Someone For Killing A High School Freshman. (Andy Kravetz, "Court rejects Peoria man's murder conviction in shooting," Peoria Journal Star, 4/6/22)

- **The Man's 60 Year Sentence Was Vacated But He Would Serve 35 Years For A Lesser Crime.** (Andy Kravetz, "Court rejects Peoria man's murder conviction in shooting," Peoria Journal Star, 4/6/22)

Sexual Assault

In 2013, The Appellate Court Threw Out A 51 Year Prison Sentence Of A Man Convicted Of Sexually Assaulting A 16 Year Old And Then Making A Video Of The Victim. .” (Andy Kravetz, “Resentencing ordered in sex assault of teen,” The Peoria Journal Star, 8/28/13)

- **The Appellate Court Said The Sentence Was Too Long And According To Illinois Department Of Corrections The Man Is Not Currently In Prison.** (Andy Kravetz, “Resentencing ordered in sex assault of teen,” The Peoria Journal Star, 8/28/13; [Illinois Department of Corrections](#), Accessed 8/9/22)

In 2015, The Appellate Court Threw Out A Conviction Of A Man Accused Of Sexually Assaulting A 20-Month Old Girl. (Andy Kravetz, “Sex assault conviction voided,” Peoria Journal Star, 5/20/15)

In 2015, The Appellate Court Threw Out A Sexual Assault Conviction Saying The Defendant Was Not Told Of His Right To A Jury Trial. (Andy Kravetz, “Sex assault conviction overturned,” Peoria Journal Star, 8/8/15)

- **The Defendant Assaulted A Woman Who As An Adult Functions On The Level Of A 4-Year-Old.** (Andy Kravetz, “Sex assault conviction overturned,” Peoria Journal Star, 8/8/15)

In 2016, The Appellate Court Threw Out A Sexual Abuse Conviction And 7 Year Sentence For Two Counts Of Aggravated Sexual Abuse. (Andy Kravetz, “Sexual abuse conviction reversed,” Peoria Journal Star, 6/10/16)

- **In 2017, In Sangamon County Rickey Smith Was Charged With Failing To Register As A Sex Offender.** (Sangamon County Court, 2017-CF-001160, Filed 11/8/17)
- **In 2017, Smith Was Charged With Aggravated Domestic Battery.** (Sangamon County Court, 2017-CF-000146, Filed 2/10/17)
- **In 2017, A Order Of Protection Was Filed Against Smith For Domestic Violence.** (Sangamon County Court, 2017-CF-002435, Filed 12/27/17)
- **In 2019, Smith Was Charged With Violation Of Sex Offender Registration.** (Sangamon County Court, 2019-CF-000156, Filed 2/15/19)

In 2016, The Appellate Court Threw Out A Sexual Assault Case Of A Man Accused Of Performing Oral Sex Acts On A 12 Year Old Girl. (Andy Kravetz, “Sex assault case is sent back to Peoria County,” Peoria Journal Star, 12/2/16)

- **The Man Was Sentenced To An Additional 14 Years For Wrapping The Chain Of His Handcuffs Around Another Inmates Neck While A Third Inmate Beat The Man Being Held.** (Andy Kravetz, “Prosecutor attacked by defendant during trial,” Peoria Journal Star, 9/23/20)
- **In 2020, During The Man’s Retrial For The Sexual Assault, He Cold Cocked The Prosecutor And Stomped On Him.** (Andy Kravetz, “Prosecutor attacked by defendant during trial,” Peoria Journal Star, 9/23/20)

Drugs

In 2015, The Court Overturned A 14 Year Conviction For A Man That Had Over 100 Grams Of Heroin In His Apartment. (Andy Kravetz, “Peorian’s drug conviction overturned,” Peoria Journal Star, 4/24/15)

In 2015, The Court Threw Out A Conviction And 12 Year Sentence Of A Man Hauling 67 Pounds Of Marijuana. (Tom Collins, “Appellate court throws out Utica drug hauler’s conviction,” NewsTribune, 9/19/15)

- **The News Article Noted That The Reason The Conviction Was Overturned Would Likely End Up In Dropped Charges Completely.** (Tom Collins, “Appellate court throws out Utica drug hauler’s conviction,” NewsTribune, 9/19/15)

Madigan

O'Brien Has Received Over \$200,000 From Groups Controlled By Mike Madigan. ([Illinois Sunshine](#), Accessed 7/19/22)

- **O'Brien Received \$117,793.52 From The Democratic Party Of Illinois.** ([Illinois Sunshine](#), Accessed 7/19/22)
- **O'Brien Received \$86,414.87 From Illinois House Democratic Majority.** ([Illinois Sunshine](#), Accessed 7/19/22)
- **O'Brien Received \$4,500 From Friends Of Michael J. Madigan.** ([Illinois Sunshine](#), Accessed 7/19/22)

O'Brien's House Committee Gave \$12,600 To Democratic Party Of Illinois While It Was Controlled By Madigan. ([Illinois Sunshine](#), Accessed 7/19/22)

O'Brien Personally Gave \$3,350 To Friends Of Michael J. Madigan. ([Illinois Sunshine](#), Accessed 7/25/22)

In 2003, O'Brien Voted With Madigan 93.6% Of The Time. (Illinois General Assembly, [93rd General Assembly Member Vote Detail Report](#), Accessed 9/8/22)

O'Brien Called Democrats Winning The Majority Back In The House Which Gave Madigan The Speakers Gavel Back "An Exciting Time." (Emily Wilkerson, "Will County lawmakers take their places in General Assembly," Copley News Service, 1/8/97)

O'Brien's Win "Helped Madigan Regain The Speakership." (Editorial, "Wishing for some goodies for public officials in 1998," The State Journal-Register, 12/28/97)

O'Brien Touts Winning Back The Majority For Democrats On Her Current Campaign Website. ([O'Brien For Supreme Court](#), Accessed 7/28/22)

O'Brien Donated To Madigan's Preferred Governor Candidate In 1998 Who Was Called A "Wholly Owned Subsidiary Of Michael Madigan." (Rick Pearson, Chicago Tribune, 3/3/98)

Madigan's Friends And Family Campaign Assistance Plan Was Used To Boost O'Brien. (Dean Olsen, "State GOP complains about Democratic staff, spending," Copley News Service, 10/25/00)

Comed Scandal Connections

O'Brien Has Received \$1,650 From ComEd's Parent Company Exelon. (Illinois State Board Of Elections, Accessed 9/9/22)

O'Brien Received \$200 From Indicted ComEd Lobbyist Michael McClain. (Illinois State Board Of Elections, Accessed 9/9/22)

O'Brien Received \$3,000 From Edison International After The Company Bought ComEd Power Plants. (Illinois State Board Of Elections, Accessed 9/9/22)

Obama/Biden

In 2004, O'Brien Made The Introductory Speech For Obama At A Campaign Stop. (Tom Collins, "A look at how we first met Obama," News Tribune, 8/1/14)

- **O'Brien Said "It Was An Honor To Be Able To Introduce Him."** (Tom Collins, "A look at how we first met Obama," News Tribune, 8/1/14)

On Her Personal Facebook Page, O'Brien "Likes" The Biden Fan Club. ([Mary O'Brien Facebook](#), Accessed 7/28/22)

Legislature

O'Brien Said She Had "Almost Daily Contact" With Lobbyist Jerome Joyce. ("Appleton, Turner eye 4th District Appellate vacancy," The State Journal-Register, 3/4/01)

O'Brien Requested A Gerrymander Of Her District To Allow Her Sister To Be Able To Vote For Her. (Kurt Erickson, "AFL-CIO endorsement big news for Kelleher," The Pantagraph, 12/16/01)

O'Brien Sponsored A Bill That Would Require Universities To Notify Freshman Of Meningitis Vaccinations. (Tony Cappasso, "Universities may have to tell students about meningitis vaccines," The State Journal-Register, 3/8/00)

The Chicago Tribune Said O'Brien "Looked Silly" For Introducing A Bill Making It Illegal To Photograph Or Videotape Pigs. (Editorial, "For the Illinois House," Chicago Tribune, 10/18/02)

O'Brien Voted For A Bill That Would Allow Communications Utilities To Double Their Rates. ("SBC Lobbies for a Rate Hike in Illinois.," Chicago Tribune, 5/18/03)

DUIs

O'Brien Voted In Committee Against Lowering The Blood Alcohol Content Percentage From .10 To .08 For DUIs. (Kay Yadon, "A day in the Springfield life of Rep. Mary K. O'Brien," Copley News Service, 4/14/97)

O'Brien Opposed Making Field Sobriety Tests Mandatory. ("House panels OKs mandatory field sobriety tests," The State Journal-Register, 2/2/00)

Term Limits

O'Brien Does Not Support Term Limits For Illinois Governors. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Does Not Support Term Limits For State Senators Or Representatives. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

Past Positions Could Now Be A Liability With The Democrat Base

During her time in the Legislature, O'Brien was quite conservative on a number of issues that would not pass the liberal litmus test of today's Democratic Party.

Guns

O'Brien Said "We Must Remove The Word 'Gun' From In Front Of The Word 'Violence.' The Issue Is Not Guns." (Tina M. Odle, "Children's behavior not guns, is the issue," The Pantagraph, 5/6/98)

Illinois Citizens For Handgun Control Gave O'Brien A D- Grade. (Illinois Citizens For Handgun Control, "Sixty Illinois Senators and State Reps Receive "F" Ratings on Gun Control," Press Release, 9/27/00)

O'Brien Touted Her "High Voting Record" With The NRA. ("Appleton, Turner eye 4th District Appellate vacancy," The State Journal-Register, 3/4/01)

In A Survey On Guns, O'Brien Did Not Select Any Options And Said "This Format Is Not Appropriate To Discuss This Topic" But Made Sure To Note Her A+ Grade From The NRA. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

Education

O'Brien Supports Displaying The Ten Commandments In Public Schools. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Supports Age-Appropriate Sexual Education Programs That Teach About Abstinence, Contraceptives, And HIV/STD Prevention Methods. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Supports Abstinence-Only Sexual Education Programs. ([Votesmart.org](https://votesmart.org), Accessed 7/28/22)

Abortion

O'Brien Ran As Pro-Choice But Supported Bills Backed By The Pro-Life Lobby. (Rich Miller, "WEIRD YEAR: '98 campaign produced some strange alliances," The Pantagraph, 11/2/98)

O'Brien Supported Parental Notification For Abortions. ("Appleton, Turner eye 4th District Appellate vacancy," The State Journal-Register, 3/4/01)

LGBTQ

O'Brien Said Illinois Should Not Recognize Civil Unions Between Same-Sex Couples. ([Votesmart.org](https://votesmart.org), Accessed 7/28/22)

O'Brien Said Illinois Should Restrict Marriage To A Union Between A Man And A Woman. ([Votesmart.org](https://votesmart.org), Accessed 7/28/22)

Crime

O'Brien Said She Wanted To See Stronger Penalties For Juvenile Delinquents Who Commit Serious Crimes. (Emily Wilkerson, "Will County lawmakers take their places in General Assembly," Copley News Service, 1/8/97)

O'Brien Supported Legislation That Would Require Inmates To Use More Of The Money They Earn While In Work Programs To Pay For Their Incarceration. (Emily Wilkerson, "Commission: State prisoners should pay more for housing," The State Journal-Register, 10/28/97)

- **O'Brien Said "Why Should They Be Keeping Any Of This Before Their Room And Board Is Paid For?"** (Emily Wilkerson, "Commission: State prisoners should pay more for housing," The State Journal-Register, 10/28/97)
- **The Members Of The Commission Including O'Brien Suggested Hiking The Percentage Of Inmate's Income That Goes Back To The State.** (Emily Wilkerson, "Commission: State prisoners should pay more for housing," The State Journal-Register, 10/28/97)

Death Penalty

O'Brien Voted For A Bill To Abolish The Death Penalty In Committee Saying She Wanted It To Be Debated On The Floor But Said She Would Vote No Saying "I Am Very Positive That We Are Going To Defeat The Measure." Kristy Hessman, "Abolition measure moves, but death penalty critics still face challenge," The Associated Press, 3/6/03)

Voting History

A Search Of GOP Data Center Does Not Have A Voting Record For Mary Kay O'Brien.

(Gop Datacenter, Accessed 7/27/22)

Social Media

[Campaign Facebook](#)

[Campaign Twitter](#)

[Campaign Instagram](#)

[Personal Facebook](#)

On O'Brien's Personal Facebook Page She Says She Lives In Chicago. ([O'Brien Facebook](#), Accessed

8/10/22)



([O'Brien Facebook](#), Accessed 8/10/22)

Personal Finances

Economic Interest Statements

In 2022, O'Brien Listed Receiving More Than \$7,500 From Midwest HR LLC. ([Illinois Secretary Of State](#), Filed 4/18/22)

In 2022, O'Brien Listed Receiving More Than \$7,500 2 Sets Of Crops Sold. ([Illinois Secretary Of State](#), Filed 4/18/22)

2. Excluding the position for which you are required to file this form, list the source of any income in excess of \$7,500 required to be reported during the preceding calendar year. If you sold an asset that produced more than \$7,500 in capital gains in the preceding calendar year, list the name of the asset and the transaction date on which the sale or transfer took place. If you had no such sources of income or assets, list "none" below.

Source of Income / Name of Asset	Date Sold (if applicable)
<u>Midwest HR LLC`</u>	<u>00-00-0000</u>
<u>crops harvested in 2020, sold in 2021</u>	<u>01-05-2021</u>
<u>crops harvested in 2020, sold in 2021</u>	<u>03-02-2021</u>

([Illinois Secretary Of State](#), Filed 4/18/22)

In 2022, O'Brien Listed Her Husband's Company Doing Work For The Villages Of Bradley, Bourbonnais And Essex As Well As Godley Public Water District. ([Illinois Secretary Of State](#), Filed 4/18/22)

4. List the name of each unit of government of which you or your spouse were an employee, contractor, or office holder during the preceding calendar year other than the unit or units of government in relation to which the person is required to file and the title of the position or nature of the contractual services.

Name of Unit of Government	Title or Nature of Services
<u>Villages of Bradley, Bourbonnais & Essex, IL</u>	<u>professional engineering services</u>
<u>Godley Public Water District</u>	<u>professional engineering services</u>

([Illinois Secretary Of State](#), Filed 4/18/22)

In 2021, O'Brien Listed Her Husband Being An Owner Or Partner In MG2A And Essex Land Group. ([Illinois Secretary Of State](#), Filed 4/13/21)

1. List the name and instrument of ownership in any entity doing business in the State of Illinois, in which the ownership interest held by the person at the date of filing is in excess of \$5,000 fair market value or from which dividends in excess of \$1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address or, if none, by legal description.) No time or demand deposit in a financial institution nor any debt instrument need be listed.

Business Entity	Instrument of Ownership
<u>MG2A, 240 N. Industrial Drive, Bradley, IL 60915</u>	<u>husband is an owner</u>
<u>Essex Land Group, 240 N Industrial Dr, Bradley, IL</u>	<u>husband is a partner</u>
<u>170 acres, W. 1000 N. RD, Reddick IL 60961</u>	<u>fee simple owner</u>

In 2021, O'Brien Listed Receiving More Than \$1,200 From Pattern Energy And Heritage Prairie. (Illinois Secretary Of State, Filed 4/13/21)

6. List the name of any entity doing business in the State of Illinois from which income in excess of \$1,200 was derived during the preceding calendar year, other than for professional services, and the title or description of any position held in that entity. (In the case of real estate, location thereof shall be listed by street address or, if none, by legal description.) No time or demand deposit in a financial institution nor any debt instrument need be listed.

Entity	Position Held
170 tillable acres, W 1000 N. Road, Reddick, IL 60	owner
Pattern Energy, Heritage Prairie	none
MG2A, MG2A West and Essex Land Group	husband is an owner/partner

In 2020, O'Brien Listed Her Husband Being An Owner Of G2L Holdings. (Illinois Secretary Of State, Filed 3/24/21)

1. List the name and instrument of ownership in any entity doing business in the State of Illinois, in which the ownership interest held by the person at the date of filing is in excess of \$5,000 fair market value or from which dividends in excess of \$1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address or, if none, by legal description.) No time or demand deposit in a financial institution nor any debt instrument need be listed.

Business Entity	Instrument of Ownership
MG2A, 240 N. Industrial Drive, Bradley, IL. 60915	husband is an owner
Essex Land Group, 240 N. Industrial Drive, Bradley	Husband is a partner
MG2A West, 25620 S. Gougar Rd., Manhattan, IL	husband is a partner
G2L Holdings, 240 N. Industrial Dr., Bradley, IL	husband is an owner

In 2007, O'Brien Listed Her Husband As A Partner Of Land Resource Management Group. (Illinois Secretary Of State, Filed 4/7/08)

1. List the name and instrument of ownership in any entity doing business in the State of Illinois, in which the ownership interest held by the person at the date of filing is in excess of \$5,000 fair market value or from which dividends in excess of \$1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description.) No time or demand deposit in a financial institution, nor any debt instrument need be listed.

Business Entity	Instrument of Ownership
MG2A, Inc, Bradley, IL	Husband is a partner
G2L, Bradley, IL	Husband is a partner
Essex Land Group, Inc., Bradley, IL	Husband is a partner
Land Resource Management Group, Bradley, IL 160 Acres, 1600 N. Rd, Essex Township	Husband is a partner fee simple

In 2004, O'Brien Listed Doing Law Work For Bourbonnais, Herscher, Bonfield, Cabery Villages, Bourbonnais FPD And Wesley Township. ([Illinois Secretary Of State](#), Filed 4/21/04)

7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.

Village of Bourbonnais, Village of Herscher, Village of Bonfield, Village of Cabery, Bourbonnais Township F.P.D., Wesley Township

([Illinois Secretary Of State](#), Filed 4/21/04)

Farm Subsidies

Essex Land Group Has Taken \$8,981 In Farm Subsidies. ([EWG](#), Accessed 8/10/22)

O'Brien Has Taken \$42,917 In Farm Subsidies. ([EWG](#), Accessed 8/10/22)

Property

174 Essex Way, Essex, IL



(Zillow, Accessed 7/29/22)

Since 2004, O'Brien Has Lived At 174 Essex Way, Essex, IL. (Nexis Public Records, Accessed 7/29/22)

O'Brien Has Paid Her Taxes On Time And In Full At This Property. (Kankakee County Tax Portal, Accessed 7/29/22)

Farm And Vacant Land

O'Brien Owns A Parcel Of 17.97 Acres Of Farm Land In Kankakee. (Kankakee County Property Tax Portal, Tax Year 2013)

From 2011 To 2014 O'Brien Owned A Parcel Of 16.2 Acres Of Farm Land In Kankakee At The Address 14750 Rd W. Essex, IL. ([Kankakee County Property Tax Portal](#), Tax Year 2013)

- **The 2013, Taxes Were Late Being Paid In Both Installments Resulting In Penalties.** ([Kankakee County Property Tax Portal](#), Tax Year 2013)

Billing			
	1st Installment (Due 06/23/2014)	2nd Installment (Due 09/03/2014)	Totals
Tax Billed	\$219.10	\$219.10	\$438.20
Penalty Billed	\$13.15	\$6.57	\$19.72
Cost Billed	\$0.00	\$10.00	\$10.00
Drainage Billed	\$0.00	\$0.00	\$0.00
Total Billed	\$232.25	\$235.67	\$467.92
Amount Paid	\$232.25	\$235.67	\$467.92
Total Unpaid	\$0.00	\$0.00	\$0.00
Paid By	MUNICIPAL TRUST & SVGS BK TR# 2498	MUNICIPAL TRUST & SVGS BK TR# 2498	
Date Paid	10/10/2014	10/10/2014	

([Kankakee County Property Tax Portal](#), Tax Year 2013)

Since 2004, O'Brien Has Owns A Parcel Of 86.71 Acres Of Farm Land In Reddick. (Kankakee County Property Tax Portal, Tax Year 2013)

Since 2004, O'Brien Has Owns A Parcel Of 80 Acres Of Farm Land In Reddick. (Kankakee County Property Tax Portal, Tax Year 2013)

Since 2008, O'Brien Has Owns A Vacant Lot In Essex. (Kankakee County Property Tax Portal, Tax Year 2013)

Political Spending

State

Receipts Of Note

Madigan:

O'Brien Received \$117,793.52 From The Democratic Party Of Illinois. ([Illinois Sunshine](#), Accessed 7/19/22)

O'Brien Received \$86,414.87 From Illinois House Democratic Majority. ([Illinois Sunshine](#), Accessed 7/19/22)

O'Brien Received \$4,500 From Friends Of Michael J. Madigan. ([Illinois Sunshine](#), Accessed 7/19/22)

O'Brien Has Received \$1,650 From ComEd's Parent Company Exelon

In September 2002, ExelonPAC Gave O'Brien \$1,000. (Illinois State Board Of Elections, Accessed 9/9/22)

In February 2003, ExelonPAC Gave O'Brien \$650. (Illinois State Board Of Elections, Accessed 9/9/22)

- **Exelon Is The Parent Corporation Of ComEd.** ([ExelonCorp](#), Accessed 9/9/22)

O'Brien Received \$200 From Indicted ComEd Lobbyist Michael McClain

In September 2004, Michael McClain Gave O'Brien \$200. (Illinois State Board Of Elections, Accessed 9/9/22)

- **McClain Was Indicted On Bribery Conspiracy, Bribery And Willfully Falsifying ComEd Books And Records.** (US Attorney's Office, Northern District of Illinois, "Former Commonwealth Edison Executives and Consultants Charged With Conspiring to Corruptly Influence and Reward State of Illinois Official," [Press Release](#), 11/18/20)

O'Brien Received \$3,000 From Edison International After The Company Bought ComEd Power Plants

In July 2000, Edison International Gave O'Brien \$500. (Illinois State Board Of Elections, Accessed 9/9/22)

In November 2000, Edison International Gave O'Brien \$1,500. (Illinois State Board Of Elections, Accessed 9/9/22)

In July 2001, Edison International Gave O'Brien \$500. (Illinois State Board Of Elections, Accessed 9/9/22)

In November 2001, Edison International Gave O'Brien \$500. (Illinois State Board Of Elections, Accessed 9/9/22)

- **In 1999, Edison International Began Buying ComEd Power Plants In Illinois.** "Edison International's wholly-owned independent power subsidiary will acquire all the fossil-fuel generating assets of Commonwealth Edison. The company will pay about \$5 billion for a package of coal and gas-fired plants with total capacity of 9,772 megawatts (MW). Edison Mission Energy has also committed to build 500 MW of gas-fired generating capacity in Chicago. John E. Bryson, CEO of Edison International, parent of Southern California Edison, said the plants have excellent access to attractive markets in the Midwest and will continue to serve northern Illinois. "These assets represent some of the most competitive generation in the region. The acquisition complements the recent acquisition of the Homer City Generating station in the Mid-Atlantic region, giving us a strong generation presence across the United States." (Edison International, "Edison International Buying ComEd Power Plants for \$5 B," Press Release, 3/24/99)

Donations Of Note

Madigan:

O'Brien's House Committee Gave \$12,600 To Democratic Party Of Illinois. ([Illinois Sunshine](#), Accessed 7/19/22)

O'Brien Gave Personally Gave \$3,350 To Friends Of Michael J. Madigan. ([Illinois Sunshine](#), Accessed 7/25/22)

Blagojevich:

In 2002, O'Brien's Campaign Committee Gave Blagojevich \$3,000. ([Illinois Sunshine](#), Accessed 7/25/22)

Lisa Madigan:

O'Brien's House Committee Gave \$16,000 To Lisa Madigan. ([Illinois Sunshine](#), Accessed 7/19/22)

Federal

Recipient	Contributor	Date	Amount
Renner For Congress	Friends Of Mary K. O'Brien	11/30/03	\$20.00
Friends Of Lane Evans Committee	Friends Of Mary K. O'Brien For Judge	1/19/04	\$40.00
Friends Of Lane Evans Committee	Friends Of Mary K. O'Brien For Judge	6/16/05	\$500.00
Friends Of Dick Durbin Committee	O'Brien, Mary K	9/29/05	\$500.00
Friends Of Lane Evans Committee	Friends Of Mary K. O'Brien For Judge	10/13/05	\$500.00
Prairie Political Action Committee	O'Brien, Mary K	12/7/05	\$250.00
Friends Of Dick Durbin Committee	O'Brien, Mary K	5/24/06	\$100.00
Democratic Party Of Illinois	O'Brien, Mary K.	9/1/06	\$300.00
Friends Of Dick Durbin Committee	O'Brien, Mary K	9/6/06	\$250.00
Obama For America	O'Brien, Mary	2/21/08	\$250.00
Halvorson For Congress	O'Brien, Mary K.	10/6/08	\$200.00
Presidential Inaugural Committee 2009	O'Brien, Mary	1/8/09	\$324.50
Presidential Inaugural Committee 2009	O'Brien, Mary	1/10/09	\$324.50

Presidential Inaugural Committee 2009	O'Brien, Mary	1/13/09	\$35.00
Friends Of Sara	O'Brien, Mary Kay	2/2/09	\$250.00
Alexi For Illinois	O'Brien, Mary K	9/11/09	\$250.00
Alexi For Illinois	O'Brien, Mary Kay	3/16/10	\$250.00
Halvorson For Congress	O'Brien, Mary K.	5/8/10	\$300.00
Halvorson For Congress	O'Brien, Mary K.	6/27/10	\$100.00
Alexi For Illinois	O'Brien, Mary Kay	10/18/10	\$500.00
Friends Of Dick Durbin	O'Brien, Mary K	10/23/14	\$250.00
DSCC	O'Brien, Mary K	9/10/15	\$120.16
Actblue	O'Brien, Mary	8/24/20	\$100.00
Actblue	O'Brien, Mary	9/22/20	\$50.00
Actblue	O'Brien, Mary	10/12/20	\$25.00
Actblue	O'Brien, Mary	10/12/20	\$1.00
Actblue	O'Brien, Mary	10/22/20	\$50.00

(Fec.gov, Accessed 7/27/22)

Background

Family

O'Brien Is Married To Todd Gereaux And Has Three Sons, Mason, Michael And Matthew. "Credit those expectations or her personal determination, but today O'Brien is a Third District Appellate Court Justice, one of 53 in the state, just 18 of whom are women. She is the wife of businessman Todd Gereaux and mother of three boys, Mason, Michael and Matthew." (Dennis Yohnka, "Mother, mentor, state rep and judge," [Daily Journal](#), 11/2/14)

Education

O'Brien A Degree In Public Administration From Western Illinois University And Her Law Degree From The University Of Illinois. "O'Brien, 35, is a former consumer advocate for the Illinois attorney general's office, former assistant state's attorney in Grundy County and a three-term member of the Illinois House. She grew up on a farm near Reddick, then graduated from Western Illinois University with a degree in public administration and police science. She also is a graduate of the University of Illinois Law School." (Steve Neal, "O'Brien picks up torch," [Chicago Sun Times](#), 2/26/01)

O'Brien Said She Had 4 Jobs While In College. "Trying to avoid the political scene, she fled to the University of Illinois law school. There she learned how to find a way to divide her time, even when it meant she had none left for herself. She balanced four jobs including working for the Grundy County state's attorney's office and researching for a law firm while maintaining her grades. O'Brien also waitressed at the Country Mansion in Dwight. 'I think that was one of the jobs that taught me about responsibility and hard work if you want something, you're going to have to work hard, pay your own way,' she said." (Kay Yadon, "A day in the Springfield life of Rep. Mary K. O'Brien," [Copley News Service](#), 4/14/97)

Career

O'Brien Was Admitted To Practice Law In 1994 And Has Never Been Disciplined. ([ARDC](#), Accessed 7/20/22)

Mary K. O'Brien	
as of 7/20/2022 2:06:30 PM	
Printable Version	
Full Licensed Name	Mary K. O'Brien
Full Former Name(s)	None
Registered Address	Not available
Registered Phone	Not available
Date Admitted	May 05, 1994
Illinois Registration Status	Active and on Judicial Status – Last Registered Year: 2022
Malpractice Insurance	As the attorney serves in the office of justice, judge, associate judge or magistrate, the attorney is not required to report whether the attorney carries malpractice insurance.
Public Record of Discipline and Pending Proceedings	
None	

([ARDC](#), Accessed 7/20/22)

O'Brien Worked For Former Attorney General Neil Hardigan. “After earning a political science and public administration bachelor's degree from Western Illinois University, O'Brien became a member of the Senate staff, and then worked for former Attorney General Neil Hardigan, a 1990 candidate for governor. She assisted in his bid for higher office, and watched him fail.” (Kay Yadon, “A day in the Springfield life of Rep. Mary K. O'Brien,” Copley News Service, 4/14/97)

O'Brien Worked For The Grundy County State's Attorney. “O'Brien, 35, is a former consumer advocate for the Illinois attorney general's office, former assistant state's attorney in Grundy County and a three-term member of the Illinois House. She grew up on a farm near Reddick, then graduated from Western Illinois University with a degree in public administration and police science. She also is a graduate of the University of Illinois Law School.” (Steve Neal, “O'Brien picks up torch,” Chicago Sun Times, 2/26/01)

From 1994-1999, O'Brien Worked At Cortina, Mueller And O'Brien. “Associate, May 1994–July 1997; Partner, July 1997–December 1999 Cortina, Mueller, and O'Brien / Law Offices of Frank Cortina • Coal City, IL • • Family Law, Aggravated Traffic, Real Estate, Criminal Law.” ([O'Brien For Supreme Court](#), Accessed 7/28/22)

From 2000 To 2003 O'Brien Worked At O'Brien And Smith, P.C.. O'Brien and Smith, P.C. • Bradley, IL • Partner, July 2000–December 26, 2003 • Banking, Real Estate, Municipal Work. ([O'Brien For Supreme Court](#), Accessed 7/28/22)

O'Brien And Smith PC Was Involuntarily Dissolved By The State In 2005. (Illinois Secretary Of State, Accessed 7/29/22)

Corporation File Detail Report	
File Number	61129189
Entity Name	O'BRIEN & SMITH, P.C.
Status	DISSOLVED
Involuntary Dissolution on Tuesday, 1 November 2005	
Entity Information	
Entity Type	CORPORATION
Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	Monday, 19 June 2000
State	ILLINOIS
Duration Date	PERPETUAL

(Illinois Secretary Of State, Accessed 7/29/22)

Legislature

O'Brien Said She Had "Almost Daily Contact" With Lobbyist Jerome Joyce

In 2001, O'Brien Said She Had "Almost Daily Contact" With Lobbyist Jerome Joyce.

"O'Brien grew up on a farm about 2 miles from former state Sen. JEROME JOYCE, D-Reddick, and she worked on Joyce's campaigns over the years. 'That's where I got my start and always enjoyed it,' she said. She said she still has 'almost daily contact' with Joyce, who is a registered lobbyist." ("Appleton, Turner eye 4th District Appellate vacancy," The State Journal-Register, 3/4/01)

O'Brien Requested A Gerrymander Of Her District To Allow Her Sister To Be Able To Vote For Her

In 2001, O'Brien Requested A Gerrymander Of Her District To Allow Her Sister To Be Able To Vote For Her.

"Gerrymandering Explained. What were the political cartographers thinking this summer when they placed a small notch of northeastern Livingston County in a different House district? Our snoops report that the move was aimed at accommodating state Rep. Mary Kay O'Brien, R-Watseka. Turns out, her sister, Melissa Hogan, lives in that corner of the county. O'Brien wanted to give her sibling the opportunity to vote for her on Election Day." (Kurt Erickson, "AFL-CIO endorsement big news for Kelleher," The Pantagraph, 12/16/01)

Looking At Statewide Office

O'Brien Said Publicly She Was Looking At Higher Office For The 2002 Cycle

In April 2000, O'Brien Was Contemplating Running For Lieutenant Governor.

"O'Brien, 34, went to law school after working under Attorneys General Hartigan and ROLAND BURRIS in the Kankakee-area regional office. She thinks the full network of such offices back then offered 'a tremendous level of service.' 'If the timing was right and the positioning was right ... I would be very interested,' O'Brien said of a possible run. She has gotten a lot of attention this year as a critic of the Public Aid Department's problems in distributing child-support checks." (Editorial, "Hartigan considering a statewide run again in 2002," The State Journal-Register, 4/6/00)

In December 2000, O'Brien Was Exploring Running Statewide.

"The 'political jockeying is already well under way' for the '02 gov. race. State Rep. Lou Lang (D) 'already has a campaign office,' although he says he's 'still in the exploratory stage.' Rep. Rod Blagojevich (D-05) "has already set up a state campaign fund," from which he's contributed to other Dems 'while contemplating a possible' run. State Rep. Mary O'Brien (D) 'is readying an exploratory committee' to look into which statewide office, if any, she should try for. ("ILLINOIS: The Ryan Game," The Hotline, 12/18/00)

In March 2001, O'Brien Said She Certainly Wanted To Explore Running For Higher Office.

"Two woman members of the General Assembly who have some similar views and live fairly near each other are thinking about running for the Democratic nomination for lieutenant governor. 'Certainly, I want to explore the possibility of running for higher office,' said state Rep. MARY K. O'BRIEN of Coal City, southwest of Chicago." ("Appleton, Turner eye 4th District Appellate vacancy," The State Journal-Register, 3/4/01)

O'Brien Endorsed Mike Kelleher For LT. Governor

In July 2001, O'Brien Endorsed Mike Kelleher For LT. Governor And Was Named An Honorary Co-Chair Of His Campaign.

"Hoping to become the third McLean County resident to serve as Illinois' lieutenant governor, Mike Kelleher of Normal officially will launch his bid for the statewide office today. The 39-year-old Illinois State University instructor will make stops in Chicago, Springfield and Bloomington today and continue his formal announcements on Thursday and Friday with stops ranging from Carbondale to Rockford. 'It's been very positive,' the Democrat said of the reaction he's received since news of his run emerged last week. He is the second Democrat to make his

intentions official as the 2002 election season begins to heat up. Knox County State's Attorney Paul Mangieri entered the race earlier this spring. Kelleher, who made an unsuccessful run for Congress last year, hopes to raise \$1 million to fend off any challengers. That is roughly the amount he collected in his congressional race against Republican U.S. Rep. Tim Johnson of Urbana. He already has been endorsed by McLean County Democratic Party officials and by a former potential opponent, state Rep. Mary Kay O'Brien, D-Coal City, who was named an honorary co-chairwoman of his campaign." (Kurt Erickson, "Kelleher to announce bid for lieutenant governor," The Pantagraph, 7/11/01)

O'Brien Supported Paul Vallas For Governor

In 2002, O'Brien Was Supporting Paul Vallas For Governor. "Vallas is also expected to pick up the support of former Cook County Assessor Thomas C. Hynes, the committeeman of the Far Southwest Side's 19th Ward. Cook County Commissioner Calvin R. Sutker, the Niles Township Democratic committeeman, has also joined forces with Vallas. Like Rock, Sutker is a former state Democratic chairman. Vallas also has gained the support of state Rep. Julie Hamos (D-Evanston). In the southern suburbs, Vallas is being endorsed by state Senators Debbie Halverson (D-Crete) and Lawrence M. Walsh (D-Elwood), and state Representatives Maggie Crotty (D-Oak Forest), George F. Scully (D-Flossmoor) and J. Philip Novak (D-Bradley). Former U.S. Rep. George E. Sangmeister (D-Mokena), the most popular Democrat in Will County, is endorsing Vallas, with whom he worked when Sangmeister was in the Illinois Senate. Vallas also has picked up the support of state Senators Patrick D. Welch (D-Peru) and former Sen. Jerome Joyce (D-Reddick). State Rep. Mary K. O'Brien (D-Coal City), who explored a bid for the lieutenant governorship, is backing Vallas." (Steve Neal, "Vallas' campaign picking up steam," Chicago Sun-Times, 1/14/02)

Guns

While In The Legislature O'Brien Was A Pro-Gun Advocate

In 1998, O'Brien Said "We Must Remove The Word 'Gun' From In Front Of The Word 'Violence.' The Issue Is Not Guns." "We must remove the word 'gun' from in front of the word 'violence'. The issue is not guns or knives or baseball bats. The issue is children being allowed to behave violently.' This statement by Rep. Mary Kay O'Brien forces us to look past what is used in a violent act to the person and the behavior involved." (Tina M. Odle, "Children's behavior not guns, is the issue," The Pantagraph, 5/6/98)

In 2000, Illinois Citizens For Handgun Control Gave O'Brien A D- Grade. "In candidate ratings released on September 27, The Illinois Citizens for Handgun Control (ICHC) gave "F" grades to more than 60 candidates for the state legislature. Less than 50 candidates received grades in the "A" range. Candidates for Congress were also given grades. "Given the high percentage of Illinois residents who support reasonable gun control measures, we were surprised at the number of 'F' ratings," said Bob Williamson, a board member of the Illinois Citizens for Handgun Control. "Every Illinois citizen concerned about reducing gun violence should take note of the candidate grades." Ratings are based on candidate responses to a survey created by ICHC. Incumbents were graded on their responses as well as their voting records. An "A" rating demonstrates that a candidate has displayed a dedication to promoting common sense gun laws and strong law enforcement policies. A rating of "F" indicates a strong opposition to gun violence prevention initiatives. The candidate ratings given by the Illinois Citizens for Handgun Control are not endorsements of any particular candidates. The candidate survey was compiled as a guide for Illinois voters as to which candidates will likely work to reduce death and injury associated with firearm violence." (Illinois Citizens For Handgun Control, "Sixty Illinois Senators and State Reps Receive "F" Ratings on Gun Control," Press Release, 9/27/00)

In 2001, O'Brien Touted Her "High Voting Record" With The NRA. "Both also voted for the Safe Neighborhoods Act, which was designed in part to make unlawful transportation of a gun a felony, but both say they support Second Amendment gun rights. 'I have been very pro-gun on a lot of

legislation,' Halvorson said. 'I have a high voting record' with the National Rifle Association, O'Brien said." ("Appleton, Turner eye 4th District Appellate vacancy," The State Journal-Register, 3/4/01)

In 2001, O'Brien Voted For A Concealed Carry Bill. "Some Illinois residents would be able to carry concealed weapons under a bill approved by the House Judiciary Committee on Criminal Law on Thursday. House Bill 401, sponsored by Rep. Mike Bost, R-Murphysboro, would allow the state police to issue a permit to carry a concealed weapon after conducting an intense background check on the applicant, and after the applicant completes training and testing. Administering the program would cost an estimated \$2.6 million to \$3.3 million annually. Committee Chair Rep. Mary K. O'Brien, D-Coal City, who voted for the bill, indicated it is unlikely it will become law." ("Legislative briefs; Concealed weapon law passes House committee," Copley News Service, 3/15/01)

- **O'Brien Said The Bill Was Unlikely To Pass But She Wanted To Further The Debate On The Issue.** "There's a question whether or not it would need 60 or 71 votes,' O'Brien said. 'The bigger question is whether it would even get call (for a vote). But I think the whole idea is just to further the debate on the issue.' O'Brien said 43 states have some sort of concealed-carry law." ("Legislative briefs; Concealed weapon law passes House committee," Copley News Service, 3/15/01)

O'Brien Didn't Answer Questions In A Gun Survey But Noted Her A+ Rating From The NRA

In A Survey On Guns, O'Brien Did Not Select Any Options And Said "This Format Is Not Appropriate To Discuss This Topic" But Made Sure To Note Her A+ Grade From The NRA. (Votesmart.org, Accessed 7/28/22)

● Gun Issues ^

Indicate which principles you support (if any) concerning gun issues.

a) Ban the sale or transfer of semi-automatic guns, except those used for hunting.

b) Maintain and strengthen the enforcement of existing state restrictions on the purchase and possession of guns.

c) Ease state restrictions on the purchase and possession of guns.

d) Repeal state restrictions on the purchase and possession of guns.

e) Allow citizens to carry concealed guns.

f) Require manufacturers to provide child-safety locks on guns.

g) Require background checks on gun sales between private citizens at gun shows.

h) Require a license for gun possession.

X i) Other or expanded principles

I BELIEVE THIS DISCUSSION IS TOO COMPLEX FOR THIS FORMAT. I HAVE ALWAYS MAINTAINED AN "A+" RATING WITH THE N.R.A.

(Votesmart.org, Accessed 7/28/22)

Education

In 1998, O'Brien Did Not Vote For Either-School Funding Reform Measure Put Before The House

In 1998, O'Brien Did Not Vote For Either-School Funding Reform Measure Put Before The House. “75th District: Democratic Rep. Mary Kay O'Brien has received glowing reviews for her intelligence and hard work during her freshman term in office. Her one shortcoming was failing to vote for either school-funding reform measure put before the House. However, she merits another chance to get it right and is endorsed over Republican Dennis Peters, an insurance agent.” (Editorial, “MORE ILLINOIS HOUSE ENDORSEMENTS,” Chicago Tribune, 10/15/98)

In 2000, O'Brien Was Trying To Block A Bill That Would Send \$12 Million To Private Schools

In 2000, O'Brien Was Trying To Block A Bill That Would Send \$12 Million To Private Schools. “Downstate lawmakers are trying to block a deal to send \$12 million to private schools, saying it unlawfully aids religious schools while ignoring a funding shortfall for public education. Downstate House members, both Democrats and Republicans, planned to meet Thursday night to draft a strategy and try to find an alternative to the plan pushed by House Speaker Michael Madigan, D-Chicago, who was lobbying individual members Thursday. ‘They're being worked pretty hard - both opponents and proponents,’ said Rep. Mary K. O'Brien, D-Coal City, who walked out of a Democratic caucus meeting Wednesday after protesting the measure. ‘Right now there are not enough votes to pass it.’ ‘We want to not just come up with a ‘no’ vote but come up with a solution,’ she said.” (John O'Connor, “Downstate lawmakers balking at aid to private schools,” Associated Press, 4/13/00)

O'Brien Supports Displaying The Ten Commandments In Public Schools

O'Brien Supports Displaying The Ten Commandments In Public Schools. ([Votesmart.org](https://votesmart.org), Accessed 7/28/22)

O'Brien Supports Age-Appropriate Sexual Education Programs That Teach About Abstinence, Contraceptives, And HIV/STD Prevention Methods

O'Brien Supports Age-Appropriate Sexual Education Programs That Teach About Abstinence, Contraceptives, And HIV/STD Prevention Methods. ([Votesmart.org](https://votesmart.org), Accessed 7/28/22)

O'Brien Supports Abstinence-Only Sexual Education Programs. ([Votesmart.org](https://votesmart.org), Accessed 7/28/22)

Abortion

O'Brien Is Currently Endorsed By Pro Abortion Groups

O'Brien Is Endorsed By Planned Parenthood. ([O'Brien For Supreme Court](https://www.opbriencourt.com), Accessed 7/28/22)

O'Brien Is Endorsed By Personal PAC. ([O'Brien For Supreme Court](https://www.opbriencourt.com), Accessed 7/28/22)

While In The Legislature O'Brien Was Wishy Washy On Abortion

O'Brien Ran As Pro-Choice But Supported Bills Backed By The Pro-Life Lobby. “For instance, Terry Cosgrove, director of the pro-choice Personal PAC, is absolutely furious with Speaker Madigan for cavorting with the right wing. He's so enraged that he's even sending out direct mail attacking moderately pro-choice Democrats who are running against pro-life Republicans. Yes, you read that right. Cosgrove reasons that Republican control of the House of Representatives was better for pro-choicers than Democratic domination. Lee Daniels is pro-life, but his pro-choice GOP members were almost always able to force him to compromise, unlike Madigan's pro-choice Democrats. COSGROVE IS most upset with Democrats like freshman Rep. Mary K. O'Brien, D-Coal City. O'Brien ran as pro-choice, and she still is, but she voted for a couple of bills that were strongly backed by the pro-life lobby.” (Rich Miller, “WEIRD YEAR: '98 campaign produced some strange alliances,” The Pantagraph, 11/2/98)

O'Brien Supported Parental Notification For Abortions. “Both women defeated Republican incumbents in 1996 to enter the legislature. Both women are pro-choice on abortion, although

O'Brien also favors requiring parental notification before minors can get the procedure." ("Appleton, Turner eye 4th District Appellate vacancy," The State Journal-Register, 3/4/01)

In A Survey On Abortion, O'Brien Did Not Select Any Options And Said "This Format Is Not Appropriate To Discuss This Topic"

In A Survey On Abortion, O'Brien Did Not Select Any Options And Said "This Format Is Not Appropriate To Discuss This Topic." ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

The screenshot shows a survey titled "Abortion Issues" with a red up arrow in the top right corner. Below the title is the instruction: "Indicate which principles you support (if any) concerning abortion." There are seven radio button options, each on a separate line with a horizontal separator. The options are: a) Abortions should always be illegal. b) Abortions should always be legally available. c) Abortions should be legal only within the first trimester of pregnancy. d) Abortions should be legal when the pregnancy resulted from incest or rape. e) Abortions should be legal when the life of the woman is endangered. f) Eliminate public funding for abortions and public funding of organizations that advocate or perform abortions. g) Require parental notification prior to a minor receiving an abortion. The eighth option is "h) Other or expanded principles", which is selected with a green radio button and a small "X" to its left. At the bottom of the form, the text "THIS FORMAT IS NOT APPROPRIATE TO DISCUSS THIS TOPIC" is displayed.

([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Said She Was Struggling To Convince Voters Her Race Mattered Until SCOTUS Overturned Roe V. Wade. "Mary Kay O'Brien had been working for a year to drum up interest in her campaign for Illinois Supreme Court, struggling to convince voters that it would affect them as a presidential or gubernatorial race would. But "within 24 hours" of the U.S. Supreme Court's decision to end federal protections for abortions, levels of interest in judicial races like hers skyrocketed, said O'Brien, a Democratic appellate judge "There's no question that it energized and mobilized, especially young people and women," she said. 'It's something that I think was just a complete alarm bell to some people.'" (James Bikales and Praveena Somasundaram, "State supreme courts could soon decide on abortion, raising stakes of their midterm races," [The Washington Post](https://www.washingtonpost.com), 8/9/22)

Taxes

In 1999, O'Brien Voted No On Tax Credits For Educational Expenses. "The Illinois House voted 74-41 Thursday to approve a measure offering tax credits for educational expenses. Voting 'yes' were 27 Democrats and 47 Republicans. Voting 'no' were 34 Democrats and 7 Republicans. Voting "present" was 1 Republican." (Associated Press, 3/19/99)

O'Brien Said She Would Want To Maintain Alcohol Taxes. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Said She Would Want To Maintain Capital Gains Taxes. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Said She Would Want To Maintain Cigarette Taxes. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Said She Would Want To Maintain Corporate Taxes. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Said She Would Want To Maintain Gasoline Taxes. ([Votessmart.org](#), Accessed 7/28/22)

O'Brien Said She Would Want To Maintain Income Taxes On Incomes Below \$75,000. ([Votessmart.org](#), Accessed 7/28/22)

O'Brien Said She Would Want To Maintain Income Taxes On Incomes Above \$75,000. ([Votessmart.org](#), Accessed 7/28/22)

O'Brien Said She Would Want To Slightly Decrease Inheritance Taxes. ([Votessmart.org](#), Accessed 7/28/22)

O'Brien Said She Would Want To Greatly Decrease Property Taxes. ([Votessmart.org](#), Accessed 7/28/22)

O'Brien Said She Would Want To Maintain Sales Taxes. ([Votessmart.org](#), Accessed 7/28/22)

O'Brien Said She Would Want To Maintain Vehicle Taxes. ([Votessmart.org](#), Accessed 7/28/22)

O'Brien Said She Was "Undecided" On If Internet Sales Should Be Taxed. ([Votessmart.org](#), Accessed 7/28/22)

Spending

O'Brien Said She Supports A "Rainy Day" Fund. ([Votessmart.org](#), Accessed 7/28/22)

Education:

O'Brien Said She Would Want To Slightly Increase Funding For Higher Education. ([Votessmart.org](#), Accessed 7/28/22)

O'Brien Said She Would Want Slightly Increase Funding For K-12 Education. ([Votessmart.org](#), Accessed 7/28/22)

O'Brien Said She Was Undecided On Reducing Funding To Universities To Avoid A Budget Deficit. ([Votessmart.org](#), Accessed 7/28/22)

O'Brien Supports Increasing State Funds For School Capital Improvements (E.G. Buildings And Infrastructure). ([Votessmart.org](#), Accessed 7/28/22)

O'Brien Supports Providing State Funding To Increase Teacher Salaries. ([Votessmart.org](#), Accessed 7/28/22)

Environment:

O'Brien Said She Would Want Maintain Funding Status For The Environment. ([Votessmart.org](#), Accessed 7/28/22)

Health Care:

O'Brien Said She Would Want Greatly Increase Funding For Health Care. ([Votessmart.org](#), Accessed 7/28/22)

Law Enforcement:

O'Brien Said She Would Want Maintain Funding Status For Law Enforcement. ([Votessmart.org](#), Accessed 7/28/22)

Infrastructure:

O'Brien Said She Would Want To Maintain Funding Status For Transportation And Highway Infrastructure. ([Votessmart.org](#), Accessed 7/28/22)

Welfare:

O'Brien Said She Would Want Slightly Decrease Funding For Welfare. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

Term Limits

O'Brien Does Not Support Term Limits For Illinois Governors. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Does Not Support Term Limits For State Senators Or Representatives.
([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

Campaign Finance

O'Brien Is Undecided On Limiting Individual, PAC, Corporate And Political Party Contributions. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Supports Imposing Spending Limits On State Level Political Campaigns.
([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Supports Funding From State Taxes For State Level Political Campaigns.
([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

Voting

O'Brien Supports Voting Online. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Supports Adopting Statewide Standards For Counting, Verifying, And Ensuring Accuracy Of Votes. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Supports Prohibiting Media Exit Polling Of Voters Until All Polling Locations In (State Name) Are Closed. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Supports Illinois Providing A Voter's Guide To All Eligible Voters. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

LGBTQ

O'Brien Was Against Gay Marriage And Civil Unions For Gay Couples

O'Brien Said Illinois Should Not Recognize Civil Unions Between Same-Sex Couples.
([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Said Illinois Should Restrict Marriage To A Union Between A Man And A Woman. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

O'Brien Supports Including Sexual Orientation In Illinois Anti-Discrimination Laws.
([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

Race

O'Brien Said She Is Undecided On If Race, Ethnicity Or Gender Be Taken Into Account In State Decisions On College And University Admissions, Public Employment Or State Contracting. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

Crime

O'Brien Ran For State House As A Tough On Crime Candidate And Carried Over To Her Time In The Legislature

In 1997, O'Brien Said She Wanted To See Stronger Penalties For Juvenile Delinquents Who Commit Serious Crimes. "O'Brien, an attorney and former Grundy County prosecutor,

agreed that education funding and making schools safer should be first on the 90th General Assembly's agenda. Both newcomers also said they want to see the legislature enact stronger penalties against juvenile delinquents who commit serious crimes.” (Emily Wilkerson, “Will County lawmakers take their places in General Assembly,” Copley News Service, 1/8/97)

In 1997, O’Brien Supported Legislation That Would Require Inmates To Use More Of The Money They Earn While In Work Programs To Pay For Their Incarceration. “Prison officials should require inmates to use more of the money they earn in work programs to pay for their incarceration, members of a legislative commission said Monday. Inmates employed by the Correctional Industries Program give about 3 percent of their earnings back to the state to help defray their housing costs. Prisoners employed by the program earn an average of \$ 135 a month for their work at jobs within prison walls that are designed to mirror the private.” (Emily Wilkerson, “Commission: State prisoners should pay more for housing,” The State Journal-Register, 10/28/97)

- **O’Brien Said “Why Should They Be Keeping Any Of This Before Their Room And Board Is Paid For?”** ““Other than a child-support obligation, why should they be keeping any of this before their room and board is paid for?” asked state Rep. Mary O’Brien, D-Coal City, a member of the Legislative Audit Commission. ‘I can’t go out and buy what I want until my mortgage is paid. I’ve got that obligation first.’” (Emily Wilkerson, “Commission: State prisoners should pay more for housing,” The State Journal-Register, 10/28/97)
- **The Members Of The Commission Including O’Brien Suggested Hiking The Percentage Of Inmate’s Income That Goes Back To The State.** “Members of the audit commission suggested the prison department should hike the percentage of an inmate’s income that goes back to the state or consider using that money to help pay for the program, which lost more than \$ 2.7 million between fiscal 1994 and 1996.” (Emily Wilkerson, “Commission: State prisoners should pay more for housing,” The State Journal-Register, 10/28/97)

In 2001, Gov. Ryan Signed A Bill Requiring All Inmates Released From Prison To Report To A Parole Office. “All inmates released from the Illinois prison system on parole must report to a parole officer and comply with stricter requirements, under a bill Gov. George Ryan signed into law Wednesday. The governor said in a news release that House Bill 2844 represents ‘further reforms of our new and modernized parole force’ and added that the legislation ‘gives parole agents the tools to see that parolees are not abusing the privilege of supervised release.’” (Dean Olsen, “New law toughens requirements for prison parolees,” Copley News Service, 8/22/01)

- **“Previously, Parolees Had To Report To Agents From The Illinois Department Of Corrections Only If Ordered To Do So By The State’s Prisoner Review Board.”** (Dean Olsen, “New law toughens requirements for prison parolees,” Copley News Service, 8/22/01)

O’Brien Was A Sponsor Of The Bill Which Also Said Parolees Must Let Agents Into Their Home, Work And Other Locations. “The new law - sponsored in the General Assembly by Rep. Mary Kay O’Brien, D-Coal City, and Sen. Steve Rauschenberger, R-Elgin - also says parolees must allow agents to visit them at home, work or at other locations.” (Dean Olsen, “New law toughens requirements for prison parolees,” Copley News Service, 8/22/01)

- “Among new requirements added by the law, parolees must: attend or live at sites designed for people on parole or mandatory supervised release; inform parole agents if they are arrested and contact the agents no later than 24 hours after being released from custody; consent to searches of their body, property or residence; not associate with members of organized gangs; and not use or possess narcotics or other controlled substances.” (Dean Olsen, “New law toughens requirements for prison parolees,” Copley News Service, 8/22/01)

O’Brien Supports Ending Parole For Repeat Violent Offenders

O’Brien Supports Ending Parole For Repeat Violent Offenders. ([Votesmart.org](https://votesmart.org), Accessed 7/28/22)

O'Brien Supports Implementing Penalties Other Than Incarceration For Certain Non-Violent Offenders

O'Brien Supports Implementing Penalties Other Than Incarceration For Certain Non-Violent Offenders. ([Votesmart.org](https://www.votesmart.org), Accessed 7/28/22)

DUIs

O'Brien Was An Opponent Of Tougher DUI Legislation

O'Brien Voted In Committee Against Lowering The Blood Alcohol Content Percentage From .10 To .08 For DUIs. "O'Brien says she is always thinking of how issues or bills would affect her district first and then the state as a whole as she listens to committee hearings or House floor discussions the rest of the busy day. For instance, as a member of the House Transportation Committee she recently battled with fellow lawmakers and witnesses over proposed legislation to lower the state's legal blood alcohol limit from .10 to .08. during a meeting. O'Brien was one of the most dogged questioners, using her skills as an attorney to initiate discussions on some technical points practically ignored before. She requested data showing exactly how many DUIs were given to drivers at .08 and at or above the current limit, attempting to see if Illinois has enough police officers to combat the lower level, O'Brien said. Although she worries her constituents might misunderstand her 'no' vote on the bill, O'Brien says as one of the only committee members with a criminal law background, she has to do her duty to bring up this side of the issue." (Kay Yadon, "A day in the Springfield life of Rep. Mary K. O'Brien," Copley News Service, 4/14/97)

In 2000, A House Committee Approved A Bill That Would Mandate Field Sobriety Tests For Suspected Drunk Drivers. "An Illinois House committee Tuesday approved a controversial bill that would mandate field sobriety tests for suspected drunken drivers, who often escape conviction because of legal loopholes. The House Transportation Committee voted 17-8, with three members not voting, to send the bill to the full House for consideration. Numerous representatives - including Tom Dart, D-Chicago and David Wirsing, R-Sycamore - are sponsoring versions of the same bill." ("House panels OKs mandatory field sobriety tests," The State Journal-Register, 2/2/00)

- **O'Brien Opposed The Measure Saying Field Sobriety Tests Were Too Subjective.** "Rep. Mary O'Brien, D-Coal City, was the most outspoken critic of the legislation. Field sobriety tests - the prerequisite for a Breathalyzer test - are too subjective, and two officers could have different interpretations on how someone performs, she argued. O'Brien acknowledged that it is a serious problem when repeat drunken drivers do not cooperate with police in taking field sobriety tests, and then officers don't have enough evidence to arrest them. But the bill could violate Fifth Amendment rights regarding self- incrimination, she said." ("House panels OKs mandatory field sobriety tests," The State Journal-Register, 2/2/00)
- **O'Brien Said Field Sobriety Tests Could Set A Precedent Of Stripping Away Rights One By One.** "Several Illinois lawmakers have tried to move bills this legislative session and three previous years to close the loophole by punishing drivers who refuse field sobriety tests. Critics, however, have halted the bills, mostly on constitutional grounds. Some also expressed concern that field sobriety tests are too subjective, and perhaps inaccurate. Rep. Mary K. O'Brien, D-Coal City, said allowing the bill to pass could set a precedent where rights are stripped away one by one. O'Brien, an attorney with experience as both a prosecutor and a defender, also is concerned about the subjectivity of tests such as the one-leg stand or walking and turning. 'It's not a test where a meter flicks on,' she said. 'Ten officers can look at an individual and come up with different determinations.'" (Kellie Gormly, "Closing DUI loophole tough process," The State Journal-Register, 4/3/00)

- **O'Brien Said Of Mandatory Field Sobriety Test 'It's Tantamount To Saying That If You Don't Cooperate And If You Don't Offer Evidence To Incriminate Yourself, We'll Take Away Your Rights.'** "Because Dart's bill has not been completed, Rep. Mary K. O'Brien, D-Coal City, did not want to take a stance on it, but expressed reservations about the concept itself. 'We peel away individual liberties one by one,' O'Brien said. 'It's tantamount to saying that if you don't cooperate and if you don't offer evidence to incriminate yourself, we'll take away your rights.' O'Brien plans to support legislation in the upcoming session to require motorists to install interlock devices on their car if they are convicted of DUI and have a blood alcohol level above .15. Interlock devices require a motorist to breathe into it before starting the car. The vehicle will not start if any alcohol is detected." (Ben Kieckhefer, "Legislators to try again for mandatory field sobriety tests," Copley News Service, 1/31/01)

Though She Did Support Funding For Prosecutors To Handle Drunk Driving Cases

In 1999, O'Brien Introduced A Bill That Would Provide State Funding For Counties To Hire An Extra Prosecutor To Handle Drunk Driving Cases. "A measure sent to the governor Wednesday would provide state funding to Illinois counties that want to hire at least one extra prosecutor to handle cases of suspected drunken driving. The bill, sponsored by Democratic Rep. Mary O'Brien of Coal City, sailed through the House on a 101-15 vote. It won approval last month in the Senate. An initiative of Mothers Against Drunk Driving, the bill would provide a state subsidy to counties that want to participate in the program. If every county decided to participate, the program would cost an estimated \$ 6 million a year." (Adriana Colindres, "Initiative to fund hiring prosecutors for DUIs goes to governor," The State Journal-Register, 4/29/99)

Death Penalty

While In The Legislature, O'Brien Was Against Abolishing The Death Penalty

In 2002, O'Brien Said "We Are Not Prepared To Abolish The Death Penalty." "Ryan acknowledged that eliminating capital punishment would be a tough battle. Two lawmakers on the judiciary committee agreed. 'I don't see any possibility of this passing in the House either before the election or after the election in November,' said Rep. Mary Kay O'Brien, the committee chairwoman. 'We are not prepared to abolish the death penalty.'" (Andrew Buchanan, "Illinois Gov. George Ryan says he might recommend abolishing death penalty," Associated Press, 6/20/02)

In 2003, A House Committee Approved Legislation To Abolish The Death Penalty. "An Illinois House committee approved legislation Thursday that would end the death penalty, giving lawmakers their first chance in a generation to debate whether the state should execute criminals. Death penalty opponents celebrated the measure clearing its first legislative hurdle, but they acknowledged it will face strong opposition." (Kristy Hessman, "Abolition measure moves, but death penalty critics still face challenge," The Associated Press, 3/6/03)

O'Brien Voted For It In Committee Saying She Wanted It To Be Debated On The Floor But Said She Would Vote No Saying "I Am Very Positive That We Are Going To Defeat The Measure." "If it is approved by the General Assembly, it would still have to go to Gov. Rod Blagojevich, who supports the death penalty. Even some lawmakers who supported the abolition bill in committee said they would oppose it in the House. 'I am very positive that we are going to defeat the measure on the floor,' said Rep. Mary Kay O'Brien, a Watseka Democrat who runs the House Judiciary II Committee. O'Brien said she supported the bill, which was approved 8-4, only because she thinks lawmakers should debate whether to have the death penalty." (Kristy Hessman, "Abolition measure moves, but death penalty critics still face challenge," The Associated Press, 3/6/03)

- "State Rep. Mary K. O'Brien, D-Coal City, said that her "yes" vote did not indicate her support for abolishing the death penalty and that she would vote against the bill once it was called for a final vote. O'Brien said she favored the package of death penalty reforms that is making its way

through the Legislature. She voted for the bill, she said, to allow a full debate.” (Alex Aguilar, “PANEL VOTES TO ABOLISH DEATH PENALTY,” St. Louis Post-Dispatch, 3/7/03)

O’Brien Supported A Death Penalty Reform Package That Would Make It Harder For A Criminal To Be Sentenced With The Death Penalty. “O’Brien said it took months for deeply divided groups - from prosecutors to death penalty opponents - to agree on a plan to reform laws dealing with death penalty cases. ‘We’ve been working on these bills since September and October of last year,’ O’Brien said. ‘Had we tried to ram through bills, we would never have come this far.’ O’Brien’s package would set up an experimental program for police to either videotape or audiotape murder interrogations to reduce the chance of coerced confessions or false claims of coerced confessions. The bill also eliminates nine little-used and hard-to-prove death penalty eligibility factors and makes it easier for defendants in death penalty cases to get DNA tests to prove their innocence.” (John O’Connor, “House adopts another death penalty reform package,” The Associated Press, 4/3/03)

O’Brien Supports Continuation Of The Moratorium On The Death Penalty In Illinois

O’Brien Supports Continuation Of The Moratorium On The Death Penalty In Illinois. (Votemart.org, Accessed 7/28/22)

Other

In 2000, O’Brien Supported Legalizing Hemp

In 2000, O’Brien Supported Legalizing Hemp. “It’s an old argument: Hemp should be legalized because it is an amazing plant that can be turned into all kinds of useful products. This time, however, the argument is coming from state lawmakers instead of groups concerned with marijuana laws. ‘It’s time to quit making it a joke; it isn’t pot,’ said Rep. Mary K. O’Brien, D-Coal City. ‘We’re looking at serious issues facing Illinois farmers. If this is a viable crop and grows well in Illinois, we need to get the feds to change the classification. There is a market, if we can produce it.’” (“State lawmakers say hemp could boost farm economies,” The Associated Press, 1/31/00)

O’Brien Sponsored A Bill That Would Require Universities To Notify Freshman Of Meningitis Vaccinations

In 2000, O’Brien Sponsored A Bill That Would Require Universities To Notify Freshman Of Meningitis Vaccinations. “The death of an Illinois college student last spring could lead to improved health care on the campuses of state colleges and universities. A bill that would obligate public universities in Illinois to notify incoming freshmen and transfer students of the availability of meningitis vaccinations on campus passed the Illinois House a week ago. Sponsored by Rep. Mary Kay O’Brien, D-Coal City, House Bill 3049 passed unanimously. The legislation was inspired by the death from meningitis of 19-year-old Eastern Illinois University sophomore Beth Ann Miller.” (Tony Cappasso, “Universities may have to tell students about meningitis vaccines,” The State Journal-Register, 3/8/00)

Pig Privacy Bill

In 2002, The Chicago Tribune Said O’Brien “Looked Silly” For Introducing A Bill Making It Illegal To Photograph Or Videotape Pigs. “Democratic Rep. Mary K. O’Brien is generally a decent legislator, but she looked silly this past session when she introduced a bill to make it a crime to photograph or videotape pigs--or any other farm animals--without the consent of the owner. She faces little competition from Republican Pat Clemmons. O’Brien is endorsed.” (Editorial, “For the Illinois House,” Chicago Tribune, 10/18/02)

O’Brien Voted For A Bill That Would Allow Communications Utilities To Double Their Rates

In 2003, O’Brien Voted For A Bill That Would Allow Communications Utilities To Double Their Rates. “The Illinois House and Senate approved a bill last week that doubles the rate

SBC Communications Inc. can charge phone competitors to lease its lines. Critics say that the bill would translate into higher phone bills for consumers and businesses. (“SBC Lobbies for a Rate Hike in Illinois,” Chicago Tribune, 5/18/03)

Madigan

O'Brien Has Received \$208,708.39 From Madigan Controlled Committees

O'Brien Received \$117,793.52 From The Democratic Party Of Illinois. ([Illinois Sunshine](#), Accessed 7/19/22)

O'Brien Received \$86,414.87 From Illinois House Democratic Majority. ([Illinois Sunshine](#), Accessed 7/19/22)

O'Brien Received \$4,500 From Friends Of Michael J. Madigan. ([Illinois Sunshine](#), Accessed 7/19/22)

O'Brien Has Given \$15,950 To Madigan Controlled Committees

O'Brien's House Committee Gave \$12,600 To Democratic Party Of Illinois. ([Illinois Sunshine](#), Accessed 7/19/22)

O'Brien Gave Personally Gave \$3,350 To Friends Of Michael J. Madigan. ([Illinois Sunshine](#), Accessed 7/25/22)

1996 Election

Madigan Had Targeted The South Suburbs Which Included O'Brien's District

In 1996, When O'Brien Won Election, Her Seat Was Targeted By Mike Madigan To Gain. "Downstate, Republicans dropped only one seat. Rep. Stephen Spangler, R-Morris, lost to Mary O'Brien. Madigan had targeted the south suburbs because he lost several seats there in 1994 by a handful of votes." (Doug Finke, "Madigan vows to work with Edgar," The State Journal-Register, 11/7/96)

O'Brien Called Democrats Winning The Majority "An Exciting Time"

O'Brien Called Democrats Winning The Majority Back In The House Which Gave Madigan The Speakers Gavel Back "An Exciting Time." "Rep. Mary O'Brien was 3 when she got her first taste of political campaigning as she and her siblings began marching in parades to support their neighbor, former Sen. Jerry Joyce a candidate for county board back then. Twenty-nine years later, O'Brien, a Coal City Democrat, was the center of attention for about 75 of her family and friends who had supported her during a hard-fought campaign that ended in her election to the 75th District. Those supporters traveled to Springfield on Wednesday to celebrate her inauguration as a state representative. 'It's really a nice day, not only for me, but also for them to see all their hard work pay off,' O'Brien said. With flowers lining their desks and camera flashes flickering across the chamber of the House of Representatives, two Joliet-area lawmakers O'Brien and Rep. Renee Kosel, R-New Lenox were among the 20 new members who took their oaths of office on Wednesday. It was a day of change in the lower chamber of the General Assembly as Democrats grasped the narrow majority they had gained during the fall election after two years of Republican control in the House. O'Brien was one of the six candidates who unseated Republican incumbents in November giving Democrats a 60-58 majority. 'It's an exciting time,' said O'Brien, who defeated former Rep. Steve Spangler, R-Newark. 'I think there's going to be more cooperation. I think you'll see all of the legislators reaching out to their constituents more because they'll now understand how easily a majority can be lost.'" (Emily Wilkerson, "Will County lawmakers take their places in General Assembly," Copley News Service, 1/8/97)

O'Brien's Win "Helped Madigan Regain The Speakership"

O'Brien's Win "Helped Madigan Regain The Speakership." "In addition to handling legislative issues in his \$ 46,000 state job, Piccioli also did campaign work, including managing the last three weeks of the 1996 campaign won by Rep. MARY K. O'BRIEN, D-Coal City. She defeated then-incumbent Rep. STEPHEN SPANGLER, R-Morris. The win helped Madigan regain the

speakership with a 60-58 majority.” (Editorial, “Wishing for some goodies for public officials in 1998,” The State Journal-Register, 12/28/97)

O'Brien Touts Winning Back The Majority For Democrats On Her Current Campaign Website

O'Brien Touts Winning Back The Majority For Democrats On Her Current Campaign Website. “Justice O'Brien has served on the 3rd District Appellate Court for nearly 18 years. She has heard more than 4,500 cases and served on numerous committees. Defeating an incumbent, O'Brien secured the Democratic majority in the House of Representatives.” ([O'Brien For Supreme Court](#), Accessed 7/28/22)

Poshard Donation

Madigan Solicited Funds From House Members For His Preferred Gubernatorial Candidate Glen Poshard

In 1998, It Was Reported That Madigan Was Soliciting Funds For His Preferred Gubernatorial Candidate, Glen Poshard, In Person In Springfield. “One by one, several Downstate lawmakers were summoned into a room in the Springfield headquarters of the state's largest labor organization. They each received an empty envelope with an amount scrawled on it--up to \$25,000. Then they looked into the ice-blue eyes of the state's most powerful Democrat, House Speaker Michael Madigan, who stood alongside his favored candidate for governor, Glenn Poshard. ‘Can you help?’ Madigan asked while Poshard looked on, three lawmakers recalled.” (Rick Pearson, Chicago Tribune, 3/3/98)

That Day Madigan Raised \$175,000 For Poshard. “By the time Madigan ended that day two weeks ago, he had raised at least \$175,000 for Poshard's bid for governor, all from the campaign funds of Democratic representatives who owe their political livelihoods to the speaker.” (Rick Pearson, Chicago Tribune, 3/3/98)

Poshard's Opponents Called Him A “Wholly Owned Subsidiary Of Michael Madigan”

Poshard's Opponents Called Him A “Wholly Owned Subsidiary Of Michael Madigan.” “He says the limits are designed to maintain his independence and prevent the appearance of special interests buying influence. But his presence at Madigan's side as the speaker urged his members to cough up has prompted questions about Poshard's commitment to those standards, as well as his independence from the speaker and the special interests that traditionally finance Madigan's allies. John Schmidt, a former Justice Department official running against Poshard for the Democratic nomination, complained in Monday night's debate that Poshard had become ‘a wholly owned subsidiary of Michael Madigan.’” (Rick Pearson, Chicago Tribune, 3/3/98)

Another Candidate Called The Money Solicited By Madigan “Almost Money-Laundering.” “Another candidate, former U.S. Atty. Jim Burns, has described the Madigan-to-Poshard connection as ‘almost money-laundering.’ Poshard acknowledged Monday that the meetings had taken place. But he denied the lawmakers had been pressured.” (Rick Pearson, Chicago Tribune, 3/3/98)

Madigan Leaned Harder On Incumbents In Safer Districts And Asked Members With Tougher Races To Donate Less. “The speaker apparently eased up on those House Democrats who faced the prospect of tough primary or general election campaigns. Those with legislative seats relatively safe from a challenge were asked to provide as much as \$25,000. Those facing prospective challengers were asked to give as little as \$1,500.” (Rick Pearson, Chicago Tribune, 3/3/98)

O'Brien Had Donated \$5,000 To Poshard

O'Brien Had Donated \$5,000 To Poshard. “But campaign disclosure reports filed with the State Board of Elections show that Poshard's contributors so far include Rep. Kurt Granberg (D-Carlyle),

who gave \$20,000; Rep. Steve Davis (D-Bethalto), who contributed \$15,000; and Reps. Charles Hartke (D-Teutopolis), Jay Hoffman (D-Collinsville) and Joel Brunsvold (D-Milan), who chipped in \$10,000 apiece. Rep. Dan Reitz (D-Steeleville) gave \$9,000, and Rep. Thomas Holbrook (D-Belleville) gave \$6,000. Reps. Mike Boland (D-East Moline) and Mary K. O'Brien (D-Coal City) gave \$5,000 apiece, while Rep. Frank Mautino (D-Spring Valley) gave \$4,000.” (Rick Pearson, Chicago Tribune, 3/3/98)

Campaign Help From Madigan

Madigan’s Party Ran A Controversial Program Called The Friends And Family Program

In 2000, The State GOP Filed A Complaint Against The Democratic Party’s Friends And Family Program Saying It Gives Democrat Campaigns A Boost Without Publicly

Itemizing Contributions. “In Williamson’s complaint to state election officials, he wrote that the Friends & Family program designed to help Democratic candidates organize local volunteers actually gives the Democratic Party a way to boost local campaigns without publicly itemizing contributions.”

(Dean Olsen, “State GOP complains about Democratic staff, spending,” Copley News Service, 10/25/00)

Republicans Cited The Program’s Use In The 1998 Campaign To Help O’Brien

Republicans Cited The Program’s Use In The 1998 Campaign To Help O’Brien.

“Republicans cited the use of Friends & Family in the 1998 campaigns of Democratic state representatives who included O’Brien, Susan Garrett of Lake Forest, Lauren Beth Gash of Highland Park, and the unsuccessful campaign of Scott Pyles of New Lenox. Pyles lost to Republican Rep. Renee Kosel, also of New Lenox.”

(Dean Olsen, “State GOP complains about Democratic staff, spending,” Copley News Service, 10/25/00)

O’Brien Defended The Program.

“But Brown and state Rep. Mary Kay O’Brien, D-Coal City, rejected Williamson’s logic. She said local candidates perform the grass-roots work to carry out Friends & Family, and the party benefits if they are elected. Brown said the program follows “the letter and the spirit of the law.””

(Dean Olsen, “State GOP complains about Democratic staff, spending,” Copley News Service, 10/25/00)

In 2002, O’Brien Was Assigned At Least One Full Time Madigan Staffer

In 2002, O’Brien Was Assigned At Least One Full Time Madigan Staffer. “Rep. Susan Garrett, whose Lake Forest district used to be represented in Springfield by Lt. Gov. Corinne Wood, a Republican, got 40 visits from three staffers. The main staffer was in her office “every day. If I didn’t see her, I’d talk to her,” Ms. Garrett said. But though the staffer later “oversaw” her campaign, “I would never allow any commingling’ of political and government time. Other Democratic incumbents who were assigned at least one full-time Madigan staffer were Reps. Daniel Reitz (Steeleville), Kevin McCarthy (Orland Park), George Scully (Flossmoor), James Brosnahan (Evergreen Park), Mary Kay O’Brien (Coal City), Jack Franks (Woodstock) and Jeffrey Schoenberg (Evanston), according to Mr. Brown. All but one or two of them come from highly competitive districts, though Mr. Brown asserted that Republicans often target areas where they stand little real chance of winning.” (Greg Hinz, “Madigan staffers lend helping hands,” Crain’s Chicago Business, 7/15/02)

Votes With Madigan

In Her Last Year In The GA, O’Brien Voted With Madigan Almost 94% Of The Time

In 2003, O’Brien With Madigan 93.6% Of The Time. (Illinois General Assembly, [93rd General Assembly Member Vote Detail Report](#). Accessed 9/8/22)

In 2003, Out Of 1223 Votes Where Both Members Cast A Vote, Only 78 Times Did

O’Brien Cast A Vote Different Than Madigan’s. (Illinois General Assembly, [93rd General Assembly Member Vote Detail Report](#). Accessed 9/8/22)

Connections To ComEd

In 2022, Mike Madigan Was Indicted On Federal Racketeering And Bribery Charges In Connection With Corruption Schemes Involving Commonwealth Edison. “A federal grand jury in Chicago today indicted former Speaker of the Illinois House of Representatives MICHAEL J. MADIGAN on racketeering and bribery charges for allegedly using his official position to corruptly solicit and receive personal financial rewards for himself and his associates. The 22-count indictment accuses Madigan of leading for nearly a decade a criminal enterprise whose purpose was to enhance Madigan’s political power and financial well-being while also generating income for his political allies and associates. The charges allege that Madigan, who served as Speaker and occupied a number of other roles, including Representative of Illinois’s 22nd District, Committeeman for Chicago’s 13th Ward, Chairman of both the Illinois Democratic Party and the 13th Ward Democratic Organization, and partner at the Chicago law firm of Madigan & Getzendanner, used these positions to further the goals of the criminal enterprise. The indictment alleges that Madigan directed the activities of his close friend – co-defendant MICHAEL F. MCCLAIN – and that McClain carried out illegal activities at Madigan’s behest. Madigan and McClain allegedly caused various businesses, including the utility company Commonwealth Edison, to make monetary payments to Madigan’s associates as a reward for their loyalty to Madigan, at times in return for performing little or no legitimate work for the businesses.” (US Attorney’s Office, Northern District Of Illinois, “Former Illinois Speaker of the House Indicted on Federal Racketeering and Bribery Charges in Connection With Alleged Corruption Schemes,” [Press Release](#), 3/22/22)

O’Brien Has Received \$1,650 From ComEd’s Parent Company Exelon

In September 2002, ExelonPAC Gave O’Brien \$1,000. (Illinois State Board Of Elections, Accessed 9/9/22)

In February 2003, ExelonPAC Gave O’Brien \$650. (Illinois State Board Of Elections, Accessed 9/9/22)

- **Exelon Is The Parent Corporation Of ComEd.** ([ExelonCorp](#), Accessed 9/9/22)

O’Brien Received \$200 From Indicted ComEd Lobbyist Michael McClain

In September 2004, Michael McClain Gave O’Brien \$200. (Illinois State Board Of Elections, Accessed 9/9/22)

- **McClain Was Indicted On Bribery Conspiracy, Bribery And Willfully Falsifying ComEd Books And Records.** (US Attorney’s Office, Northern District of Illinois, “Former Commonwealth Edison Executives and Consultants Charged With Conspiring to Corruptly Influence and Reward State of Illinois Official,” [Press Release](#), 11/18/20)

O’Brien Received \$3,000 From Edison International After The Company Bought ComEd Power Plants

In July 2000, Edison International Gave O’Brien \$500. (Illinois State Board Of Elections, Accessed 9/9/22)

In November 2000, Edison International Gave O’Brien \$1,500. (Illinois State Board Of Elections, Accessed 9/9/22)

In July 2001, Edison International Gave O’Brien \$500. (Illinois State Board Of Elections, Accessed 9/9/22)

In November 2001, Edison International Gave O’Brien \$500. (Illinois State Board Of Elections, Accessed 9/9/22)

- **In 1999, Edison International Began Buying ComEd Power Plants In Illinois.** “Edison International’s wholly-owned independent power subsidiary will acquire all the fossil-fuel generating assets of Commonwealth Edison. The company will pay about \$5 billion for a package of coal and gas-fired plants with total capacity of 9,772 megawatts (MW). Edison Mission Energy has also committed to build 500 MW of gas-fired generating capacity in Chicago. John E. Bryson, CEO of Edison International, parent of Southern California Edison, said the plants have excellent access to attractive markets in the Midwest and will continue to serve northern Illinois. “These assets represent some of the most competitive generation in the region. The acquisition complements the recent acquisition of the Homer City Generating

station in the Mid-Atlantic region, giving us a strong generation presence across the United States.” (Edison International, “Edison International Buying ComEd Power Plants for \$5 B,” Press Release, 3/24/99)

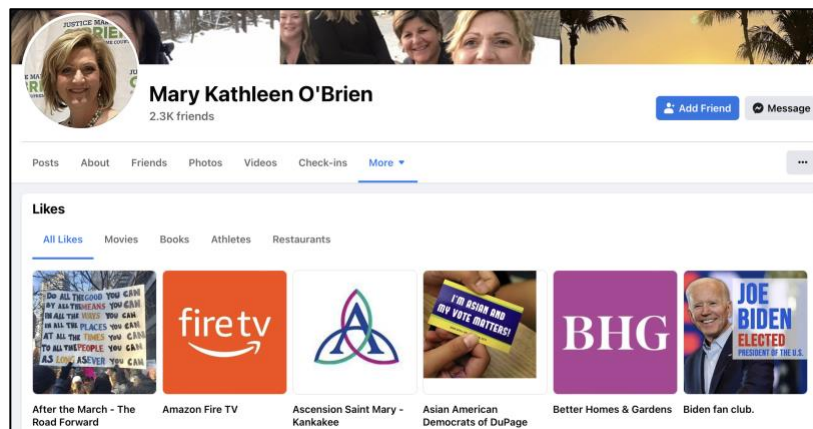
Biden

In June 2022, O'Brien Tweeted To Biden's SCOTUS Nominee "Congratulations, Justice Ketanji Brown Jackson!" ([Mary Kay O'Brien Twitter](#), 6/30/22)



([Mary Kay O'Brien Twitter](#), 6/30/22)

On Her Personal Facebook Page, O'Brien "Likes" The Biden Fan Club. ([Mary O'Brien Facebook](#), Accessed 7/28/22)



([Mary O'Brien Facebook](#), Accessed 7/28/22)

Obama

O'Brien Was An Obama Supporter

In 2004, Obama Was Making A Campaign Stop In Ottawa. "Ten years ago last week, only a few people outside of Chicago had heard of him -- much less considered him a future president of the United States. But 10 years ago this week, the whole nation was buzzing about his electrifying speech at the Democratic National Convention. The 42-year-old candidate then chartered a campaign bus making stops in Ottawa, DePue and Granville, where hundreds jostled to shake hands with Barack Obama. 'I won't lie: We had a good week,' the future president told an Ottawa throng that chanted, 'O-Ba-Ma.' Indeed, he had. It was July 31, 2004, and state Sen. Barack Obama (D-Chicago) had been all but handed a vacant seat in the U.S. Senate, thanks to a sex scandal that forced the Republican nominee to quit the race. Four days after stealing the show at the Boston convention, Obama stepped off his tour bus dressed in a plaid shirt and holding daughter Sasha, then 3. He had to hand off his

daughter to shake the dozens of hands and autograph the dozens of papers thrust before him.” (Tom Collins, “A look at how we first met Obama,” News Tribune, 8/1/14)

O’Brien Made The Introductory Speech For Obama At The Stop. “Mary K. O’Brien was in 2004 running for appellate justice, a post she still holds, and was tabbed to provide introductory remarks and pump up the crowd in Ottawa. That, she recalled, was not a difficult task. ‘Everybody was enthusiastic,’ O’Brien recalled. ‘People were both curious and excited about seeing this state senator who was running for U.S. Senate. People outside regular Democratic circles hadn’t heard of him until after the convention and people were curious.” (Tom Collins, “A look at how we first met Obama,” News Tribune, 8/1/14)

O’Brien Said "It Was An Honor To Be Able To Introduce Him." (Tom Collins, “A look at how we first met Obama,” News Tribune, 8/1/14)

Appellate Court Appointment And Election

2004

O'Brien Announced She Would Resign From The House To Run For The 3rd District Illinois Appellate Court

In August 2003, O'Brien Announced She Would Resign From The House To Run For The 3rd District Illinois Appellate Court. "State Rep. Mary Kay O'Brien (D-Watseka), whose 75th Illinois House District includes the southwest portion of Will County, has announced that she hopes to trade in her seat in the General Assembly for a judicial robe. The four-term state legislator, a former Grundy County assistant state's attorney who also once worked in the Illinois Attorney General's office, told supporters in Joliet this week that she plans to run in next year's elections for a seat on the 3rd District Illinois Appellate Court." (Stanley Ziemba, "Lawmaker plans to run for judge," Chicago Tribune, 8/29/03)

O'Brien Was Appointed To The Illinois Appellate Court By The Illinois Supreme Court

In December 2003, O'Brien Was Appointed To The Illinois Appellate Court By The Illinois Supreme Court. "The Illinois Supreme Court has appointed former state Rep. Mary K. O'Brien to the Illinois Appellate Court in the Third Judicial District. O'Brien will fill the vacancy caused by Justice Thomas J. Homer's retirement, the state Supreme Court reported on its Web site. Her appointment was announced Monday." ("Former State Rep. Mary K. O'Brien appointed to Illinois Appellate Court," The Associated Press, 12/23/03)

While Campaigning For The Judgeship O'Brien Did Not Take Position On Issues Because She Said Ethics Requires Judges Not To Offer Their Opinions. "O'Brien said she began campaigning for the position over a year ago. However, she did not outline specific stands on issues, saying judicial ethics require judge candidates to refrain from offering their opinions. 'We want to people to have faith in the justice system, and if they think that judges already have their minds made up about certain issues, there's not a lot of confidence that they are going to be able to be fair and impartial,' said O'Brien." (Kurt Erickson, "2 women seek Democratic judicial nomination," The Pantagraph, 3/11/04)

O'Brien Was Given A "Not Recommended" Rating From A Survey Of Lawyers In The State Bar Association

In 2004, O'Brien Was Given A "Not Recommended" Rating From A Survey Of Lawyers In The State Bar Association. "O'Brien is stressing her own experience as a lawmaker. The two candidates have not engaged in any debates or joint appearances. Lyons did not return telephone messages left at her office. A recent poll by the Illinois State Bar Association showed both Democratic candidates receiving less-than-favorable reviews from their fellow attorneys. In a survey of lawyers by the organization, the two were given 'not recommended' ratings." (Kurt Erickson, "2 women seek Democratic judicial nomination," The Pantagraph, 3/11/04)

O'Brien Won The Primary By 30% And The General By 12%

O'Brien Won The Primary By About 30% Of The Vote. ([Illinois State Board of Elections](#), Accessed 7/26/22)

3RD APPELLATE - HOMER VACANCY			
Candidate	Party	Total Votes	Percent of Party Vote
JIM WRIGHT	REPUBLICAN	90,360	100%
MARY K. O'BRIEN	DEMOCRATIC	69,745	65.18%
SUSAN D. LYONS	DEMOCRATIC	37,256	34.82%
Vote Totals		197,361	

([Illinois State Board of Elections](#), Accessed 7/26/22)

O'Brien Won The General Election By About 12% Or 85,000 Votes. ([Illinois State Board of Elections](#), Accessed 7/26/22)

3RD APPELLATE - HOMER VACANCY			
Candidate	Party	Total Votes	Percent of Total Vote
MARY K. O'BRIEN	DEMOCRATIC	397,996	56.13%
JIM WRIGHT	REPUBLICAN	311,053	43.87%
Vote Totals		709,049	

([Illinois State Board of Elections](#), Accessed 7/26/22)

2014

In 2014, O'Brien Received A Retention Recommendation. "In the Appellate Court Third Judicial District, which covers Bureau, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Kankakee, Knox, LaSalle, Marshall, McDonough, Mercer, Peoria, Putnam, Rock Island, Stark, Tazewell, Warren, Whiteside and Will counties, both Holdridge and O'Brien received retention recommendations. The evaluation process for these judges includes background checks in addition to in-person interviews." (Lisa Coon, "3 in Ninth Circuit receive high marks in evaluation," The Register-Mail, 10/25/14)

- "As for O'Brien, who has been on the bench for 10 years and prior to that served as a state representative, the committee found her "respectful of her role on the court and remains interested in improving the court for the public and those attorneys who appear before the Third District. 'Her peers describe her as hard working, informed and diligent about her case load' and the committee recommends retention." (Lisa Coon, "3 in Ninth Circuit receive high marks in evaluation," The Register-Mail, 10/25/14)

In 2014, O'Brien Was Retained By Voters With 78.5% Of The Vote.

Third District Appellate Court

- Mary O'Brien, 78.5% ✓
- William Holdridge, 78.9% ✓

([Ballotpedia](#), Accessed 7/26/22)

Supreme Court Campaign

In August 2021, O'Brien Filed A Campaign Committee For Supreme Court. “Former Democratic State Representative and current Illinois Appellate Judge Mary K. O'Brien has filed a new political committee indicating her plans to run for Supreme Court in 2022. O'Brien lives in Essex in far western Kankakee County and would seek the new 3rd District seat, likely against incumbent Republican Justice Michael Burke. The redrawn 3rd District on the Supreme Court includes DuPage, Will, Kankakee, Grundy, LaSalle, and Bureau Counties. Many political observers believe the district leans Republican, especially in a non-presidential year.” (Patrick Pflugsten, “Appellate Judge, Former Rep. Mary K. O'Brien Moves Toward Supreme Court Run,” [The Illinoize](#), 8/18/21)

In November 2021, O'Brien Officially Launched Her Campaign. “Today Justice Mary Kay O'Brien was joined by supporters as she kicked off her campaign for the Supreme Court with three stops across the newly drawn Third District of the Illinois Supreme Court. She is the only announced Democrat in this race. ‘I have spent my entire life trying to level the playing field for people whether as a consumer advocate, a lawyer, a legislator or now as a judge. Giving people a fair shot is often all someone needs to thrive,’ said Justice O'Brien announcing her run.” (“Justice Mary K. O'Brien Kicks off Campaign for Illinois Supreme Court.” [Herald-News](#), 11/9/21)

O'Brien Made The Announcement In The Sheetmetal Workers Local 265 Hall And Touted Her Ties To Labor. “The daughter of a union man, O'Brien's father worked in the sheetmetal trade and used the wages and benefits that came with a union paycheck to level the playing field for their family. Her sister, Melinda, a retired teacher, her brother John and O'Brien are all first generation college graduates, able to thrive because of the financial stability in a union household. ‘I know firsthand how important a fair, level playing field is. So it is fitting that today we start this campaign to make sure we give everyday citizens a fair shot in our courtrooms right here in this room,’ said Justice O'Brien to the crowd at the Sheetmetal Workers Local 265 Hall.” (“Justice Mary K. O'Brien Kicks off Campaign for Illinois Supreme Court.” [Herald-News](#), 11/9/21)

In Her Announcement, O'Brien Also Said She Respects “The Views Of All Sides.” “Every decision made by the Supreme Court impacts the lives of every citizen. That's why it is so important to choose someone to represent you on the Illinois Supreme Court who shares the same values and perspective about fairness as you. My life experience and my judicial career have demonstrated time and again that I share your values, your sense of fairness and that I respect the views of all sides,’ she concluded.” (“Justice Mary K. O'Brien Kicks off Campaign for Illinois Supreme Court.” [Herald-News](#), 11/9/21)

Court Cases As Judge

Daughter Beating Case

The Appellate Court Threw Out A Conviction Of A Man Accused Of Beating His Infant Daughter

In 2022, The Appellate Court Threw Out A Conviction Of A Man Accused Of Beating His Infant Daughter. “A trio of appellate court judges has thrown out the 2019 conviction of a Pekin man accused of severely battering his infant daughter five years ago.” (Andy Kravetz, “Pekin man's conviction for beating infant daughter reversed by appellate court. Here's why,” Peoria Journal Star, 6/10/22)

The Court Said The Prosecution Failed To Show The Man Was Responsible For The Beatings. “In a 19-page June 1 opinion from the 3rd District Appellate Court in Ottawa, the judges held Clement Kobischka, 38, was wrongfully convicted because prosecutors failed to show that he actually did the abuse that injured his daughter. ‘The conclusion that (the girl's) injuries were non-accidental does not establish that the defendant knowingly perpetrated injury on (the girl). Although both medical experts concluded (the girl's) injuries were non-accidental, neither expert could pinpoint when or how (the girl's) injuries occurred,’ wrote Judge Mary K. O'Brien, with Judges Eugene Daugherity and Mary McDade concurring. ‘Our review of the evidence leaves us with a reasonable doubt as to defendant’s guilt. This conclusion is based on the timeline of (the girl's) symptoms, as well as the opportunities that existed for accidental injury to occur.’” (Andy Kravetz, “Pekin man's conviction for beating infant daughter reversed by appellate court. Here's why,” Peoria Journal Star, 6/10/22)

The Man Was Found Guilty Of Aggravated Battery And Sentenced To 20 Years. “After a two-day trial, Kobischka was found guilty of aggravated battery to a child and sentenced to 20 years in prison. At that trial, his attorney argued the baby was likely injured when her 3-year-old sister fell onto the home’s concrete-based kitchen floor while carrying her before Kobischka, who did not live there, came to watch her.” (Andy Kravetz, “Pekin man's conviction for beating infant daughter reversed by appellate court. Here's why,” Peoria Journal Star, 6/10/22)

The 7-Month-Old Had Skull Fracture, Bleeding In The Brain And Retinal Hemorrhaging, Injuries Experts Said Were Too Severe To Be An Accident. “The 7-month-old infant was with Kobischka in December 2017. Prosecutors alleged he inflicted injuries that included skull fractures on both sides of her head, bleeding in her brain and retinal hemorrhaging, according to court records. Physicians testified at his trial that some of the injuries indicate the infant was dropped or thrown onto a hard surface. Others are typical of those caused by severe shaking of a young child, they testified. The injuries, they said, were too severe to be caused by accident.” (Andy Kravetz, “Pekin man's conviction for beating infant daughter reversed by appellate court. Here's why,” Peoria Journal Star, 6/10/22)

The Court Said The Infant Had Three Other Children Around Making It An Environment That An Accident Could Easily Happen. “But the appellate panel thought that wasn't completely proven. Instead, they pointed to trial testimony and to court records that indicated the girl was ‘scoting all over the place’ and had three other siblings who were often roughly playing in the area. ‘These incidents suggest an environment filled with activity and energetic children where an accidental injury could have taken place unnoticed,’ the opinion stated.” (Andy Kravetz, “Pekin man's conviction for beating infant daughter reversed by appellate court. Here's why,” Peoria Journal Star, 6/10/22)

The Court Said Anyone Could Have Inflicted The Wounds On The Infant Intentionally Or Accidentally. “For his part, Kobischka denied hurting the girl and cooperated with investigators at the hospital, according to the court opinion. Given that and discrepancies in the timeline, the judges felt the state didn't do enough to prove its case. ‘In our view, these circumstances resulted in numerous opportunities for injuries to be inflicted, intentionally or accidentally, by a handful of different people who were around (the girl).’” (Andy Kravetz, “Pekin man's conviction for beating infant daughter reversed by appellate court. Here's why,” Peoria Journal Star, 6/10/22)

- **As Of July 26, 2022, According To The Illinois Department Of Corrections, The Man Is Still In Jail.** ([Illinois Department Of Corrections](#), Accessed 7/26/22)

Overtured Murders

In 2021, A Man Found Not Guilty Of Murder At A Retrial Ordered By O'Brien Shot A Man

In 2013, Zambrano Was Convicted Of Murder And Sentenced To 45 Years But His Case Was Ordered To Retrial By The Appellate Court. “Back in 2013, a different Will County jury found Zambrano guilty of murder, and he drew a 45-year prison term at the time. Then in 2016, the Illinois Court of Appeals overturned Zambrano's conviction and remanded his murder case back to Will County Circuit Judge Amy Bertani-Tomczak for a retrial.” (John Ferak, “Jesus Zambrano, Ex-Murder Defendant, Shoots Man In Groin: Police,” [Joliet Patch](#), 6/16/21)

It Was O'Brien's Court And Her Opinion That Ordered Zambrano To Get A Retrial.

(Appellate Court Of Illinois, Third District, State Of Illinois v. Zambrano, 3-14-0178, Decided 7/20/16)

In August 2019, Zambrano Was Found Not Guilty Of The Murder He Had Previously Been Convicted Of. “Back in August 2019, a Will County jury found Jesus Zambrano not guilty of first-degree murder in the May 22, 2009, west side shooting death of Robert Gooch, 36. The Joliet homicide victim was shot in the head inside a third-floor apartment at the Larkin Village apartment complex during an apparent lover's triangle. (John Ferak, “Jesus Zambrano, Ex-Murder Defendant, Shoots Man In Groin: Police,” [Joliet Patch](#), 6/16/21)

In 2021 Jesus Zambrano Was Arrested For Aggravated Battery After Shooting Someone In The Leg.

“Deputies at the Will County Sheriff's Office arrested former Joliet murder defendant Jesus E. Zambrano on Wednesday morning in connection with new criminal charges of aggravated battery involving the discharge of a gun. Zambrano, now 31, was booked into county custody around 10:45 a.m. Zambrano lives in the 1000 block of Joliet's North Raynor Avenue. The Joliet resident was taken into custody on a bench warrant, and his bail was set at \$500,000. The shooting happened on Ma7 5, jail records show. Last month, Joliet Patch reported that a 31-year-old Joliet man remained hospitalized in critical condition after being shot several times around 8 p.m. on May 7 near North Raynor Avenue and Hutchins Street in the city of Joliet. Joliet Fire Department paramedics found the victim lying in the street. The Joliet Fire Department's ambulance rushed the shooting victim to AMITA Health Saint Joseph Medical Center. According to Joliet Police Sgt. Dwayne English, police found the shooting victim in the 1000 block of Raynor Avenue with a gunshot wound to his groin.”

(John Ferak, “Jesus Zambrano, Ex-Murder Defendant, Shoots Man In Groin: Police,” [Joliet Patch](#), 6/16/21)

The Appellate Court Voided A Murder Conviction And Sentence Of A Man Who Killed A Store Clerk In A Botched Robbery And Would Be Retried

In 2012, The Appellate Court Voided A Murder Conviction And Sentence Of A Man Who Killed A Store Clerk In A Botched Robbery And Would Be Retried.

“A local judge erred when he refused to throw out a statement made by a man three years ago involving a botched armed robbery that left a convenience store owner dead, a trio of appellate court judges ruled Thursday. As such, the murder conviction and subsequent 58-year prison sentence is void and Ali L. Evans, now 23, will get a new trial at some point regarding the May 27, 2009, attempted robbery of the Gas USA store, 2506 N. Prospect Road. Owner Anil Dhingra died behind the counter after being shot four times. No money was taken as Evans and his co-defendant, Deangelo Lindsey, 20, ran off. Both were later convicted for the murder. On Thursday, the panel, from the 3rd District Appellate Court in Ottawa, found former Peoria County Circuit Judge James Shadid, now a federal judge, should have suppressed Evans' statements because he invoked his right to counsel, but police continued to interrogate him.” (Andy Kravetz, “Murder convict to get new trial,” The Peoria Journal Star, 8/25/12)

O'Brien Wrote The Opinion And Said The Man's Confession Was Not Usable Because He Said It After He Asked For An Attorney. "We cannot conclude that the improperly admitted confessions did not contribute to Evans' conviction," wrote Judge Mary K. O'Brien, with Judges Tom Lytton and Robert Carter concurring. As such, statements made to Detectives Keith McDaniel and Shannon Walden can't be used at a new trial, the judges held. Evans initially denied any involvement and said he wanted a lawyer, but the two detectives, the judges held, continued to talk to him, ostensibly about booking information and about an in-person lineup with an eyewitness. When Evans learned he was being charged with murder, he waived his right to an attorney and admitted he was at the robbery but pinned the shooting on Lindsey, who was sentenced to 52 years for the murder. Later, Evans confessed he was the triggerman. The appellate judges said Evans' statements weren't usable at trial. "Under the subterfuge of gathering information for the lineup and booking procedures, they sought to elicit incriminating statements from Evans. They did not at any point in the more than two hours of interrogation stop their conversation with him," the judges held. "Moreover, they failed to provide counsel for Evans during that time or the next day when the interrogation continued." (Andy Kravetz, "Murder convict to get new trial," The Peoria Journal Star, 8/25/12)

The Man Allegedly Shot The Store Clerk As He Bent Down To Get Money. "At the trial, prosecutors argued the two men walked from Lindsey's sister's house to the store, where Lindsey "stood guard" to the rear of the cashier's area while Evans approached Dhingra and demanded money. When the owner bent down to get a box with about \$100 in it, Evans fired, hitting Dhingra twice in the chest and twice in the head. There is no evidence, from court records, that Dhingra was trying to resist." (Andy Kravetz, "Murder convict to get new trial," The Peoria Journal Star, 8/25/12)

In 2016, Ali Evans Case Was Again Sent Back To Trial. "For the second time, the trial of a Peoria man accused of participating in a botched robbery that left a gas station owner dead was sent back to Peoria County because of legal errors." (Andy Kravetz, "Murder conviction reversed again," Peoria Journal Star, 7/14/16)

The Appellate Court Said The Judge Erred By Allowing The Defense To Continue To Question A Witness After He Invoked The 5th Amendment. "Ali L. Evans, 27, was denied a fair trial in 2013 because Chief Peoria County Judge Steve Kouri didn't stop prosecutors from continuing to question his co-defendant even after he asserted his Fifth Amendment right against self-incrimination. The judges with the Third District Appellate Court in Ottawa found the questions and the repeated answers of "I plead the fifth" allowed prosecutors to ask leading questions of Deangelo Lindsey, 24, about his role in the May 27, 2009, botched robbery. Evans and Lindsey were convicted of murder and sentenced to 58 years and 52 years in prison, respectively, in connection with the shooting death of Anil Dhingra, who was working at the Gas USA store, 2506 N. Prospect Road, when the two tried to rob the store." (Andy Kravetz, "Murder conviction reversed again," Peoria Journal Star, 7/14/16)

The Prosecutors Had Granted Lindsey Immunity Of Not Using Anything He Said In Evans Trial In His Own Trial Which They Said Negated His Fifth Amendment Right. "Prosecutors had granted Lindsey a form of immunity that meant anything he said at Evans' trial couldn't be used against him. As such, prosecutors asserted and Kouri agreed, Lindsey didn't have a Fifth Amendment right. Kouri had ordered him to respond but Lindsey refused. What resulted was a terse five-minute back and forth between Lindsey, who either stated he 'pleaded the fifth' or just refused to talk at all, and the prosecutor, who was asking him questions from a statement he had apparently given at an earlier date." (Andy Kravetz, "Murder conviction reversed again," Peoria Journal Star, 7/14/16)

- **O'Brien Said This Was Improper.** "That, Carter and O'Brien said, was improper as the prosecutor didn't try to admit the prior statement in the right way. "Therefore, we hold that regardless of the grant of immunity to Lindsey and regardless of whether Lindsey actually had the right to assert the Fifth Amendment, without the admission of the prior statement, defendant's right to confrontation was violated where, over defendant's objection, in the presence of the jury, Lindsey refused to answer 20 of the prosecutor's leading and suggestive

questions about the alleged crime,' the judges said.” (Andy Kravetz, “Murder conviction reversed again,” Peoria Journal Star, 7/14/16)

One Appellate Judge Dissented. “In a eight-page dissent, Judge Dan Schmidt held Kouri was correct, that prosecutors didn’t cost Evans a fair trial. ‘None of Lindsey’s testimony specifically states that he was in jail for the murder for which defendant was on trial. The mere possibility the jury might have inferred Lindsey was convicted of the same murder for which the defendant was on trial does not violate the integrity of the judicial process.’” (Andy Kravetz, “Murder conviction reversed again,” Peoria Journal Star, 7/14/16)

After His First Retrial He Received The Same Sentence. “He was retried and convicted in September 2013 and Kouri handed down an identical 58-year term. A date for Evans to return to Peoria County has not been set.” (Andy Kravetz, “Murder conviction reversed again,” Peoria Journal Star, 7/14/16)

In 2014, The Appellate Court Ordered A Man Convicted Of A Execution Style Murder To Be Resentenced.

In 2014, The Appellate Court Ordered A Man Convicted Of A Execution Style Murder To Be Resentenced. “A trio of appellate court judges on Tuesday ordered a Peoria man resentenced in connection with a 2010 execution-style murder, saying the judge arbitrarily handed down a life sentence without considering lesser factors.” (Andy Kravetz, “Judges order new sentencing on 2010 death,” The Peoria Journal Star, 9/11/14)

O’Brien Said The Judge Should Have Considered Education, Job History And Lack Of Prior Convictions Before Handing Down A Life Sentence. “Appellate Judge Mary K. O’Brien found Chief Peoria County Judge Steve Kouri failed to ‘take into account factors such as education, job history, lack of prior convictions and statements’ on Davantae Jordan's behalf. Instead, O’Brien wrote, Kouri used the fact that Jordan shot Adrian Ortega in the head to hand down essentially a life sentence.” (Andy Kravetz, “Judges order new sentencing on 2010 death,” The Peoria Journal Star, 9/11/14)

O’Brien Criticized The Judge Who Sentenced The Man. “The judges pounced on a statement used often by Kouri when he imposes sentence: ‘if you are man enough to pull the trigger, then you are going to be man enough to do life in prison.’ That, O’Brien wrote, was indicative ‘of a personal policy of this particular trial court that if there is a firearm enhancement to sentencing, then the defendant will spend the rest of his natural life in prison. Blanket sentencings like this are prohibited.’” (Andy Kravetz, “Judges order new sentencing on 2010 death,” The Peoria Journal Star, 9/11/14)

- **According To Illinois DOC The Man Is Currently Serving A 70 Year Sentence.** ([Illinois Department Of Corrections](#), Accessed 7/26/22)

In 2015, O’Brien Voted To Have A Man Serving A Life Sentence For Murder Be Resentenced

In 2015, O’Brien Voted To Have A Man Serving A Life Sentence For Murder Be Resentenced. “A split panel at the Third District Appellate Court in Ottawa on Tuesday ordered that a man serving a life sentence for murder be resentenced. The move means Antonio Thomas, 27, who was convicted in September 2011 of shooting Curtis Johnson, 29, on Nov. 9, 2010, at the Circle K gas station, 2312 N. Knoxville Ave., will come back to Peoria County for a new sentencing hearing. Judges Mary K. O’Brien and Daniel Schmidt voted to affirm Thomas' conviction, with Judge Vicki Wright disagreeing. Regarding the sentence, however, O’Brien and Wright sided with each other, saying it should be tossed out, while Schmidt voted to keep it.” (Andy Kravetz, “Resentencing ordered in murder case,” Peoria Journal Star, 1/14/15)

O’Brien Had Issue With The Judge Who Sentenced The Man Making Comments During Sentencing. “In her opinion, O’Brien had issue with a statement Chief Peoria County Circuit Judge Steve Kouri made as he imposed sentence. Kouri told Thomas that if he was ‘man enough to have that gun fired and a life is taken, you’re going to have to be man enough to spend the rest of your life in

prison because that's the line in the sand.' That, O'Brien and Wright found to be unacceptable. 'The trial court's personal view and policy are not factors to be considered in sentencing. Because the trial court failed to apply its sentencing discretion, we consider it possible that Thomas' sentence was 'arbitrarily given to comport with (the trial court's) stated policy,' wrote O'Brien, with Wright concurring." (Andy Kravetz, "Resentencing ordered in murder case," Peoria Journal Star, 1/14/15)

Thomas Was Resentenced To Life In Prison By The Same Judge. "A local judge on Thursday resentenced a convicted murderer to life in prison and, at the same time, took aim at the appellate court. 'I understand the chain of command. I fully intend to follow the law, even if I disagree with their interpretation,' said Chief Peoria County Judge Steve Kouri of the 3rd District Appellate Court in Ottawa. Kouri resentenced Antonio Thomas, 27, to life in prison for the fatal shooting of Curtis Johnson, 29, on Nov. 9, 2010, at the Circle K gas station, 2312 N. Knoxville Ave. It's the same sentence he received in 2012, but that was tossed out at the beginning of the year because a trio of appellate judges took issue with what Kouri said at that hearing." (Andy Kravetz, "Man resentenced to life for fatal shooting," Peoria Journal Star, 7/24/15)

In 2016, The Appellate Court Threw Out A Conviction Of A Woman Accused Of Murdering Her Own Mother

In 2016, The Appellate Court Threw Out A Conviction Of A Woman Accused Of Murdering Her Own Mother. "Tazewell County will have to retry a woman convicted of murdering her mother three years ago because a judge allowed a 'massive amount' of 'irrelevant, unfairly prejudicial' evidence into her trial. A Third District Appellate Court panel unanimously reached that conclusion last week in the case of Gina Gonzalez, 47, formerly of Marquette Heights. Circuit Judge Kevin Galley also erred in permitting some hearsay testimony from a neighbor of Lena Phan, who said Phan told her of fears Gonzalez might kill her, the three-judge panel stated in its Sept. 2 ruling. Finally, Galley 'failed to adequately address (Gonzalez's) post-trial claims of ineffective assistance' from her two public defense attorneys, the panel found." (Michael Smothers, "Gonzalez murder conviction overturned," Pekin Daily Times, 9/10/16)

Gonzalez Was Originally Sentenced To 50 Years In Prison. "Galley, now retired, sentenced Gonzalez to 50 years in prison in October 2013 after a jury convicted her of first-degree murder by inflicting deep brain injuries to Phan during a confrontation in their home in December 2011. Several doctors testified that Phan, 70, died several days after she suffered the injuries, including a skull fracture. They also noted other bruises she'd sustained, some of them older. The neighbor said she saw bruises on Phan over preceding months. A police officer noted abrasions on Gonzalez' knuckles two days after her altercation with Phan. Assistant State's Attorney Larry Evans told the jury his evidence showed Gonzalez inflicted Phan's head injuries, then left the home for two days and returned to find her unconscious and near death in her bed." (Michael Smothers, "Gonzalez murder conviction overturned," Pekin Daily Times, 9/10/16)

The Appellate Court Said That The Judge Erred By Allowing Irrelevant Evidence. "Over defense objections, Galley let Evans present evidence that Gonzalez kept 'an arsenal' of firearms in the house and practiced knife throwing and samurai sword fighting in the home's backyard. Yet Phan had no injuries from guns, knives or swords, the appeals panel stated. Evans argued in trial that Phan's fear of her daughter and her desire to get the firearms out of her house might have prompted the fatal confrontation. In her appeal, Gonzalez argued Evans cited the weapons only "to show that she was a bad person," the panel stated. The weapons evidence 'was irrelevant, unfairly prejudicial, erroneously allowed at trial and an abuse of the trial court's discretion,' the panel ruled. Galley also erred in failing to hear Gonzalez' arguments that her attorneys had not apprised her of all the evidence they expected Evans to produce in the trial, the panel found. It stated further review of the neighbor's hearsay testimony should be conducted before Gonzalez' next trial to determine whether it should be admitted. That trial has not yet been scheduled. Gonzalez remains in custody." (Michael Smothers, "Gonzalez murder conviction overturned," Pekin Daily Times, 9/10/16)

O'Brien Was Part Of The Unanimous Panel To Overturn The Conviction. ([Illinois Courts](#), Accessed 8/1/22)

According To The Illinois Department Of Corrections, Gonzales Is Now Serving 25 Years For Murder. ([Illinois Department Of Corrections](#), Accessed 8/9/22)

In 2016, The Appellate Court Ordered A Resentencing For Murder

In 2016, The Appellate Court Ordered A Resentencing For Murder. “A trio of appellate court judges has ordered a Peoria man be resentenced for murder, saying a local judge wrongly considered certain factors.” (Andy Kravetz, “Resentencing ordered in murder case,” Peoria Journal Star, 9/28/16)

The Court Said The Judge Wrongly Considered The Conduct By The Defendant Caused Serious Harm Because That Is Implied In A Murder Charge. “The opinion from the 3rd District Appellate Court in Ottawa was reached in June but not released until Friday. It states that Peoria County Judge Kevin Lyons wrongly considered that the conduct of Dominick M. Sanders caused serious harm to someone. That’s not proper, the judges said, because it’s inherent in the murder charge. Another panel on the appellate court in 2015 affirmed or approved of the sentencing. Sanders appealed and was granted a rehearing. ‘Here, the trial court expressly stated, in aggravation, that the defendant’s conduct did cause harm and acknowledged that this fact was inherent in the offense of murder, but reasserted that the conduct ‘did occur.’ Because the court noted this improper factor, acknowledged that it was inherent in the offense, and then indicated that it was still considering the factor in aggravation, we find that the court erroneously gave improper weight to the double enhancing factor,’ wrote Judge William Holdridge, with Judges Robert Carter and Mary K. O’Brien concurring.” (Andy Kravetz, “Resentencing ordered in murder case,” Peoria Journal Star, 9/28/16)

The Defendant Was Originally Sentenced To 95 Years. “Sanders, 28, was sentenced to 95 years in prison for the May 16, 2010, shooting at Taft Homes that left 20-year-old Nick Renfro dead and his mother, Joyce Renfro, injured. In 2013, Lyons handed down a 70-year sentence for murder, of which Sanders must serve 100 percent. He also imposed a 25-year prison term for the shooting of Joyce Renfro. Sanders must serve at least 85 percent of that sentence. The minimum Sanders faced before sentencing started was 51 years, given that the sentences on the murder count and the aggravated battery charge must be served consecutively by law.” (Andy Kravetz, “Resentencing ordered in murder case,” Peoria Journal Star, 9/28/16)

According To The Illinois Department Of Corrections, Sanders Is Currently Serving 70 Years For Murder As Well As Other Convictions. ([Illinois Department Of Corrections](#), Accessed 8/9/22)

In 2021, The Appellate Court Overturned A Murder Conviction And Ordered A New Trial

In 2021, The Appellate Court Overturned A Murder Conviction And Ordered A New Trial. “A state appellate court panel overturned a Peoria man’s murder conviction and ordered a new trial, the third for Darren D. Brown, 28. Brown had been sentenced to 63 years in prison in 2017 for the shooting death of Nikko Smith, 25, and the wounding of another man, 48, in 2015. A new hearing for Brown in Peoria County Circuit Court hasn’t been set, as it often takes a few weeks for the official documents to reach the clerk’s office. State’s Attorney Jodi Hoos said her office was reviewing the case.” (Andy Kravetz, “Third trial for Peoria man convicted of murder,” Peoria Journal Star, 3/3/21)

O'Brien Had Issues With Phone Records That Were Admitted Saying Prosecutors Didn't Lay A Foundation For Them To Be Allowed. “Appellate judges Eugene P. Daugherty and Mary K. O’Brien took issue with the cell phone records being admitted, stating prosecutors did not lay a proper foundation for them to be allowed. It wasn’t a harmless error, they wrote in the Feb 23 opinion. Brown’s credibility took a hit, as the records showed he talked to someone who was at the house before and after the shooting, who had also denied the conversation on the stand. ‘The

phone records testimony, therefore, was a crucial piece of evidence in this case,' Daugherty wrote for the majority. "Thus, we must conclude that the erroneous admission of that testimony substantially prejudiced defendant and affected the outcome of the trial such that a reversal and remand for new trial in this case is warranted." (Andy Kravetz, "Third trial for Peoria man convicted of murder," Peoria Journal Star, 3/3/21)

One Of The Judges Dissented In The Opinion. "In dissent, Judge Vicki Wright argued that the identification of Brown by the man who survived was a vital piece of evidence. And the use of the cell phone records she argued, was to impeach the credibility of the man who said he didn't know who Brown was." (Andy Kravetz, "Third trial for Peoria man convicted of murder," Peoria Journal Star, 3/3/21)

In 2021, The Appellate Court Threw Out A Conviction Of A Woman Who Played A Role In A Murder And Was Sentenced To 20 Years

In 2021, The Appellate Court Threw Out A Conviction Of A Woman Who Played A Role In A Murder And Was Sentenced To 20 Years. "A Peoria woman, convicted 20 years ago of a participating in a brutal murder which resulted in the victim being buried under her backyard pool, will get another chance to argue her case." (Andy Kravetz, "New hearing ordered for Peoria woman in 2001 murder case," Peoria Journal Star, 3/23/21)

The Court Said The Judge Did Not Give Her Time To Answer The State's Motion To Dismiss Her Claim. "Angela Wells, 49, should get another post-conviction hearing because a Peoria County judge didn't give her time to answer the state's motion to dismiss her claim, a trio of appellate court judges said last week. In a 14-page order, written by Judge Eugene Daugherty with Judges William Holdridge and Mary K. O'Brien concurring, the panel noted that Judge Paul Gilfillan dismissed Wells' petition seven days after prosecutors had filed a motion to dismiss in 2018. That wasn't enough time for Wells, who is in prison, to reasonably respond. "The record gives no indication that a hearing on the motion took place or that defendant was given notice of a proceeding at which the trial court ruled on the State's motion to dismiss," the March 17 order stated." (Andy Kravetz, "New hearing ordered for Peoria woman in 2001 murder case," Peoria Journal Star, 3/23/21)

The Court Said He Husbands Domestic Violence Was A Factor In Her Participating In The Murder And Could Lessen Her Sentence. "As such, the case must come back to give her time to argue her claim that her husband's domestic violence was a factor in her participating in the homicide. Such a claim could be a factor to lessen Wells' prison term. She was sentenced to 40 years in prison for the 2001 murder of 20-year-old Jamie Weyrick. Her husband, Ronald Wells, 49, was sentenced to life in prison. Both have spent years trying to overturn their convictions to no avail." (Andy Kravetz, "New hearing ordered for Peoria woman in 2001 murder case," Peoria Journal Star, 3/23/21)

The Woman And Her Husband Robbed A Man, Stabbed Him, Stuck Him In A Freezer And She Realized He Wasn't Dead Had Her 14 Year Old Son Hold Open The Door While She Bashed Him Over The Head With A Sledgehammer And Stabbed Him Some More. "At her Oct. 30, 2001, plea hearing prosecutors told a judge the couple planned to rob Weyrick and steal his \$1,800 tax refund check. Weyrick last was seen alive on March 14 of that year, and authorities think he was killed shortly afterward. Ronald Wells reportedly stabbed Weyrick at their home. The couple, thinking he was dead, put the body into a freezer. However, Weyrick wasn't dead, and began to moan, prompting Angela Wells to order her 14-year-old son to hold the freezer door open so she could repeatedly bash Weyrick's head with a sledgehammer, court records indicate. She later stabbed him several times, according to Journal Star archives. Angela Wells then told the boy to sit on the freezer door, trapping Weyrick inside while she tied the handle closed, according to Journal Star archives." (Andy Kravetz, "New hearing ordered for Peoria woman in 2001 murder case," Peoria Journal Star, 3/23/21)

In 2021, The Appellate Court Threw Out A Murder Conviction For A Man Saying Prosecutors Didn't Prove Intent To Kill Or Do Great Harm

In 2021, The Appellate Court Threw Out A Murder Conviction For A Man Saying Prosecutors Didn't Prove Intent To Kill Or Do Great Harm. “An appellate court panel has thrown out a Fulton County man's murder conviction, saying prosecutors didn't prove an intent to kill or do great harm when he pulled the trigger of a shotgun that his brother held in his mouth.” (Andy Kravetz, “Fulton murder conviction erased, replaced with lesser charge,” Peoria Journal Star, 8/13/21)

The Court Said The Conviction And Sentence Should Be Thrown Out An Replaced with Involuntary Manslaughter. “The panel of three judges from the 3rd District Appellate Court in Ottawa held Kevin D. Clendenny, 62, should have his first-degree murder conviction and accompanying 32-year prison term thrown out and replaced with a conviction for involuntary manslaughter. (Andy Kravetz, “Fulton murder conviction erased, replaced with lesser charge,” Peoria Journal Star, 8/13/21)

The Man Would Be Resentenced On The Lesser Charge With A Maximum Of 14 Years. “The vote on the panel was 2-1, and Clendenny's case returns to Fulton County for re-sentencing, though the date for that has not yet been set. When he's sentenced, he'll face a maximum of 14 years behind bars with the ability to earn day-for-day ‘good-time’ credit that could cut any sentence imposed in half. His murder sentence was 32 years, of which he had to serve 100%. Clendenny has been in custody for almost five years.” (Andy Kravetz, “Fulton murder conviction erased, replaced with lesser charge,” Peoria Journal Star, 8/13/21)

O'Brien Said The Defendant Acted In A Reckless Manner When He Pulled The Trigger Of A Gun His Brother Was Holding In His Mouth. “Judges Mary K. O'Brien and Mary McDade found Clendenny merely acted in a reckless manner when he killed his brother, Greg Clendenny, 61, on Aug. 23, 2016, after a night of alcohol and drugs. What happened, and why wasn't it first-degree murder? The two brothers had been drinking and doing drugs that morning at Greg Clendenny's house, 29750 Fulton County Road 27, a sparsely populated area west of Glasford. Kevin Clendenny had told sheriff's deputies that morning that his brother had put a shotgun in his mouth and told him to pull the trigger. He'd done that in the past in the midst of disputes, and Kevin Clendenny had done nothing. For some reason, however, he told deputies, this time he pulled the trigger. He admitted he didn't know at the time if the gun was loaded. That lack of knowledge was enough for the two appellate judges.” (Andy Kravetz, “Fulton murder conviction erased, replaced with lesser charge,” Peoria Journal Star, 8/13/21)

The Defendant Said He Did Not Know The Gun Was Loaded And That There Was Reason To Believe It Wouldn't Hurt His Brother. “The evidence did not establish that the defendant knew his acts would ‘create a strong probability’ of death or great bodily harm to Greg,’ the judges wrote. ‘Rather, the evidence showed that the defendant recklessly disregarded that this conduct was likely to lead to Greg's death.’ ‘Although his acts, as surmised, were likely to cause death or great bodily harm to Greg, the defendant committed them recklessly. He ‘consciously disregarded a substantial and unjustifiable risk’ that harm or death would result, and that disregard deviated from a reasonable person's standard of care in the same circumstances,’ wrote O'Brien, with McDade agreeing.” (Andy Kravetz, “Fulton murder conviction erased, replaced with lesser charge,” Peoria Journal Star, 8/13/21)

One Judge Dissented In The Opinion. “Dissenting judge says there was reason to believe gun was loaded. Dissenting was Judge Daniel Schmidt, who wrote ‘when you willfully and knowingly engage in an act, you must be prepared for the consequences that are likely to follow. Or as defendant stated on the way to jail, ‘people get what they deserve.’ Schmidt also argued that when Greg Clendenny told his brother to shoot him, it was warning enough the gun could be loaded. ‘How do you shoot someone with an empty gun?’ the judge wrote in his dissenting opinion.” (Andy Kravetz, “Fulton murder conviction erased, replaced with lesser charge,” Peoria Journal Star, 8/13/21)

In 2021, The Appellate Court Reversed A Man's Murder Conviction

In 2021, The Appellate Court Reversed A Man's Murder Conviction. “A South Peoria man has returned to Peoria County after successfully appealing his second-degree murder conviction earlier this summer.” (Andy Kravetz, “Murder conviction overturned due to jury issues,” Peoria Journal Star, 9/14/21)

The Court Ruled The Defendants Attorney Did Not Request Jury Instructions That Would Have Aided The Case. “James Watkins Jr. was booked back into the Peoria County Jail last week after the trio of judges at the 3rd District Appellate Court in Ottawa held in July that his trial attorney failed to request two jury instructions that could have aided his case. Watkins, 59, contends he acted justifiably and in self defense when he fatally stabbed another man in 2018.” (Andy Kravetz, “Murder conviction overturned due to jury issues,” Peoria Journal Star, 9/14/21)

The Man Had Been Convicted Of Fatally Stabbing Someone And Received A 20 Year Sentence. “On July 2, 2018, police were called to the Parkview Estates apartments at 2401 N. Gale Ave. about 5 p.m. on a report of a man stabbed. There was blood outside two of the building's doors. Police found a semiconscious Kang Abel near the bottom of a hill. He was bleeding profusely and had life-threatening injuries, according to Journal Star archives. Abel later died and Watkins was charged with second-degree murder that while he thought he had to use deadly force, that belief was actually unreasonable. In court, Watkins claimed the 29-year-old Abel had attacked him and was trying to rob him, and that he was acting in self-defense. But jurors sided with prosecutors in that they thought his assertion was unreasonable. Watkins was sentenced to a 20-year prison term in February 2019.” (Andy Kravetz, “Murder conviction overturned due to jury issues,” Peoria Journal Star, 9/14/21)

The Court Said The Man’s Actions Were Justified Self Defense And That The Jury Were Not Read Instructions That The Burden Of Proof Was On The State. “The instructions jurors were given before their deliberation formed the basis for reversing Watkins' conviction. Jury instructions, the judges wrote, are to ‘guide the jury to a verdict based on the applicable legal principles.’ By not including instructions that stated a person has no duty to retreat or that force can be allowed in some cases to stop a felony from occurring, Watkins' self-defense claim was undermined, they wrote. ‘The jury was never informed that the defendant's actions were justified under the law if the defendant reasonably believed that such force was necessary to prevent the robbery,’ wrote Judge Mary K. O'Brien, with Judges William Holdridge and Daniel Schmidt concurring. “The jury was similarly not informed that the State had the burden to prove beyond a reasonable doubt that the defendant was not justified in his conduct if the jury believed that Abel was attempting to commit a robbery and that the defendant's belief that force was necessary was objectively reasonable.” (Andy Kravetz, “Murder conviction overturned due to jury issues,” Peoria Journal Star, 9/14/21)

In 2022, The Appellate Court Threw Out A Murder Conviction That Cause The Death Of A High School Freshman

In 2022, The Appellate Court Threw Out A Murder Conviction That Caused The Death Of A High School Freshman. “An appellate court panel last month threw out the murder conviction of a Peoria man in the 2015 death of a Peoria High School freshman. But he still has prison time remaining. The three judges from the 3rd District Appellate Court in Ottawa left standing Alex F. Collins' attempted murder conviction, for shooting three other people on Oct. 10, 2015. Tommie Forest III died in the gunfire.” (Andy Kravetz, “Court rejects Peoria man's murder conviction in shooting,” Peoria Journal Star, 4/6/22)

The Defendant’s 60 Year Sentence Was Vacated But Would Still Serve A 35 Year Sentence For Attempted Murder. “The result is that Collins, 27, will not have to serve 60 years behind bars for the teen's death, but will have to still serve the remainder of his 35-year sentence for attempted murder.” (Andy Kravetz, “Court rejects Peoria man's murder conviction in shooting,” Peoria Journal Star, 4/6/22)

O’Brien Said The Judge Should Have Granted A Motion Stating The State Did Not Present Enough Evidence To Prove Its Case. “Judges Mary K. O'Brien, Tom Lytton and John L. Hauptman felt Peoria County Judge John Vespa should have granted Collins' motion for a directed verdict after the state rested. A directed verdict occurs when a judge agrees with the defense the state did not present enough evidence to prove its case beyond a reasonable doubt, ending the trial on that charge.” (Andy Kravetz, “Court rejects Peoria man's murder conviction in shooting,” Peoria Journal Star, 4/6/22)

O'Brien Said The State Did Not Prove The Defendant Was Committing A Different Felony At The Time Of The Shooting. "At Collins' bench trial, which occurred over several days, prosecutors argued Collins was guilty of 'felony murder,' a provision under state law whereby a person can be convicted of murder if a person dies during the course of a forcible felony such as robbery or burglary. But O'Brien, writing for the other two judges, said the state failed to prove that. "The State did not present any evidence that any property was taken from the victims by use of force or otherwise or that defendant intended to commit a theft or other felony after knowingly entering the Flora Street residence without authority,' she wrote." (Andy Kravetz, "Court rejects Peoria man's murder conviction in shooting," Peoria Journal Star, 4/6/22)

The Alleged Crime Happened When A Group Of People Barged Into A Home And Shooting Began, Killing The High School Freshman. "Prosecutors said someone went to the front door, asked if a person was there, was told he wasn't and then left. Another person returned, and that's when a group of people, possibly as many as seven, barged into the house and the shooting started. Forest was found dead in the backyard of the house with a single gunshot wound to the head. In all, five were indicted in connection with the shootings. The other four were convicted. Dontarius Berdin, 26, was sentenced to 21 years for aggravated battery. Kainen Lacy, 27, was sentenced to 25 years behind bars for aggravated battery in 2017. Kiangelo G. Marshall, 25, was sentenced to 65 years in prison for murder." (Andy Kravetz, "Court rejects Peoria man's murder conviction in shooting," Peoria Journal Star, 4/6/22)

Overtured Sexual Assault

In 2013, The Appellate Court Threw Out A 51 Year Prison Sentence Of A Man Convicted Of Sexually Assaulting A 16 Year Old And Then Making A Video Of The Victim

In 2013, The Appellate Court Threw Out A 51 Year Prison Sentence Of A Man Convicted Of Sexually Assaulting A 16 Year Old And Then Making A Video Of The Victim. "A trio of appellate court judges threw out a 51-year prison sentence for a Peoria man convicted of sexually assaulting a then-16-year-old and then making a video of the victim with two friends. However, the eight-page order, handed down Monday from the 3rd District Appellate Court in Ottawa doesn't affect the convictions for criminal sexual assault, criminal sexual abuse and child pornography for Ricky J. Richardson, 22. Rather, it means he will eventually come back to Peoria County Circuit Court to be resentenced by Circuit Judge Steve Kouri on the charges at an as-yet unscheduled hearing." (Andy Kravetz, "Resentencing ordered in sex assault of teen," The Peoria Journal Star, 8/28/13)

The Appellate Court Ruled The Judge Gave The Man A Longer Sentence Than He Should Have. "Kouri imposed the sentence in January 2012, saying Richardson, Christopher K. Macklin and Michael Alexander acted like a "pack of wild animals" on January 2, 2010, when they assaulted the girl, who had passed out drunk. When he handed down his sentence, he said he was looking at a certain number and apparently configured the sentences around that. But the appellate judges found Kouri erred when he handed down a six-year sentence, an extended maximum term, for criminal sexual abuse when he imposed a maximum sentence of 30 years on criminal sexual assault. The abuse charge is a lesser count of the assault, the judges held, and therefore, it wasn't proper to impose an extended term. The maximum, it appears, should have been three years on that count. 'Here, the record shows the circuit court sentenced defendant based on the trial judge's 'calculation of numbers.' This reference by the judge suggests the aggregate sentence of 51 years of imprisonment was calculated based upon the trial court's erroneous belief that defendant was eligible for extended-term sentencing on all counts, in spite of differing classifications,' wrote Judge Vicki Wright, with Judges Mary K. O'Brien and Robert L. Carter concurring. "Therefore, we remand for resentencing on all counts.'" (Andy Kravetz, "Resentencing ordered in sex assault of teen," The Peoria Journal Star, 8/28/13)

The Victim Had Passed Out Drunk, And Three Men Groped Her And Recorded It While Making Lewd Comments. "A jury in October 2011 took 90 minutes to find Richardson guilty. He had faced up 66 years. The state's case centered on a graphic video taken on a cellphone. The video

depicts the girl passed out after drinking alcohol, lying naked on a couch, while all three men appear to grope her as well as make lewd comments and brag about making money on the video. At various points, the video shows each man engaging in some lewd gesture. Toward the end, they begin to rap a song about their experience.” (Andy Kravetz, “Resentencing ordered in sex assault of teen,” The Peoria Journal Star, 8/28/13)

According To The Illinois Department Of Corrections Ricky J. Richardson Is Not Currently In Prison. ([Illinois Department of Corrections](#), Accessed 8/9/22)

In 2015, The Appellate Court Threw Out A Conviction Of A Man Accused Of Sexually Assaulting A 20-Month Old Girl

In 2015, The Appellate Court Threw Out A Conviction Of A Man Accused Of Sexually Assaulting A 20-Month Old Girl. “In a scathing rebuke of Peoria County prosecutors, an appellate court panel threw out the 2012 conviction of a South Peoria man accused of sexually assaulting a 20-month-old girl. One of the judges from the 3rd District Appellate Court in Ottawa, Daniel Schmidt, wrote he was ‘baffled as to why the State even accused’ Steven A. Cole, 61, of predatory criminal sexual assault. The May 7 decision, written by Judge Mary K. O’Brien and concurred with by Judge Vicki Wright, and Schmidt, throws out Cole’s conviction and 25-year prison sentence.” (Andy Kravetz, “Sex assault conviction voided,” Peoria Journal Star, 5/20/15)

The Man And His Wife Had Watched The Infant And After Blood And Semen Were Found In The Baby’s Diaper. “The girl at the center of the case showed signs of sexual abuse on Jan. 8, 2009, after spending time at the Coles’ home. The girl’s mother had left the infant in the care of Cole and his wife, who acted like ‘second parents’ to the single mother. The toddler was at the Coles’ home for about six hours that night. She was sleeping when the mother brought her home after work and slept through the night. The next day, the mother noticed blood in the child’s diaper and took her to the hospital. There, doctors found evidence of sexual assault and semen in the child’s diaper.” (Andy Kravetz, “Sex assault conviction voided,” Peoria Journal Star, 5/20/15)

O’Brien Said The Evidence Was Not There To Convict. “O’Brien wrote the evidence simply wasn’t there and argued prosecutors shifted the burden of proof onto Steven Cole. ‘It was not Cole’s burden to prove his innocence and it was improper of the State to suggest the burden was Cole’s,’ O’Brien wrote. Schmidt went one step further, saying Jodi Hoos, now a Peoria County judge, and Seth Uphoff, now Livingston County state’s attorney, made improper statements during closing arguments.” (Andy Kravetz, “Sex assault conviction voided,” Peoria Journal Star, 5/20/15)

In 2015, The Appellate Court Threw Out A Sexual Assault Conviction Saying The Defendant Was Not Told Of His Right To A Jury Trial

In 2015, The Appellate Court Threw Out A Sexual Assault Conviction Saying The Defendant Was Not Told Of His Right To A Jury Trial. “A trio of appellate court judges threw out a sexual assault conviction, saying a judge here didn’t properly advise the man of his right to a jury trial. The nine-page opinion, issued Thursday from the 3rd District Appellate Court in Ottawa, held Chief Peoria County Judge Steve Kouri erred when he failed to tell Christopher T. Campbell, 49, that he had a right to a jury trial just before he was convicted at a stipulated bench trial of criminal sexual assault.” (Andy Kravetz, “Sex assault conviction overturned,” Peoria Journal Star, 8/8/15)

O’Brien Said The Defendant Was Not Made Aware Of His Option For A Jury Trial After He Withdrew A Guilty Plea. “The trial came after Kouri had allowed him to withdraw a guilty plea and after he had told him about his right to a jury trial prior to the guilty plea. But the appellate panel of Mary K. O’Brien, Robert Carter and Mary McDade said that wasn’t enough. ‘We cannot assume that Campbell was aware that his right to a jury trial was again available after he withdrew his plea, although the record indicates Campbell was aware he could change his mind regarding his plea,’ wrote O’Brien, with the other two judges concurring. ‘We find that the trial court’s admonishments

were insufficient in that they did not inform Campbell that he had a right to a jury trial and that by agreeing to the stipulated bench trial, he was waiving his right to a trial by jury.” (Andy Kravetz, “Sex assault conviction overturned,” Peoria Journal Star, 8/8/15)

The Defendant Assaulted A Woman Who As An Adult Functions On The Level Of A 4-Year-Old. “A stipulated bench trial is similar to a guilty plea. By not contesting the evidence, Campbell was allowed to appeal his conviction and his subsequent 15-year prison term. Had the case gone to a jury trial, he could have faced up to 30 years in prison. At the bench trial in August 2013, prosecutors said Campbell knew of the woman, an adult who functions on the level of a 4-year-old, through her grandmother. In March 2011, he went to the woman's house and was let in through a window by the woman. After he assaulted her, the woman's grandmother noticed he was in the house and naked. When Campbell went to sleep, the grandmother went to check on the woman, who said Campbell had assaulted her. DNA taken from Campbell matched evidence in the case, authorities said. No hearings have been set for Campbell to return to Peoria County.” (Andy Kravetz, “Sex assault conviction overturned,” Peoria Journal Star, 8/8/15)

According To The Illinois Department Of Corrections Christopher T. Campbell Is Currently In Prison. ([Illinois Department of Corrections](#), Accessed 8/9/22)

In 2016, The Appellate Court Threw Out A Sexual Abuse Conviction And 7 Year Sentence

In 2016, The Appellate Court Threw Out A Sexual Abuse Conviction And 7 Year Sentence. “A trio of appellate court judges on Thursday threw out the December 2013 sexual abuse conviction of a man. Ricky D. Smith, 35, was denied his right to speedy trial, the panel from the 3rd District Appellate Court in Ottawa found. As such, Judges Tom Lytton, William Holdridge and Mary K. O'Brien ordered his conviction and subsequent seven-year prison term be thrown out.” (Andy Kravetz, “Sexual abuse conviction reversed,” Peoria Journal Star, 6/10/16)

The Man Was Convicted Of Two Counts Of Aggravated Sexual Abuse And Had A Similar Conviction In Sangamon County. “Smith was convicted of two counts of aggravated criminal sexual abuse. He was paroled in May after serving his sentence, with credit for time already served and day-for-day "good-time" credit. He still, however, has a similar sexual abuse conviction out of Sangamon County.” (Andy Kravetz, “Sexual abuse conviction reversed,” Peoria Journal Star, 6/10/16)

The Court Said He Was Not Granted A Speedy Trial Because He Was Being Held In Sangamon County On The Other Charge. “The problem with Smith's case revolved around whether it came to trial within 120 days, as required by law. The judges held it didn't, saying Smith, who was in custody in Springfield on the other sexual abuse case, had his rights violated because the speedy trial clock started after he was sentenced in Springfield in June 2013. He had been given notice of the Peoria County case almost a year prior. Prosecutors had argued Smith's 120 days didn't start until he came to Peoria County, not after he was sentenced in Springfield, as he was in the state's custody, not Peoria County's. The appellate judges nixed that argument, contending Sangamon County's custody ended after he was sentenced and Peoria County's began. As such, he was held too long before he was brought to trial, they said.” (Andy Kravetz, “Sexual abuse conviction reversed,” Peoria Journal Star, 6/10/16)

In 2017, In Sangamon County Rickey Smith Was Charged With Failing To Register As A Sex Offender. (Sangamon County Court, 2017-CF-001160, Filed 11/8/17)

Defendants	
Name	Attorney
RICKEY D. SMITH	MICHAEL COSTELLO

Events	
Date	Events
11/08/2017	Complaint 01 Count 001 FAILURE TO REGIST.SEX OFFENDER Oct 30, 2017 Defendant: RICKEY D. SMITH Statute 730 150/3(a) Class 3 Orig. Agency: SANGAMON COUNTY SHERIFF Charge Instr: Complaint

(Sangamon County Court, 2017-CF-001160, Filed 11/8/17)

In 2017, Smith Was Charged With Aggravated Domestic Battery. (Sangamon County Court, 2017-CF-000146, Filed 2/10/17)

Defendants	
Name	Attorney
RICKEY D. SMITH	MICHAEL COSTELLO

Events	
Date	Events
02/10/2017	Complaint 01 Count 001 AGGRAVATED DOMESTIC BATTERY Feb 9, 2017 Defendant: RICKEY D. SMITH Statute 720 5/12-3.3(a) Class 2 Orig. Agency: CITY OF SPRINGFIELD Charge Instr: Complaint Complaint 02 Count 002 AGGRAVATED BATTERY Feb 9, 2017 Defendant: RICKEY D. SMITH Statute 720 5/12-3.05(a)(1) Class 3 Orig. Agency: CITY OF SPRINGFIELD Charge Instr: Complaint Complaint 03 Count 003 DOMESTIC BATTERY Feb 9, 2017 Defendant: RICKEY D. SMITH Statute 720 5/12-3.2(a)(2) Class 4 Orig. Agency: CITY OF SPRINGFIELD Charge Instr: Complaint

(Sangamon County Court, 2017-CF-000146, Filed 2/10/17)

In 2017, A Order Of Protection Was Filed Against Smith For Domestic Violence. (Sangamon County Court, 2017-CF-002435, Filed 12/27/17)

Defendants	
Name	Attorney
RICKEY D. SMITH	

Events	
Date	Events
12/27/2017	Order of Protection Plaintiff: WHITNEY E. TAYLOR Defendant: RICKEY D. SMITH Status: Open Report: Open Dec 27, 2017 Summons Domestic Violence Issued Petition for Order of Protection Filed by Disclaimer - Order of Protection Signed Emergency Order of Protection Signed Judge: SANCHEZ Order of Protection Expiration Date on Jan 11, 2018 at 8:30 AM in Courtroom 5C

(Sangamon County Court, 2017-CF-002435, Filed 12/27/17)

In 2019, Smith Was Charged With Violation Of Sex Offender Registration. (Sangamon County Court, 2019-CF-000156, Filed 2/15/19)

Defendants	
Name	Attorney
RICKEY D. SMITH	Lead: MICHAEL COSTELLO

Events	
Date	Events
02/15/2019	Complaint 01 Count 001 VIOLATE SEX OFFENDER REGIS/2+ Jul 16, 2018 Defendant: RICKEY D. SMITH Statute 730 150/3(a) Class 2 Orig. Agency: CITY OF SPRINGFIELD Charge Instr: Complaint In Custody Feb 15, 2019 Defendant: RICKEY D. SMITH Assistant State's Attorney: RODGERS Notice to Appear Given To Defendant: RICKEY D. SMITH Preliminary Hearing on Feb 28, 2019 at 9:00 AM in Courtroom 7C First Appearance - Defendant with Attorney Amount: \$50,000.00 Present the People by ASA CULLEN MANNING. Present the Defendant in person in the custody of the Sheriff of Sangamon County and with Attorney MICHAEL COSTELLO. Cause called for first appearance. Defendant furnished with a copy of the Complaint, advised of the nature of the charge and possible penalties. Bond set in the amount of \$50,000.00. Preliminary hearing set for 02/28/2019 at 09:00 AM in 7C. Defendant remanded to the custody of the Sheriff pending posting of bond. Judge: SANCHEZ Reporter: KO Clerk: HS ASA: MANNING Preliminary Hearing on Feb 28, 2019 at 9:00 AM in Courtroom 7C Bond Order Signed Judge: SANCHEZ

(Sangamon County Court, 2019-CF-000156, Filed 2/15/19)

In 2016, The Appellate Court Sent A Sexual Assault Case Back To Court Because A Jury Wasn't Told To Consider Context When Hearing Statements

In 2016, The Appellate Court Sent A Sexual Assault Case Back To Court Because A Jury Wasn't Told To Consider Context When Hearing Statements. “A Peoria man was denied a fair trial three years ago when a judge failed to instruct the jury in his sexual assault case how to properly weigh statements by various witnesses. In a 2-1 decision Wednesday, the 3rd District Appellate Court in Ottawa held that Torlando McDonald’s case should come back to Peoria County because jurors didn’t hear an instruction that told them to consider ‘the nature of the statement, the circumstances under which the statement was made, and any other relevant factors.’” (Andy Kravetz, “Sex assault case is sent back to Peoria County,” Peoria Journal Star, 12/2/16)

The Court Said That The 12 Year Old Victims Statements Were Partially Contradictory. “That matters in McDonald’s case especially as the victim was 12 at the time she alleged that McDonald sexually assaulted her in 2011. “The young victim was the only eyewitness to the crime but her three out-of-court statements were partially contradictory even though they were provided within a short period of time. Her trial testimony that occurred much later varied as well,’ wrote Judge Vicki Wright, with Judge Mary K. O’Brien concurring. Judge William Holdridge dissented in the opinion.” (Andy Kravetz, “Sex assault case is sent back to Peoria County,” Peoria Journal Star, 12/2/16)

One Judge Dissented In The Decision. “He stated Judge Steve Kouri had given sufficient instruction to the jury regarding credibility and regardless, the evidence wasn’t close enough to cause prejudice. ‘Although there were certain inconsistencies between the victim’s hearsay statements and her in-court testimony, these statements were consistent in almost all material respects and the inconsistencies were insufficient to render the victim’s testimony incredible,’ he wrote. “Thus, in my view, a commonsense, qualitative appraisal of the evidence presented in this case confirms that the evidence was not closely balanced.” (Andy Kravetz, “Sex assault case is sent back to Peoria County,” Peoria Journal Star, 12/2/16)

The Defendant Was Found Guilty Of Performing Oral Sex Act On The Girl And Guilty Of Predatory Criminal Sexual Assault Of A Child And Sentenced To 25 Years. “Prosecutors alleged during the three-day trial that McDonald performed an oral sex act upon the girl in early 2011. McDonald’s attorney countered that the girl’s story was inconsistent and unbelievable. Prosecutors, however, told jurors the victim was forced to recall things that no preteen girl should know. And in the end, jurors sided with prosecutors and found McDonald guilty of predatory criminal sexual

assault of a child and aggravated criminal sexual abuse. He was sentenced to 25 years in prison.” (Andy Kravetz, “Sex assault case is sent back to Peoria County,” Peoria Journal Star, 12/2/16)

The Defendant Was Sentenced To An Additional 14 Years For Attacking An Inmate Riding With Him From The Jail To The Courthouse. “He also was sentenced to an additional 14 years, to be served after he finishes the sexual assault conviction, for attacking another inmate who was riding with him from the jail to the courthouse. Prosecutors alleged he attacked the man because he was a ‘snitch,’ a statement McDonald denied. The appellate court ruling doesn’t affect that sentence. A date for McDonald to appear again in Peoria County Circuit Court has not been set.” (Andy Kravetz, “Sex assault case is sent back to Peoria County,” Peoria Journal Star, 12/2/16)

On The Bus, McDonald Wrapped The Chain Of His Handcuffs Around The Victims Neck While A Third Person Beat Him. “McDonald was sentenced to 25 years on the sex charge when he was accused of sexually assaulting a then 12-year-old girl. He was then sentenced to 14 more years for his part in a jailhouse bus attack. McDonald wrapped the chain of his handcuffs around the victim’s neck while a third person struck him. The victim was accused of being a snitch and was riding back on a bus from the courthouse to the jail. In 2016, an appellate court panel threw out the sex conviction, saying the judge failed to instruct the jury in his sexual assault case how to properly weigh statements by various witnesses.” (Andy Kravetz, “Prosecutor attacked by defendant during trial,” Peoria Journal Star, 9/23/20)

In 2020 During His Retrial, McDonald “Coldcocked” The Prosecutor And Stomped On Him When He Hit The Floor. “A Peoria County prosecutor was sent to a hospital Tuesday after being ‘coldcocked’ by a defendant during a trial. Brian FitzSimons, the prosecutor, was struck at least once on the head with a closed fist, and his boss says he was ‘stomped’ upon once or twice. FitzSimons was treated by paramedics at the courthouse and later taken to an area hospital for observation. Several people at the courthouse, including State’s Attorney Jodi Hoos, who has been there for more than 20 years, said it’s the first time they have ever heard of a prosecutor being attacked. The entire incident was caught on film, said Hoos, who said her office would be filing charges against Torlando McDonald, 37, who was acting as his own attorney during the trial. McDonald was questioning a witness during the first day of testimony. He was being retried after an appellate court threw out his 2013 conviction for predatory criminal sexual assault of a child. He allegedly sexually assaulted a preteen girl in 2011.” (Andy Kravetz, “Prosecutor attacked by defendant during trial,” Peoria Journal Star, 9/23/20)

McDonald Was To Be Paroled Later That Year For The Jail Bus Attack. “Security guards immediately rushed in and took custody of McDonald, who was to be paroled in November after serving seven years in prison for attacking another inmate for being a ‘snitch.’ ‘I was very impressed with how fast security was able to get control of the situation,’ Hoos said. Chief Judge Paul Gilfillan echoed those comments when reached for comment.” (Andy Kravetz, “Prosecutor attacked by defendant during trial,” Peoria Journal Star, 9/23/20)

Overtured Drug Sentences

In 2015, O’Brien Voted To Overturn A Conviction For A Man Sentenced To 14 Years For Dealing Drugs

In 2015, O’Brien Voted To Overturn A Conviction For A Man Sentenced To 14 Years For Dealing Drugs. “A Peoria man serving a 14-year prison sentence for dealing drugs should have that conviction tossed out because the search warrant didn’t include enough information, an appellate court panel ruled Thursday. The judges voted 2-1 to overturn Larry S. Guice’s conviction, saying evidence seized at a search of his house should have been suppressed.” (Andy Kravetz, “Peorian’s drug conviction overturned,” Peoria Journal Star, 4/24/15)

O’Brien Said The Search Warrant That Found Heroin In The Man’s Apartment Was Not Sufficient. “The complaint for the warrant was deficient in that it failed to allege specific dates or times for any drug transactions involving the defendant. Since the complaint lacked probable cause

on its face, the good faith exception did not apply,' wrote Judge Mary K. O'Brien, with Judge Mary McDade concurring. As such, the case will come back to Peoria County for an as-yet unscheduled hearing. Prosecutors will not be able to use heroin found at Guice's apartment as evidence.” (Andy Kravetz, “Peorian's drug conviction overturned,” Peoria Journal Star, 4/24/15)

The Man Had 100 Grams Of Heroin In His Apartment. “Later, after a traffic stop, police sought and obtained a warrant for Larry Guice's apartment at 3309 W. Woodhill. Kouri denied Larry Guice's request to suppress evidence of some 100 grams of heroin found at his apartment.” (Andy Kravetz, “Peorian's drug conviction overturned,” Peoria Journal Star, 4/24/15)

In 2019, Larry Guice Was Charged With Attempt To Obstruct Justice. ([Peoria County Court Records](#), Filed 4/17/19)

Defendant	GUICE, LARRY STEVE
Plaintiff	THE STATE OF ILLINOIS
Charges: GUICE, LARRY STEVE	
1. ATTEMPT OBSTRUCT JUSTICE (Attempt)	
DISPOSITIONS	
04/24/2019	Plea (Judicial Officer: Vespa, John P) 1. ATTEMPT OBSTRUCT JUSTICE (Attempt) Guilty
04/24/2019	Disposition (Judicial Officer: Vespa, John P) 1. ATTEMPT OBSTRUCT JUSTICE (Attempt) Guilty
04/24/2019	Probation (Judicial Officer: Vespa, John P) 1. ATTEMPT OBSTRUCT JUSTICE (Attempt) IL Criminal Probation Status: <CodeDatas /> Type: 206 Conditional Discharge Term: 12 Months Start Date: 04/24/2019 End Date: 04/23/2020 Community Service Status: <CodeDatas /> Hours: 60 Due Date: 02/24/2020 Comment: TO BE COMPLETED WITHIN 10 MONTHS Condition - Adult: 1. 301 Fine and/or Cost/Penalties and Fees, 04/24/2019, 04/24/2019 2. Public Service Hours*, TO BE COMPLETED WITHIN 10 MONTHS 60H 04/24/2019, 04/24/2019
05/06/2020	Amended Disposition (Judicial Officer: Purham, Albert L, Jr.) Reason: Court Ordered 1. ATTEMPT OBSTRUCT JUSTICE (Attempt) Terminated Satisfied

([Peoria County Court Records](#), Filed 4/17/19)

In 2015, The Appellate Court Threw Out A Conviction And 12 Year Sentence For A Man Hauling 67 Pounds Of Marijuana

In 2015, The Appellate Court Threw Out A Conviction And 12 Year Sentence For A Man Hauling 67 Pounds Of Marijuana. “An appeals court has thrown a Massachusetts man's conviction and 12-year sentence for hauling 67 pounds of marijuana, mainly because the Utica traffic stop took far too long. But in a ruling issued Thursday, the 3rd District Appellate Court pointedly noted they weren't impressed with video equipment Utica police were using at the time. Eric Litwin, 46, of South Easton, Mass. is headed back to La Salle County Circuit Court for a new trial for cannabis trafficking. He was convicted in early 2014, but an appellate court gutted the state's case primarily over two issues.” (Tom Collins, “Appellate court throws out Utica drug hauler's conviction,” NewsTribune, 9/19/15)

The Court Alleged The Stop Took Too Long And That A Tape Of The Stop Had Been Tampered With. “First, the stop took too long. Under a relatively new U.S. Supreme Court ruling, police cannot indefinitely prolong a traffic stop to search for drugs. In this case, the court estimated that Litwin was detained at the roadside for nearly 90 minutes -- too long for a stop that began with a lane violation. Second, an expert defense witness had testified that the videotape recorded at the stop (Utica was then using second-hand VHS recorders, since replaced) had been manipulated or

doctored. That testimony, the justices ruled, went unanswered by the state.” (Tom Collins, “Appellate court throws out Utica drug hauler's conviction,” NewsTribune, 9/19/15)

O'Brien Blasted The Police For The Tape Accusation. “Two of the three justices took a dim view of the police handling of the tape. ‘This type of malfeasance is so outrageous and morally reprehensible that it taints the entirety of the police testimony presented in this case,’ Justice Mary McDade wrote, joined by Justice Mary K. O'Brien.” (Tom Collins, “Appellate court throws out Utica drug hauler's conviction,” NewsTribune, 9/19/15)

One Judge Dissented Saying They Could Not Reach A Conclusion Based On A Defense Witness That The Taped Had Been “Maliciously Changed.” “The ruling was unanimous, however. Justice Robert Carter dissented and said Litwin's conviction should have been upheld. Addressing the alleged doctoring of the tape, he wrote: ‘I would agree that if there was malfeasance, it would be outrageous and morally reprehensible. However, I do not believe that we can reach that conclusion based on the pure speculation of the defense witness, that the videotape had been ‘maliciously changed,’ which was beyond the witness' expertise and specialized knowledge.’” (Tom Collins, “Appellate court throws out Utica drug hauler's conviction,” NewsTribune, 9/19/15)

The Report Notes That A Motion To Drop Evidence Based On The Length Of The Stop Would Likely Result In Dropped Charges. “Litwin remains in the Illinois Department of Corrections for now, but will at some point be remanded to La Salle County for new proceedings. At first blush the length of the traffic stop appears to be a bigger problem for prosecutors than the video footage. Litwin surely will seek a motion to suppress evidence based on the 90 or so minutes it took for police to find the cannabis. If he prevails, the case is gutted and the charge likely would be dropped.” (Tom Collins, “Appellate court throws out Utica drug hauler's conviction,” NewsTribune, 9/19/15)

In 2016, The Appellate Court Threw Out A Conviction And 6 Year Sentence For A Man Who Had Possession Of Heroin Because They Received The Information From A Police Informant

In 2016, The Appellate Court Threw Out A Conviction And 6 Year Sentence For A Man Who Had Possession Of Heroin Because They Received The Information From A Police Informant. “A judge erred when he refused to bar drug evidence that later sent a Peoria man to prison for six years, a trio of appellate court judges ruled Friday. The problem, said the judges from the 3rd District Appellate Court in Ottawa, was with where police learned about the man and his possible connection with drugs: from a police informant. Judge Tom Lytton wrote, with Judge Mary K. O'Brien concurring, that police didn't have ‘reasonable articulable suspicion’ when they stopped Nakia Jackson's car on March 22, 2011. There was no way the heroin the officers found should have been used at his trial. As such, they threw out his conviction and ordered the case back to Peoria County for a new suppression hearing.” (Andy Kravetz, “Appellate court throws out Peorian's drug conviction,” Peoria Journal Star, 2/6/16)

The Court Said The Police Had No Reason To Stop The Defendant Either. “Lytton wrote that the detective who was on the surveillance detail was relying on information from another officer's tipster. He didn't know who the person was or how credible the information was. Given that, the appellate judge wrote, prosecutors should have called the officer for whom the informant worked so the second officer could explain how he obtained the information and lay a legal foundation. That wasn't done, so the evidence should have been tossed out. Moreover, Lytton held and O'Brien concurred that while the first officer was watching Jackson, he did nothing wrong and, therefore, the officer had no justification to stop him on those grounds either.” (Andy Kravetz, “Appellate court throws out Peorian's drug conviction,” Peoria Journal Star, 2/6/16)

O'Brien Said The Judge Should Have Suppressed The Heroin As Evidence. “That's where Chief Peoria County Judge Steve Kouri erred, the appellate panel said. He should have granted Jackson's motion to suppress the drugs. In a dissenting opinion, Judge William Holdridge said that

while he agreed with the reasoning presented by the majority, he thought given the totality of the evidence, there was probable cause to stop Jackson's car. Jackson, who is scheduled to be paroled in late October, will now come back to Peoria County for an as-yet unscheduled hearing.” (Andy Kravetz, “Appellate court throws out Peorian's drug conviction,” Peoria Journal Star, 2/6/16)

In 2019, The Appellate Court Ordered A Man Sentenced To 9 And A Half Years For Cocaine Possession Should Be Resentenced

In 2019, The Appellate Court Ordered A Man Sentenced To 9 And A Half Years For Cocaine Possession Should Be Resentenced. “A Peoria man sentenced three years ago to 9 1/2 years in prison for cocaine possession will be resentenced, an appellate court panel ordered.” (Andy Kravetz, “Peoria man to be resentenced on drug counts,” Peoria Journal Star, 8/9/19)

The Court Said The Judge Improperly Considered A Previous Driving On A Revoked License Charge As An Aggravating Factor. “In a decision handed down Wednesday by the 3rd District Appellate Court, Timothy D. Foreman, 37, should get a new sentencing hearing because the judge in his case, David Brown, improperly considered a prior driving on a revoked license as an aggravating factor. That decision by Brown meant Foreman faced a possible six to 30 year prison term instead of a lesser sentence. While prior felonies can result in stiffer sentenced, the appellate judges — Robert Carter, William Holdridge and Mary K. O'Brien — held the circumstances beyond Foreman's prior revoked license conviction didn't rise to that level.” (Andy Kravetz, “Peoria man to be resentenced on drug counts,” Peoria Journal Star, 8/9/19)

The Man Was Convicted Of Possession Of Cocaine With Intent To Deliver. “As such, Foreman, who is slated to be paroled later this year, will return to Peoria County at some point for a new hearing. It could be academic on the amount of time behind bars but it could affect how long he might spend on supervised release or parole. He was convicted in 2015 of possession of cocaine with intent to deliver and simple possession. The charges stemmed from the execution of a search warrant at the residence where he was living at the time.” (Andy Kravetz, “Peoria man to be resentenced on drug counts,” Peoria Journal Star, 8/9/19)

In March 2022, Timothy Foreman, The Man Who Was Resentenced Was Murdered In Peoria. “Police are seeking a suspect in a Central Peoria shooting that killed a local man. Timothy D. Foreman Jr., 40, of North Sheridan Road in Peoria was pronounced dead at 12:21 a.m. Wednesday at the scene, near Knoxville and McClure avenues, according to Peoria County Coroner Jamie Harwood. Shortly after 11:30 p.m. Tuesday, officers found Foreman lying on the pavement in the 100 block of West Beverly Court. Police responded to an alert from the ShotSpotter gunfire-detection system. Rescuers attempted to save Foreman's life, to no avail, according to Peoria police spokeswoman Semone Roth.” (Nick Vlahos, “Coroner IDs victim in fatal overnight shooting near Knoxville and McClure avenues in Peoria,” [Peoria Journal Star](#), 3/9/22)

In 2021, The Appellate Court Threw Out A Drug Possession Conviction Saying Evidence Obtained By A Search Warrant Shouldn't Have Been Presented At Trial

In 2021, The Appellate Court Threw Out A Drug Possession Conviction Saying Evidence Obtained By A Search Warrant Shouldn't Have Been Presented At Trial. “A trio of appellate court judges threw out a drug possession conviction of a Peoria man, saying evidence obtained by a search warrant shouldn't have come in at trial. But what that means for Emanuel W. Jones remains to be seen. He's already completed his five-year prison term and his two years of supervised release, according to Illinois Department of Corrections online records.” (Andy Kravetz, “Appellate court throws out Peoria man's drug conviction after finding the judge erred,” Peoria Journal Star, 4/26/21)

The Man Was Sentenced To Five Years For Having 15 Grams Of Cocaine. “Jones, who is now 33, was sentenced Sept. 11, 2017 on the count of possession of a controlled substance with intent to deliver. He was accused of having more than 15 grams of cocaine at his house on West Proctor

Street when police raided it Sept. 28, 2016.” (Andy Kravetz, “Appellate court throws out Peoria man's drug conviction after finding the judge erred,” Peoria Journal Star, 4/26/21)

The Court Said That The Search Warrant Did Not Provide Information On Why Drugs Would Be In The House. “Peoria County Judge Albert Purham, Jr. initially suppressed or rejected the search warrant, saying the complaint for the warrant had been ‘bare bones.’ ‘In issuing its ruling, the court observed that defendant had exited from and returned to his home before and after a drug sale,’ stated the April 12, opinion written by Judge Mary K. O'Brien with Judges Thomas Lytton and Mary McDade concurring. ‘It commented: '[There was no information about why the Court or officer would think that drugs are in the home other than he has left his home and made a transaction on the street.]’” (Andy Kravetz, “Appellate court throws out Peoria man's drug conviction after finding the judge erred,” Peoria Journal Star, 4/26/21)

Overtured Robberies

In 2012, A Teen’s Armed Robbery Conviction Was Tossed By The Appellate Court Saying Prosecutors Did Not Present Enough Evidence To Charge The Teen As An Adult

In 2012, A Teen’s Armed Robbery Conviction Was Tossed By The Appellate Court Saying Prosecutors Did Not Present Enough Evidence To Charge The Teen As An Adult. “A Peoria teen whose armed robbery conviction was tossed out last fall by an appellate court appeared in court Tuesday, charged with the same crime. Shyeim Chapai, now 17, is charged with armed robbery, the same charge he faced in 2008, when he was 13. His bond was set at \$150,000, the same bond he was held on in 2008 after his arrest for the Oct. 21, 2008, robbery of the Downtown 66 gas station, said prosecutor David Kenny, An April 12 preliminary hearing was scheduled. After his conviction at a stipulated bench trial in 2009, Chapai was sentenced to 21 years in prison.” (Andy Kravetz, “Teen again charged with robbery,” Peoria Journal Star, 3/15/12)

O’Brien Concurred With The Ruling. “Last September, a trio of judges from the 3rd District Appellate Court in Ottawa held prosecutors did not present enough evidence to move Chapai's case from juvenile court to adult court. The seven-page Sept. 29 order was written by Judge Robert Carter, with Judges William Holdridge and Mary K. O'Brien concurring. According to the appellate court, Judge Chris Fredericksen, who presided over Chapai's juvenile court session, erred when he didn't consider several factors.” (Andy Kravetz, “Teen again charged with robbery,” Peoria Journal Star, 3/15/12)

The Ruling Left Open The Option For Prosecutors To Charge The Teen In Juvenile Court Which They Did And The Case Was Again Transferred To Adult Court. “The ruling left open the option for Peoria County prosecutors to refile the case in the juvenile division, which they did, and the case was transferred again to adult court on Monday. The order didn't weigh in on the merits of the case, only on whether the teen should have been tried as adult. The appellate court judges said they found nothing in the court record indicated whether prosecutors told Fredericksen what services were available within the juvenile court system to help Chapai, who was diagnosed with several mental disorders and had behavioral problems at school.” (Andy Kravetz, “Teen again charged with robbery,” Peoria Journal Star, 3/15/12)

In 2013, Chapai Was Sentenced To The Same 21 Year Sentence As Before. “An 18-year-old Peoria man, whose armed robbery case started in juvenile court before his conviction as an adult was overturned, was sentenced Friday to 21 years in prison for his role in the 2008 crime. Shyeim Chapai was 13 when he and two other boys committed the offense. He was first arrested and charged in juvenile court. The case was then transferred to adult court where he pleaded guilty and was sentenced in July 2009 to 21 years in prison. Because a handgun was used, the minimum sentence he faced was 21 years behind bars. That conviction was later overturned by an appellate court, which cited improper procedures used when transferring the defendant from juvenile to adult court.” (Laura Nightengale, “Robber's sentencing resolved 5 years later,” The Peoria Journal Star, 12/14/13)

In June 2022, Chapai Was Arrested For A Shooting. “Peoria Police arrested a man in connection to a Taft Homes shooting Tuesday. According to a Peoria Police press release, Police arrested 27-year-old Shyheim Chapai for aggravated discharge of a firearm and unlawful possession of a weapon by a felon. Chapai was the suspect in the shooting incident that occurred at 8:54 p.m. on June 2, when two vehicles and an apartment building were struck by gunfire. No one was injured during the incident. On Tuesday, Peoria Police Department’s Special Investigations Division located Chapai near Adams and Hancock Streets. He was taken into custody without incident. Chapai has been transported to the Peoria County Jail.” (Sean Lisitza, “Peoria Police make arrest after Taft Homes shooting,” [CIProud](#), 6/8/22)

In 2015, The Appellate Court Reversed A Man’s Armed Robbery Conviction And 24 Year Sentence Because The Judge Did Not Allow Enough Time To Prepare For Trial

In 2015, The Appellate Court Reversed A Man’s Armed Robbery Conviction And 24 Year Sentence Because The Judge Did Not Allow Enough Time To Prepare For Trial. “A Peoria man's armed robbery conviction and 24-year prison sentence were reversed Tuesday by appellate court judges who found the judge here should have allowed more time to prepare for trial. Judge Mary K. O'Brien of the 3rd District Appellate Court in Ottawa, said Sergio Herron, 23, was denied a fair trial in April 2013, when Chief Peoria County Judge Steve Kouri refused to delay his trial after defense attorney Larry Smith asked for more time. Smith said he wanted to dig into Facebook messages he thought would show his client wasn't trying to rob Kelin "Noopy" Drummond on May 31, 2012.” (Andy Kravetz, “Peoria man's robbery conviction reversed,” Peoria Journal Star, 7/8/15)

The Defendant Allegedly Drew A Man To A Drug Deal With The Intent To Rob Him.

“Smith said Drummond and another man went to the 2700 block of West Latrobe Street to buy a gun, and the shooting arose out of that. Prosecutors contended Herron and Robert C. Nunn, Jr., 21, lured Drummond and the other man to Latrobe to buy drugs but always intended to rob him. Kouri denied the request for more time, saying Smith had access to the information well before the April 2013 trial, when Herron was convicted of armed robbery. Jurors deadlocked on the murder count, which was later dismissed by prosecutors.” (Andy Kravetz, “Peoria man's robbery conviction reversed,” Peoria Journal Star, 7/8/15)

O’Brien Said A Continuance Should Have Been Granted. “O'Brien, along with Judges Mary McDade and Robert Carter, disagreed with Kouri’s refusal to grant the defense more time. “The severity of the armed robbery and murder charges also weigh in favor of granting a continuance. Finally, a final, brief, continuance in this case would promote judicial economy in that it would allow defendant an opportunity to present evidence in his defense,” O'Brien wrote. The judges also disagreed that Smith had access to the information for months. The transcripts from Nunn's December 2012 trial were made available to Smith only two weeks before Herron's trial. The appellate judges said that was not enough time for the defense attorney to do his own investigation. Nunn was convicted of murder and sentenced to life in prison. O'Brien and the other two also took issue with Kouri's statements about how Smith had sought delays in other cases by filing motions at the last minute. ‘We also find significant the trial court's improper reliance on defense counsel's conduct in unrelated matters when it ruled on the request for continuance. The trial court specifically referenced defense counsel's conduct in other cases, attributed those actions to defendant, and denied the continuance in defendant's case,’ according to the ruling.” (Andy Kravetz, “Peoria man's robbery conviction reversed,” Peoria Journal Star, 7/8/15)

According To The Illinois Department Of Corrections Sergio Herron Is Not Currently In Prison. ([Illinois Department of Corrections](#), Accessed 8/9/22)

In 2015, The Appellate Court Threw Out A Conviction And 60-Year Prison Sentence For A Man Accused Of Home Invasion, Armed Robbery And Residential Burglary When He Broke In To An Elderly Couples Home

In 2015, The Appellate Court Threw Out A Conviction And 60-Year Prison Sentence For A Man Accused Of Home Invasion, Armed Robbery And Residential Burglary When He Broke In To An Elderly Couples Home. “A 60-year prison term and the underlying convictions were thrown out Friday by an appellate court panel that held a Peoria County judge didn't properly explain a defendant's right to an attorney. The 2-1 decision from the 3rd District Appellate Court in Ottawa means Larry L. Hughes, 61, could get a new trial on charges of home invasion, armed robbery and residential burglary stemming from an Oct. 25, 2011, break-in at an elderly couple's home on Gilbert Street.” (Andy Kravetz, “Court throws out burglary conviction,” Peoria Journal Star, 9/19/15)

O'Brien Said The Judge Should Have Told The Defendant He Had A Right To An Attorney After A Charge Was Added Although He Had Previously Been Told So. “Judge Mary K. O'Brien wrote that Chief Peoria County Judge Steve Kouri erred by not telling Hughes he could have an attorney after prosecutors added an additional charge to his case. Kouri had admonished or explained to Hughes, who acted as his own attorney during the September 2012 trial, that he had a right to an attorney. Hughes waived that right, opting to represent himself. Prosecutors then added a forgery count and asked to "join," or combine, that charge with the existing ones. Hughes agreed and also agreed to allow in some evidence with objection. Kouri, the appellate court said, relied on his previous explanation of Hughes' right to an attorney; a move O'Brien found, with Judge Vicki Wright concurring, was wrong. ‘Because of the possible prejudice from the addition of the unrelated forgery charge, we can reasonably consider that counsel would have objected to joinder of the forgery charge. The (forgery) offense took place in October 2010. The other offenses occurred a year later,’ O'Brien wrote.” (Andy Kravetz, “Court throws out burglary conviction,” Peoria Journal Star, 9/19/15)

In 2016, The Appellate Court Had Reversed A Conviction Of A Man Who Held Up A Bank

In 2016, The Appellate Court Had Reversed A Conviction Of A Man Who Held Up A Bank. “A Peoria County judge erred, an appellate panel ruled, when he didn't reappoint an attorney for a man accused of holding up a bank. Judges Robert Carter, along with Judges Mary K O'Brien and Vicki Wright held that Peoria County Circuit Judge Kevin Lyons should have reappointed an attorney for Neilmeyer D. Anderson, even though he had previously insisted upon representing himself.” (Andy Kravetz, “Bank robbery conviction reversed,” Peoria Journal Star, 9/14/16)

The Man Originally Asked To Represent Himself Which The Judge Warned Against. “The panel from the 3rd District Appellate Court in Ottawa said Anderson, now 26, had asked to represent himself after disagreeing with his public defender. Lyons warned him it was a bad idea but granted his request.” (Andy Kravetz, “Bank robbery conviction reversed,” Peoria Journal Star, 9/14/16)

The Defendant Eventually Asked For An Attorney Which The Judge Then Refused. “After Anderson lost a few legal battles and after he waived his right to a jury trial, he asked Lyons to reappoint an attorney, saying he was in over his head. "I don't know what I'm doing. I cannot represent myself at a bench trial," he said during a hearing in 2013. But Lyons refused, saying he had warned him about the consequences.” (Andy Kravetz, “Bank robbery conviction reversed,” Peoria Journal Star, 9/14/16)

The Appellate Court Said The Judge Should Have Reappointed An Attorney For The Defendant. “The appellate panel acknowledged that some people are known to game the system by requesting and then firing attorneys. But the panel said Lyons should have reappointed Anderson's, as the trial was six weeks away, and reappointing the attorney would not have affected the length of the case. ‘We understand that defendant's request for the reappointment of counsel was made 11 days prior to the original trial date, but, thereafter, the court rescheduled the trial for six weeks later in light of defendant's jury waiver. Requesting the reappointment of counsel six weeks before trial does not indicate that the request was made for the purpose of delay. Rather, the record suggests defendant had attempted to represent himself but came to the realization that he was not able to adequately do so,’ the judges wrote.” (Andy Kravetz, “Bank robbery conviction reversed,” Peoria Journal Star, 9/14/16)

In 2017, The Man Was Resentenced To The Same Original Sentence. “For a second time, a Peoria County man was convicted of holding up an area bank. Neilmeyer D. Anderson, 27, was convicted last week and received on Monday the same 14 1/2 year sentence as from the first conviction, which had been overturned by the appellate court. The sentence was the maximum Anderson could receive for the charges of financial institution robbery and aggravated robbery as he had already been sentenced. Anderson, formerly of Champaign, was sentenced in September 2013 to 14 1/2 years in prison for robbing Central Illinois Bank, 4125 N. Sheridan Road, in May 2012 by passing a note to a teller demanding money. He was caught by police a short time later running through a nearby neighborhood. He was convicted at a bench trial. But a trio of appellate court judges in 2016 said the conviction should be thrown out because Judge Kevin Lyons erred when he refused to reappoint a public defender for Anderson, who had been representing himself.” (Man resentenced for bank robbery,” Peoria Journal Star, 6/27/17)

In 2021, The Appellate Court Threw Out An Armed Robbery Conviction Saying The Attorney Failed To Properly Defend The Defendant

In 2021, The Appellate Court Threw Out An Armed Robbery Conviction Saying The Attorney Failed To Properly Defend The Defendant. “A trio of appellate judges threw out a Peoria man’s armed robbery conviction, saying his attorney failed to properly defend his client by not asking for DNA testing on the weapon used in the heist. In a 2-1 decision on April 2, Judges Mary K. O’Brien and William Holdridge from the 3rd District Appellate Court in Ottawa said Todd L. Johnson’s attorney, Derek Asbury, should have asked for ‘vital DNA testing’ as a negative test could have resulted in a not guilty verdict.” (Andy Kravetz, “Peorian’s conviction reversed,” Peoria Journal Star, 4/12/21)

The Court Ruled That The Attorney Was Unaware DNA Swabs Were Taken And Could Have Exonerated The Defendant. “While the two judges admit that there are times when trial strategy could be a factor in not asking for such a test, they said the record didn’t support that here. ‘Rather, it appears that counsel was under the misapprehension that no DNA swabs had been taken from the firearm. In fact, the State asserted that counsel had been put on notice of the DNA swabs via discovery,’ O’Brien wrote, with Holdridge concurring. ‘Neither party on appeal disputes that characterization. ‘As the failure to request DNA testing on the swabs was oversight rather than strategy, we find that defense counsel rendered deficient performance,’ the opinion states.” (Andy Kravetz, “Peorian’s conviction reversed,” Peoria Journal Star, 4/12/21)

One Judge Dissented In The Opinion. “In a dissenting opinion, Judge Daniel Schmidt said the idea that Johnson’s case had been prejudiced wasn’t clear. ‘At the moment, with no DNA testing having been done, it is impossible to say that defendant suffered any prejudice from that lack of testing. This court should not assume that any such testing will be to defendant’s benefit,’ he wrote. ‘Without the ability to show prejudice, defendant has failed to establish that defense counsel rendered ineffective assistance.’” (Andy Kravetz, “Peorian’s conviction reversed,” Peoria Journal Star, 4/12/21)

The Man Was Originally Convicted Of Aggravated Robbery And Armed Robbery And Sentenced To 33 Years. “Johnson was convicted in June 2016 of aggravated robbery and armed robbery in connection with the heist in March 2015 at the Marathon gas station, 1930 W. Forrest Hill Ave. He was later sentenced to 33 years in prison. A nearby resident played a key role in the arrest of Johnson, who was seen walking back to an idling car on a side street near the gas station, according to police. The witness had a police scanner app on his phone and learned the gas station had been robbed. He then flagged down a police officer and gave him the description of the vehicle. At about 10:40 a.m., officers located Johnson and the vehicle at his residence, where he was arrested.” (Andy Kravetz, “Peorian’s conviction reversed,” Peoria Journal Star, 4/12/21)

In 2021, The Illinois Supreme Court Unanimously Reinstated The Conviction. “The Illinois Supreme Court unanimously reinstated the armed robbery conviction of a Peoria man, overturning an appellate ruling to send the case back for new proceedings. The 18-page opinion,

handed down last Thursday, said the Third District Appellate Court in Ottawa was wrong when it tossed Todd L. Johnson's conviction and said his lawyer was ineffective for not having DNA tests run on a handgun used in the heist.” (Andy Kravetz, “Peoria man's armed robbery conviction is reinstated by Illinois Supreme Court,” [Peoria Journal Star](#), 10/12/21)

Other

In 2013, The Appellate Court Overturned A Conviction Of A Man Convicted Of Possession Of A Weapon By A Felon

In 2013, The Appellate Court Overturned A Conviction Of A Man Convicted Of Possession Of A Weapon By A Felon. “A South Peoria man scheduled to finish his parole next month had his conviction overturned by an appellate court panel in Ottawa. What effect the Thursday decision by the 3rd District Appellate Court will have on Nikko Clark wasn't known Friday. The case was remanded back to Peoria County for a new trial, but under state law, Clark can't serve any more time than the four years he received in June 2011 on the single count of possession of a weapon by a felon. Judges Mary K. O'Brien, Vicki Wright and Tom Lytton wrote that Clark's attorney failed to give the jury an instruction at trial regarding the necessity of his actions on Nov. 21, 2009, when Brandon Grant was fatally shot.” (Andy Kravetz, “South Peoria man's conviction overturned,” [Peoria Journal Star](#), 1/5/13)

The Court Panel Said Juror's Should Have Been Told The Man's Possession Of A Weapon Could Have Been Justified If He Felt His Life Was In Danger. “The appellate panel found that jurors at the first trial should have been given a specific jury instruction that would have told jurors that Clark's possession of the weapon could have been justified as he felt his life was in danger. Clark and Grant had been playing Madden NFL 2009 for hours at Clark's girlfriend's apartment in the Pierson Hills complex. According to trial testimony, Clark was down money, and the two got into an argument. Words evolved into punches, and Grant, 23, was shot once in the abdomen. ‘There is at least a reasonable probability that had the jury been instructed on necessity, they would have found defendant not guilty of unlawful possession of a weapon by a felon. As we have indicated, there was evidence that defendant grabbed the gun because he believed it necessary to avert harm to himself,’ the judges wrote in their six-page order.” (Andy Kravetz, “South Peoria man's conviction overturned,” [Peoria Journal Star](#), 1/5/13)

In 2016, The Appellate Court Sent Back A Case Of A Man Twice Convicted Of Shooting Another Man

In 2016, The Appellate Court Sent Back A Case Of A Man Twice Convicted Of Shooting Another Man. “For the second time, an appellate court panel has sent back the case of a Peoria man twice convicted of shooting another man in 2008. And so, Leversus A. Mabry, 40, could go before a jury for a fourth time in the hopes of proving he wasn't responsible that night. On Thursday, the judges at the 3rd District Appellate Court in Ottawa ruled Mabry's attorney failed to promptly present his defense at a trial in 2013 by not calling a woman who was Mabry's alibi witness. The woman had been called at Mabry's prior trials and the attorney, who wasn't named in the appellate order, had even indicated he would call her.” (Andy Kravetz, “Shooting case will return to court for fourth time,” [Peoria Journal Star](#), 2/20/16)

O'Brien Said That The Defense Attorney's Strategy Was Not Good Enough. “But he didn't. He tried to attack the credibility of the state's witness, a defense the appellate judges blasted. ‘The credibility theory pursued by defense counsel was so unreasonable and irrational that no reasonable defense attorney would have used it,’ wrote Judge Mary K. O'Brien, with Mary McDade concurring. Judge Daniel Schmidt dissented, arguing it could have been the attorney's trial strategy. But O'Brien and McDade held that Chief Peoria County Judge Steve Kouri should have granted Mabry's post trial motion claiming ineffective assistance of counsel. Kouri didn't and sentenced Mabry to 36 years behind bars.” (Andy Kravetz, “Shooting case will return to court for fourth time,” [Peoria Journal Star](#), 2/20/16)

In 2016, The Appellate Court Reversed A Conviction Of A Man For Threatening An Informant Saying The Jurors Shouldn't Have Known It Involved A Murder Trial

In 2016, The Appellate Court Reversed A Conviction Of A Man For Threatening An Informant Saying The Jurors Shouldn't Have Known It Involved A Murder Trial. “A trio of appellate court judges last week reversed the conviction of a Peoria man for threatening an informant, saying jurors shouldn't have known the case involved alleged threats against a witness in a murder trial.” “The panel from the 3rd District Appellate Court in Ottawa wrote last week that Circuit Judge Kevin Lyons should not have mentioned the trial involved a ‘shooting death.’ While mentioning the matter went to trial is part of the case, the judges held that it was too much to say the case involved a ‘shooting death,’ so Robert C. Nunn Sr. should get a new trial.” (Andy Kravetz, “Conviction for threatening an informant is reversed,” Peoria Journal Star, 4/6/16)

The Man Had Been Acquitted Of Murder. “Nunn, 40, was convicted in 2013 of threatening a jailhouse informant who linked him to the March 2004 slaying of Antonio Faulkner. The slaying went to trial and he was acquitted of those charges. But Lyons denied a motion by Nunn's attorney to tell the jury that. Rather, Lyons said the matter would only be referred to as a case involving a shooting death.” (Andy Kravetz, “Conviction for threatening an informant is reversed,” Peoria Journal Star, 4/6/16)

O'Brien Said Calling The Case A Shooting Death Had A Prejudicial Effect. “And that, wrote Judge Tom Lytton, with Judges William Holdridge and Mary K. O'Brien concurring, was improper. ‘The prejudicial effect, however, was significant,’ Lytton wrote. ‘The admission that the previous trial involved a shooting death could have easily persuaded the jury that defendant was a bad person who used guns while committing crimes without the benefit of the knowledge that defendant was acquitted of the prior crime.’ ‘The jury might have inferred that defendant committed the instant offense based on his prior bad act alone.” (Andy Kravetz, “Conviction for threatening an informant is reversed,” Peoria Journal Star, 4/6/16)

In 2017, The Appellate Court Overturned A Man's Armed Violence And Unlawful Possession Of A Weapon Sentence

In 2017, The Appellate Court Overturned A Man's Armed Violence And Unlawful Possession Of A Weapon Sentence. “An appellate court ruled this week to overturn part of a Peoria man's conviction, though he will still serve decades in prison. Dieuseul Brown, 29, of 124 S. McReynolds Court was sentenced in 2014 to an 18-year prison term for an armed violence conviction and an 8-year term for unlawful possession of a weapon by a felon. Brown was caught with a loaded gun and drugs a day after he shot Kelsey Coleman at his house on South Arago Street on April 5, 2013. He was already convicted and sentenced to 24 years in prison for second-degree murder in connection with Coleman's death. The additional sentences were to be served consecutively and up to 85 percent of the term. Later, a judge ruled that Brown was eligible for day-for-day “good-time” credit, which would halve his sentence. Brown's lawyers appealed the unlawful possession of a weapon by a felon conviction, allowing for the Third District Appellate Court to hear the case. The court applied “one-act, one-crime principles,” according to the ruling, to determine whether Brown's crimes “constituted a single act or multiple acts.” If it was found that his conduct was a single act, Brown's lawyers argued, the unlawful possession of a weapon by a felon conviction should be vacated.”

The Decision Vacated An 8-Year Sentence Though The Man Still Served 18 Years. “The appellate court reviewed judgments in prior “one-act, one-crime” cases from the First, Second and Fourth districts to reach its ruling on Brown. It eventually determined that Brown's possession of a firearm as a felon was not an act unto itself but only an “element” of the crime, according to the ruling. Thus, the 8-year sentence for unlawful possession of a firearm as a felon was vacated while the 18-year sentence for armed violence was affirmed. Peoria County state's attorney Jerry Brady disagreed with the appellate court's specific application of the “one-act, one-crime” principles and was still mulling a further appeal to the Illinois Supreme Court after this week's ruling. ‘We'll determine if

we seek a decision to petition for a leave (to appeal),’ Brady said. ‘The ruling was filed two days ago, so we have some time to decide.’” (Thomas Burch, “Peoria man’s prison sentence overturned,” Peoria Journal Star, 6/23/17)

O’Brien Agreed With The Decision To Vacate The Sentence. ([Illinois Courts](#), Accessed 8/1/22)

In 2018, The Appellate Court Ruled That Prosecutions Improper Statements During A Trial Could Have Influenced The Jury When A Man Was Convicted Of Being A Felon In Possession Of A Weapon

In 2018, The Appellate Court Ruled That Prosecutions Improper Statements During A Trial Could Have Influenced The Jury When A Man Was Convicted Of Being A Felon In Possession Of A Weapon. “Improper prosecution statements during a trial three years ago could have influenced jurors at the trial of a Peoria man convicted of illegally possessing a firearm, an appellate panel ruled Friday. The panel from the 3rd District Appellate Court in Ottawa ordered a new trial for Aaron M. Evans, 28, who was convicted in May 2015 of being a felon in possession of a firearm in connection with a Feb. 19, 2015, incident in which a handgun was found near where he was sitting in a car. In their March 9 decision, Judge Mary K. O’Brien wrote, with Judges William Holdridge and Vicki Wright concurring, that prosecutors crossed the line during their opening and closing statements. They said the state is given “wide latitude” when arguing the case but in this case went too far.” (Andy Kravetz, “Appellate court: Prosecution statements in trial improper,” Peoria Journal Star, 3/13/18)

The Court Said The Defendant Was Reaching For The Gun To Shoot Officers Which Was Not Relevant To The Charge At Hand. “The state’s speculation that Evans was reaching for the gun and doing so in order to pick it up and shoot the officers was not relevant to the charge at issue and was not supported by the evidence presented at trial. The suggestion that Evans was planning to shoot the officers could serve no purpose but to inflame the jury,’ they wrote. “The state committed substantial error in its comments in opening and closing statements where the evidence was closely balanced and the statements could have prejudiced Evans. Plain error review is appropriate and we find Evans was denied a fair trial.” (Andy Kravetz, “Appellate court: Prosecution statements in trial improper,” Peoria Journal Star, 3/13/18)

The Defendant Had Allegedly Cooperated With Police On The Scene. “Evans was in the back seat of a car that was stopped by police for having one headlight out. The car pulled into an apartment complex. The driver jumped out of the car and fled. Evans and another passenger were ordered to stay put, and officers kept their guns trained on them until backup arrived. Under the driver’s seat and near where Evans was, officers found a loaded .45-caliber handgun. Both officers said Evans complied with their commands and showed no signs of fleeing. The gun, the officers said, wasn’t found or seen until they searched the car.” (Andy Kravetz, “Appellate court: Prosecution statements in trial improper,” Peoria Journal Star, 3/13/18)

The Man Was Sentenced To 3 And A Half Years. “The prosecution had contended the gun was visible from outside the car and that Evans might have been reaching for it to use it against the officers. Evans has a prior armed robbery conviction, according to Peoria County Circuit Court records. Evans was sentenced later in 2015 to 3 1/2 years prison and has served his time. A date for his return to Peoria County Circuit Court has not been set. (Andy Kravetz, “Appellate court: Prosecution statements in trial improper,” Peoria Journal Star, 3/13/18)

In 2018, The Appellate Court Reversed A Conviction For A Man Convicted Of Setting A House On Fire When Two People Were Inside Sleeping

In 2018, The Appellate Court Reversed A Conviction For A Man Convicted Of Setting A House On Fire When Two People Were Inside Sleeping. “A trio of appellate court judges has reversed an East Peoria man’s conviction for setting fire to a house in 2012 while two people were inside sleeping.” (Andy Kravetz, “Arson conviction overturned for East Peoria man,” JG-TC, 4/6/18)

The Court Overruled The Sentence Because A Nurse Gave The Convicted Man's Shirt To Police Violating His 4th Amendment Rights. “The reasoning was that a nurse improperly retrieved the clothing of Steve Gill, and thus violated his Fourth Amendment right to protection against unlawful searches, the judges from the 3rd District Appellate Court in Ottawa said in a ruling issued early this week. Gill, 61, had been at Pekin Hospital hours after the June 19, 2012, fire at 118 Bluff St. in East Peoria. The nurse had told police who were investigating the blaze that Gill's clothing smelled of gasoline, and then the nurse went into Gill's room to retrieve the clothing for police. That, the judges held, was out of bounds and should have been suppressed. Judge Paul Gilfillan improperly denied a suppression request by Gill's attorney, the judges found.” (Andy Kravetz, “Arson conviction overturned for East Peoria man,” JG-TC, 4/6/18)

The Court Ruled That Evidence Could Not Be Used At A Retrial. “As such, any information that was a result of that can't be used at his as yet unscheduled retrial including ‘accelerant-detecting canine's alert to the clothing in the common area of the seventh floor, as well as the forensic testing on the clothing.’” (Andy Kravetz, “Arson conviction overturned for East Peoria man,” JG-TC, 4/6/18)

The Man Was Convicted Of Aggravated Arson And Sentenced To 12 Years. “Gill was convicted and sentenced in 2015 to 12 years in prison for aggravated arson. At his four-day trial, prosecutors alleged Gill was the man who set fire to the one-story house well before dawn that morning. The homeowner and a female guest were inside at the time when Gill broke a window in the kitchen, poured gas inside and then lit it, prosecutors said. The two inside awoke to the sound of the smoke alarm and escaped.” (Andy Kravetz, “Arson conviction overturned for East Peoria man,” JG-TC, 4/6/18)

In 2018, The Appellate Court Ordered That A Man Who Left The Scene Of A Fatal Car Crash Should Have His Sentence Reduced To Probation Instead Of His 4 Year Sentence

In 2018, The Appellate Court Ordered That A Man Who Left The Scene Of A Fatal Car Crash Should Have His Sentence Reduced To Probation Instead Of His 4 Year Sentence. “A trio of appellate court judges on Wednesday ordered that a Chillicothe man, serving a four-year prison term for leaving the scene of a fatal car crash, should have his sentence reduced to probation. Benjamin I. Thrush, 37, had been convicted of leaving the scene of a motor vehicle accident that resulted in a death in May 2017. At the time, Peoria County Judge Lisa Wilson found that probation wasn't appropriate as Jacob Fishel, 19, had died in the April 30, 2016, incident on Illinois Route 6. But the judges from the 3rd District Appellate Court in Ottawa said that Wilson erred.” (Andy Kravetz, “Probation ordered for Chillicothe man who left the scene of a fatal car crash,” Peoria Journal Star, 7/12/18)

The Court Said The Judge Should Have Considered Probation First. “‘The trial court stated that its reason for not imposing probation was that it did not want to depreciate the seriousness of the offense because Fishel died. However, Fishel's death was implicit in the offense, so it could not be considered a factor in aggravation,’ wrote Judge Mary K. O'Brien with Judges Robert Carter and William Holdridge concurring. The judges also looked at his past driving record and found while he had tickets, many were for seatbelt violations. Given that a judge is to consider probation first, it was an abuse of discretion to impose a prison term, the court found. Thrush was to be released on mandatory supervised release next April. The case must now come back to Peoria County so terms of probation can be imposed, the decision said.” (Andy Kravetz, “Probation ordered for Chillicothe man who left the scene of a fatal car crash,” Peoria Journal Star, 7/12/18)

In 2021, The Appellate Court Dropped A 14 Year Sentence On A Man's Weapon Charge

In 2021, The Appellate Court Dropped A 14 Year Sentence On A Man's Weapon Charge. “A Peoria man's 14-year sentence on a weapons charge has been dropped after a ruling by appellate judges. But he'll still likely remain in prison for decades.” (Andy Kravetz, “Part of Peoria man's conviction tossed out, but murder sentence stays,” Peoria Journal Star, 7/27/21)

The Court Left Intact The Same Man's Murder Conviction And 80 Year Sentence. "That's because the three-judge panel sitting in Ottawa left intact Darrin C. Hardimon's murder conviction and the 80-year prison term that accompanies it. Hardimon, 38, has already served about 10 years of that sentence for the Feb. 6, 2011, killing of Jerrell Hartwell, 23, outside the now-shuttered Club Apollo, 1412 SW Jefferson Ave." (Andy Kravetz, "Part of Peoria man's conviction tossed out, but murder sentence stays," Peoria Journal Star, 7/27/21)

The Judges Said The Man Should Not Have Been Convicted Of The Weapons Charge Because The Underlying Charge Had Been Previously Been Declared Unconstitutional.

"Judges from the 3rd District Appellate Court held last week that Hardimon should not have been convicted originally in 2012 or in a court-ordered 2018 retrial of being a felon in possession of a weapon because the underlying charge, an unlawful use of a weapon, had previously been declared unconstitutional by the Illinois Supreme Court." (Andy Kravetz, "Part of Peoria man's conviction tossed out, but murder sentence stays," Peoria Journal Star, 7/27/21)

In 2021, A Man Was Found Guilty Again Of Throwing A Punch That Left A Man Paralyzed, Blind And Mute

In 2021, A Man Was Found Guilty Again Of Throwing A Punch That Left A Man Paralyzed, Blind And Mute. "A New Lenox man was once again found guilty of delivering the punch that permanently disabled a man outside a Mokena bar 12 years ago. About 2:15 p.m. Tuesday, the foreman of the jury announced they found Joseph Messina, 33, guilty of committing the aggravated battery of Eric Bartels outside 191 South bar in Mokena. Bartels' head struck the pavement during the incident and he suffered a brain injury that left him paralyzed, blind and mute. The jury deliberated from early Monday afternoon until the evening and resumed deliberations again late Tuesday morning. Judge Vincent Cornelius, who presided over the trial, said on Tuesday he had received a note from the jury at one point explaining they were deadlocked 10-2, with 10 jurors favoring a guilty verdict. Messina looked down when the jury returned the guilty verdict and at one point slowly shook his head. Judge Sarah Jones found Messina guilty of battering Bartels on Jan. 3, 2013, following a bench trial that began the previous year." (Felix Sarver, "Man found guilty again of throwing life-altering punch in 2009," The Herald News, 11/23/21)

The Appellate Court Had Previously Reversed The Man's Conviction. "The 3rd Appellate Court had reversed Messina's conviction after determining Jones received a copy of a news release on her verdict from the Will County State's Attorney's Office and waited more than 60 days to notify the defense before she sentenced Messina. Jones said she did not read the release. 'Because the judge here did not disclose the communication to the parties 'as soon as practicable,' she did not avoid the appearance of impropriety,' Appellate Judge Mary O'Brien said.'" (Felix Sarver, "Man found guilty again of throwing life-altering punch in 2009," The Herald News, 11/23/21)

Peoria Loan

In 2017, The Appellate Court Ruled That Peoria Should Repay An 18-Year-Old Loan That Could Be At Least \$1 Million To An Investment Group

In 2017, The Appellate Court Ruled That Peoria Should Repay An 18-Year-Old Loan That Could Be At Least \$1 Million To An Investment Group. "An appellate court ruling issued this week could mean the city of Peoria is on the hook for at least \$1 million — and possibly far more — to a private group of investors who provided seed money to investigate a possible waterworks buyout nearly two decades ago. Judges Vicki Wright, Robert Carter and Mary K. O'Brien of the 3rd District Appellate Court in Ottawa held City Hall should repay an 18-year-old loan from Peoria Area Advancement Group, LLC, or PAAG, and that a judge here should determine how much interest, if any, should be paid to the investors." (Andy Kravetz, "City Hall owes at least \$1 million to investors from 1998 deal, 3rd District panel rules," Peoria Journal Star, 5/4/17)

In 1998, The Money Was Loaned To Peoria To Conduct A Study On A Potential Waterworks Buyout. “The ruling comes days before City Council members conduct a preliminary, informational discussion on once again exploring a waterworks buyout — a process that some on the council have said would again require private financing to conduct. In 1998, PAAG loaned the city the money to investigate whether buying out the Peoria division of Illinois American Water Co. was a good idea. If it wasn't, the city would owe nothing. But if it was deemed a feasible idea and City Hall flinched, then under that initial agreement, the money would be repaid. The agreement was modified in 2004 and another one was inked in 2005. The City Council decided in late 2005 to not go through with the buyout deal, estimated to cost about \$225 million, saying it was too expensive. The investors, however, believed it was a feasible deal and wanted their money back.” (Andy Kravetz, “City Hall owes at least \$1 million to investors from 1998 deal, 3rd District panel rules,” Peoria Journal Star, 5/4/17)

The Two Parties Had Been In Different Courts For Years. “They sued in May 2006, alleging the city didn't do enough “due diligence” while investigating the buyout. The two sides have been in court off and on for more than a decade with several decisions here in Peoria County Circuit Court being appealed. Depending upon the decision there, the case here would either progress or stall. For a while, the two sides differed on who would decide the matter — an arbitrator or a judge. The appellate court said a judge. Then they tussled over contract language, including what constituted due diligence.” (Andy Kravetz, “City Hall owes at least \$1 million to investors from 1998 deal, 3rd District panel rules,” Peoria Journal Star, 5/4/17)

In March 2016 A Judge Ruled That Peoria Did Not Violate The Agreement But The Appellate Court Did Not Agree. “In March 2016, Judge James Mack held the city didn't violate the agreement, but the appellate panel disagreed. In the 20-page order handed down Tuesday, the court ruled that the city “breached the 2005 agreement with Peoria Area Advancement Group, LLC by failing to complete the due diligence tasks.” But the panel left it up to the judge to determine the interest rate as there were different rates in different agreements.” (Andy Kravetz, “City Hall owes at least \$1 million to investors from 1998 deal, 3rd District panel rules,” Peoria Journal Star, 5/4/17)

The Payout Could Be Up To \$4.7 Million. “Under the 1998 deal under the tenure of city manager Michael McKnight, the city agreed to a 9 percent interest rate, which after 18 years could total more than \$4.7 million. In 2004, under the tenure of manager Randy Oliver, the rate was modified to 6.9 percent, while the 2005 pact was silent on interest.” (Andy Kravetz, “City Hall owes at least \$1 million to investors from 1998 deal, 3rd District panel rules,” Peoria Journal Star, 5/4/17)